

**Implementation of Article 11 under the
EU Ecolabel Regulation
Deliverable 4. FINAL REPORT**

December 2017

Authors:



INDEX OF CONTENTS

INDEX OF CONTENTS.....	2
INDEX OF TABLES.....	4
1. Introduction	6
2. Summary of tasks, meetings and communication actions.....	7
2.1. Communication and involvement of competent bodies	8
3. Identification of Other Type I ecolabels	8
4. Selection of shortlist of product groups.....	10
5. Legal analysis.....	11
5.1. Legal basis and objective of the Regulation	11
5.2. Objective of Article 11 Regulation 66/2010.....	13
5.3. The requirement to ensure compliance and harmonisation under Article 11	15
5.4. Key definitions.....	20
5.5. Additional elements of Article 11: Coherence with internal market rules	22
5.6. Procedural provisions of Regulation 66/2010 relevant for Article 11 implementation: internal coherence	24
5.7. Re-formulation of Article 11 for revisions of Regulation.	28
6. Methodology for the assessment of stringency of requirement criteria.....	29
7. Results of the online-survey to Competent Bodies.....	34
8. Results of assessment of stringency of requirements by product group	35
8.1. Rinse-off cosmetics	35
8.2. All-Purpose Cleaners and Sanitary Cleaners	39
8.3. Laundry detergents	41
8.4. Paints and varnishes.....	44
8.5. Personal, Notebook and Tablet Computers.....	47
8.6. Furniture.....	50
8.7. Lubricants	55
8.8. Tissue paper	58
8.9. Tourist accommodation services	61
9. Summary of results of comparative assessment of stringency by environmental area	66
9.1. Degree of stringency by area: Hazardous substances	69
9.2. Degree of stringency by area: Raw materials	70



9.3. Degree of stringency by area: Production	71
9.4. Degree of stringency by area: Packaging	72
9.5. Degree of stringency by area: Use	73
9.6. Degree of stringency by area: End-of-life	74
9.7. Degree of stringency by area: Product information	75
9.8. Summary and interpretation of results.....	76
10. Proposal for implementation actions and future monitoring method	80
10.1. Implementation actions to enforce compliance of Article 11	80
10.2. Monitoring method.....	82
11. Conclusions	88
12. Annex. List of contact persons	97

This report was produced in the frame of a contract with Directorate-General Environment of the European Commission. The content of this report represents the views of Leitiat/Milieu and is its sole responsibility; it can in no way be taken to reflect the views of the European Commission or any other body of the European Union. The European Commission does not guarantee the accuracy of the data included in this report, nor accept responsibility for any use made by third parties thereof.

The legal analysis, part of the Final Report, has been prepared by Milieu Ltd. The views expressed herein are those of the consultants alone and do not necessarily represent the official views of the European Commission.

Milieu Ltd (Belgium), Chaussée de Charleroi 112, B-1060 Brussels, tel.: +32 2 506 1000; e-mail: marta.ballesteros@milieu.be and leonie.reins@milieu.be; web address: www.milieu.be.

**INDEX OF TABLES**

Table 1. Matrix of coverage of the different Ecolabel Schemes and product groups analysed .	10
Table 2. Areas and subjects definition for criteria evaluation for product groups.....	30
Table 3. Example of comparison table for criteria evaluation for product groups.....	31
Table 4. Punctuation system for criteria and verification methods.....	32
Table 5. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Rinse-off cosmetics	36
Table 6. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Rinse-off cosmetics.....	38
Table 7. Comparative evaluation of criteria of the different Ecolabels by sustainability area. All- purpose cleaners and sanitary cleaners.....	39
Table 8. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. All-purpose cleaners and Sanitary cleaners.....	41
Table 9. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Laundry detergents	42
Table 10. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Laundry detergents.....	44
Table 11. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Paints and varnishes.....	45
Table 12. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Paints and varnishes.	47
Table 13. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Personal and Notebook Computers.....	48
Table 14. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Personal and Notebook computers.....	50
Table 15. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Furniture (2009)	51
Table 16. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Furniture (2009).....	53
Table 17. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Furniture (2016).	53
Table 18. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Furniture (2016).....	55
Table 19. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Lubricants	56
Table 20. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Lubricants.....	58
Table 21. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Tissue paper.	59
Table 22. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Tissue paper.....	61
Table 23. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Tourist accommodation.	63



Table 24. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Tourist accommodation.....	65
Table 25. Summary of stringency results based on Article 11 by Ecolabel and product group..	66
Table 26. Summary of harmonisation based on the Article 11 by area.....	67
Table 27. Summary of harmonisation based on of the Article 11 by area.	68
Table 28. Degree of stringency based on Article 11 for the area of Hazardous substances.	69
Table 29. Degree of stringency based on Article 11 for the area of raw materials.	70
Table 30. Degree of stringency based on Article 11 for the area of production.	71
Table 31. Degree of stringency based on Article 11 for the area of packaging.	72
Table 32. Degree of stringency based on Article 11 for the area of use.....	73
Table 33. Degree of stringency based on Article 11 for the area of end-of-life.	74
Table 34. Degree of stringency based on Article 11 for the area of product information.	75
Table 35. Example of areas and subjects for criteria classification.....	85
Table 36. Punctuation system for EU Ecolabel requirements and verification methods	86
Table 37. Punctuation system for EU Ecolabel requirements and verification methods	86



1. Introduction

This Final report of the project "The implementation of Article 11 under the EU Ecolabel Regulation" presents the main findings and results of the Project. The report also compiles the main tasks carried out during the execution of the Project.

This project has been executed by LEITAT Technological Center and Milieu as subcontractor. The execution of the project has been comprised the period from October of 2016 until December of 2017. The duration of the project was initially planned for being one year, but it has been extended three months, finishing at the end of 2017.

In order to harmonise the criteria of European ecolabelling schemes, Article 11 of the EU Ecolabel Regulation¹ states that where EU Ecolabel criteria exist for a given product group, other nationally or regionally officially recognised EN ISO 14024² type I labels that do not cover that product group at the time of the publication of the EU Ecolabel criteria, may be extended to that product group only where the criteria developed under those schemes are at least as strict as the EU Ecolabel criteria. Furthermore, Article 11 of the EU Ecolabel Regulation establishes that the EU Ecolabel criteria shall also take into account existing criteria developed in officially recognised (EN ISO 14024 type I) ecolabelling schemes in the Member States.

The general goal of the project has been to analyse selected product group categories set to check the consistency of criteria among EU Ecolabel and other Type I labels. The analysis has been done through a methodology that has been tested during the execution of the project and that has allowed proposing a final and complete monitoring method for future surveillance of Article 11 of EU Regulation.

The specific objectives of this project are:

- To identify which product groups covered by the EU Ecolabel are also addressed by other ecolabels, as defined in Art 11.
- To develop and test a method to estimate the environmental stringency of nationally and regionally recognised EN ISO 14024 type I set of criteria against EU Ecolabel for selected product groups.
- To identify differences and inconsistencies in criteria for selected product groups where EU Ecolabel criteria exist.
- To develop and propose an effective and efficient monitoring mechanism for compliance verification, as well as future implementation actions.

¹ REGULATION (EC) No 66/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2009 on the EU Ecolabel

² ISO 14024. Environmental labels and declarations – Type I environmental labelling – Principles and procedures



2. Summary of tasks, meetings and communication actions

The work carried out during the project has been structured in four main tasks:

- **Task 0 Management. *Duration: all project***

This task has covered the management and coordination of the contract, in order to complete the project within the agreed time schedule and budget, and the execution of all planned activities ensuring the quality of the services provided by LEITAT.

- **Task 1 Identification of product groups and development of methodology for Task 2. *Duration: from October 2017 to August 2017***

This task has consisted in the following subtasks:

- Identification of all relevant national and regional labels to be analysed.
- Analysis of Ecolabel Schemes and product groups categories.
- Selection of product groups to be analysed (shortlist).
- Development of a methodology for the evaluation of the stringency of relevant Type I Ecolabel.

As result of this task 1, the Deliverable 1 was elaborated, containing the Shortlist of product groups, the initial selection of Other Type I Ecolabels, the legal analysis of Article 11 and the proposal of the methodology for criteria assessment. The final version of Deliverable 1 was submitted in August 2017.

- **Task 2 Evaluate the environmental stringency of relevant EN ISO 14024 type I criteria. *Duration: from June 2017 to December 2017***

In this task the product group criteria have been assessed in order to evaluate the degree of stringency of the different labels compared to EU Ecolabel, i.e., the current compliance of Article 11 of EU Ecolabel Regulation. This task has consisted in the following subtasks:

- Comparison of all criteria of EN ISO 14024 type I labels against EU Ecolabel for selected product groups
- Evaluation of stringency/ambition of criteria
- Identification of potential barriers for further alignment and improvement proposals

As result of this task 1, the Deliverable 2 was elaborated, containing the results of the comparative assessment of criteria for all Type I Ecolabels selected and the shortlist of product groups defined. The final version of Deliverable 1 was submitted in December 2017.



- **Task 3 Discussion of potential future monitoring and implementation activities.**
Duration: From November to December 2017

In this final task, mechanisms for monitoring and further implementation of Article 11 have been proposed in order to allow an efficient implementation and surveillance of Article 11 for a good harmonisation among Type I labels at mid and long term.

As result of this task, the Deliverable 3 was elaborated, containing implementation actions and the monitoring method proposed. The final version of Deliverable 1 was submitted in December 2017.

During the execution of these task, a continuous communication have been hold between LEITAT and the contracting entity, though e-mail and tele-conferences.

Two in-person meetings have been hold in DG-Environment devices in Brussels:

- Kick-off meeting (17th October 2016)
- Second internal meeting (16th October 2017)

2.1. Communication and involvement of competent bodies

Different actions have been done in order to have a good communication with competent bodies, which are summarized as follows:

- Individual communication with CBs in order to obtain specific information during the execution of tasks 2 and 3.
- Online survey in order to know the current degree of knowledge and implementation of Article 11 by competent bodies and Type I Ecolabel operators.
- Project presentation in two meetings of the European Union Ecolabelling Board (EUEB, June 2017 and November 2017)
- Communication of preliminary assessment results in order to share with CBs the details of the assessment. CBs have been invited to provide suggestions regarding this technical assessment (December 2017).

A list of contact persons is provided in section 12 as annex of this report.

3. Identification of Other Type I ecolabels

In task 1, Type I Ecolabel schemes which are officially recognised at national and regional level were identified. The initial selection presented in Deliverable 1 was further defined in Deliverable 2 according to information provided to DG-ENV by EU Ecolabel Competent Bodies on Type I ecolabels being officially recognized at national/regional level according to the following principles:

- EN ISO 14024 type I ecolabelling scheme that governments are managing or has delegated the management of to another entity,
- EN ISO 14024 type I ecolabelling scheme that governments are supporting financially,



- EN ISO 14024 type I ecolabelling scheme that government are officially recognizing in law and regulation (such as GPP procedures, mutual recognition agreements, etc.),
- EN ISO 14024 type I ecolabelling scheme that governments are promoting in public campaign/websites, etc.

Type I Ecolabels which, according to the definition above, are officially recognised at national/ regional level, and therefore are affected by Article 11, are:

1. Österreichisches Umweltzeichen (AUSTRIA)
2. Ekologicky Setrny Vyrobek (CZECH REPUBLIC)
3. Nordic Ecolabel (DENMARK, NORWAY; SWEDEN, ICELAND, FINLAND)
4. Blue Angel (GERMANY)
5. Hungarian Ecolabel (HUNGARY)
6. Polish Ecolabel (POLAND)
7. NL Milieukeur (NETHERLANDS)
8. National Programme of Environmental Assessment and Ecolabelling in the Slovak Republik NPEHOW (SLOVAKIA)
9. Catalan Environmental Quality Guarantee Award (SPAIN, CATALONIA)
10. TCO certification (IT products) (SWEDEN)

Hungarian Ecolabel adopts directly the criteria from EU Ecolabel, so the criteria set for the selected product groups are identical. For this reason they are not analysed in detail in the criteria assessment, but they are accounted in the punctuations, since the alignment with EU criteria is total.

Polish Ecolabel only develops own criteria for those product groups not covered by EU criteria. For those product groups already covered by EU Ecolabel, they refer to EU Ecolabel, so there is not any duplicity of criteria. For this reason, although Polish is included in this list of other Type I Ecolabel, it is not assessed in the evaluation of criteria.

The following other three Ecolabels Type I not officially recognised at national/ regional level by the Member States were nevertheless included in the study for information purposes:

11. NF Environnement (FRANCE)
12. Good environmental choice (SWEDEN)
13. Green Product Mark (GERMANY)

The coverage of the different Ecolabels for the selected product groups is detailed in the Table below. From this sample of all these product groups sets, only a part of them have been analysed due to resources limitation, trying to cover all ecolabels and products groups. As summary, 33 criteria sets corresponding to 12 Type I Ecolabels and 9 product groups have been analysed and results are presented in this deliverable.

Table 1. Matrix of coverage of the different Ecolabel Schemes and product groups analysed

	Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF*	Good Choice*	Green Mark*
Rinse-off cosmetics												
All-Purpose and Sanitary Cleaners												
Laundry detergents												
Paints and varnishes												
Personal, Notebook and Tablet Computers												
Furniture												
Lubricants												
Tissue paper												
Tourist accommodation services												

* Type I Ecolabels, not officially recognised at national level

4. Selection of shortlist of product groups

As defined in Deliverable 1, the following product groups have been selected, according to the criteria of representativeness of market areas, coverage by Ecolabel schemes and considering the years of publication.

Considering the scope of the Article 11 as defined in the Legal Interpretation of Deliverable 1, the products groups selected for analysis are those for which current criteria from Type I nationally and regionally recognized Ecolabel schemes have been published, either newly created or revised, after the year of publication of the EU Ecolabel regulation (2010) and after the current criteria of EU Ecolabel for that same product group.

For most product groups, the current published criteria have been used for the analysis. Nevertheless, where current EU criteria are very recent, previous criteria set have been used instead in order to compare them with the rest of criteria set for Other Type I Ecolabels.

The product groups and the corresponding year of EU decisions analysed are the following:

1. Rinse-off cosmetics (2014)
2. All-Purpose Cleaners and Sanitary Cleaners (2011)
3. Laundry detergents (2014)
4. Paints and varnishes (2014)
5. Personal, Notebook and Tablet Computers (2011)
6. Furniture (criteria sets of 2009 and 2016)
7. Lubricants (2011)
8. Tissue paper (2009)
9. Tourist accommodation services (2009)



5. Legal analysis

This Final report includes a legal analysis of the Article 11 in order to clarify the legal background and interpretation of this article, as well as its implementation. The analysis starts with an overview of the legal basis and objective of the Regulation 66/2010, to then discuss Article 11 scope as it impacts the purpose of harmonisation of EU Ecolabel and national/regional schemes. Further, the key elements of Article 11 and related procedures are described. Lastly, the analysis is complemented by explanations on key definitions such as nationally or regionally recognised Type I environmental label and the approach taken in this project for the Identification of type I ecolabel schemes.

This section provides a legal analysis of Article 11 of the EU Ecolabel Regulation 66/2010 regarding the co-existence of EU and national and regional schemes, framing it within the context of the Regulation's legal basis and objectives. This section presents a legal interpretation of this provision taking into account its literal meaning but also the purpose of the Regulation and some key elements of the historical context. It includes an assessment of certain relevant aspects of the implementation of Article 11 which has been complemented with the results of the survey on the interpretation and application of this article by national competent bodies/authorities.

5.1. Legal basis and objective of the Regulation

The EU Ecolabel was established in 1992 through Regulation 880/92³, which was replaced in 2000 by Regulation 1980/2000⁴ and in 2010 by Regulation 66/2010⁵.

The Regulation is based on Article 175(1) TEC, which is now Article 192 of the TFEU and hence on the environmental policy. According to Article 4 TFEU, "environment" is a shared competence, meaning that both the EU and EU Member States may legislate and adopt legally binding acts, subject to the principles of proportionality and subsidiary. The adoption of environmental legislation is mainly envisaged through the *ordinary legislative procedure* (previously, the co-decision procedure) set out in Article 192 TFEU.

This means that any review or essential changes to the Regulation, would have to follow the ordinary legislative procedure according to Article 192(1) TFEU by which the Commission publishes a proposal to be adopted by the European Parliament and the Council, after consulting the ECOSOC and the Committee of the Regions. Following the proposal by the Commission, the text may go through one, two or even three readings (if the proposal goes through the Conciliation Committee), during which the European Parliament and Council may approve, or reject or propose amendments to the text. This procedure takes on average two years and the final result is subject to the co-legislators vote with Council by qualified majority. Certain aspects of the Ecolabel Regulation may be modified through simpler processes. For example, following Recital 18 of the Regulation, Article 15 of Regulation 66/2010 refers to the possibility to amend the annexes, as non-essential elements of the Regulation, through a

³ Council Regulation (EEC) [No 880/92](#) of 23 March 1992 on a Community eco-label award scheme.

⁴ Regulation (EC) [No 1980/2000](#) of the European Parliament and of the Council of 17 July 2000 on a revised Community eco-label award scheme.

⁵ Regulation (EC) [No 66/2010](#) of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel.



shorter non-legislative procedure, namely the Regulatory procedure with scrutiny (Comitology) and Article 8 refers to the same procedure for the adoption the relevant criteria following the procedure laid down in Annex I to the Regulation. It is worth noting that after the entry into force of the Lisbon Treaty in December 2009, the Comitology procedure has been replaced by the one requiring the adoption of delegated acts or implementing acts (Article 291 of the TFEU). However, the Regulation still needs to be adapted to this change.

Any future potential changes on Article 11 of Regulation 66/2010 are to be considered of an essential character as it regulates the co-existence of the EU Ecolabel scheme with other regional or national systems and therefore, the ordinary legislative procedure with qualified majority voting of the Council would apply. In accordance with Article 288 of the TFEU, Regulations have direct effect. Regulation 66/2010 is therefore directly applicable in EU Member States, and no additional transposing measures are required at national level. However, specific measures may need to be adopted at national level to ensure appropriate implementation of the Regulation, for example those setting the necessary institutional structures.

Overall objective of the Regulation

The EU Ecolabel system is a voluntary scheme aiming to promote products with a reduced environmental impact during their entire life cycle and to provide consumers with accurate, non-deceptive, science-based information on the environmental impact of products. The main aim of the Ecolabel Regulation 66/2010 is therefore to promote those products which have a high level of environmental performance through the use of the EU Ecolabel. The Ecolabel itself is based on the compliance with the appropriate criteria reflecting the best environmental performance achieved by products in the EU.

The Regulation is applicable to goods or services which are intended for distribution, consumption or use on the Community market whether in return for payment or free of charge (hereinafter 'products'). Excluded from the scope are medical products for human use as defined in Directive 2001/83/EC, as well as medical products for veterinary use, as defined in Directive 2001/82/EC. Operators wishing to use the EU Ecolabel have to apply to the competent body/ies of a Member State (Article 9(1)). While the Regulation is applicable in the whole territory of the EU, the geographical scope of the products under the EU Ecolabel covers a larger area including Africa, Asia, North America, Australia & Oceania due to the international trading of products. This double-nature instrument ensures both environment and consumer protection. It establishes a system that regularly extends to new product groups or/and service groups covering a constantly increasing area of products while contributing to a high level of environmental protection (Article 191(2)).



5.2. Objective of Article 11 Regulation 66/2010

Article 11 of the Ecolabel Regulation refers to the coexistence and compatibility between Ecolabelling schemes in the EU and in the Member States. The Article states:

Where EU Ecolabel criteria for a given product group have been published, other nationally or regionally officially recognised EN ISO 14024 type I ecolabelling schemes which do not cover that product group at the time of publication may be extended to that product group only where the criteria developed under those schemes are at least as strict as the EU Ecolabel criteria.

In order to harmonise the criteria of European ecolabelling schemes (EN ISO 14024 type I), EU Ecolabel criteria shall also take into account existing criteria developed in officially recognised ecolabelling schemes in the Member States.

As explained below, these paragraphs require a certain harmonisation of criteria between national and EU level schemes when being adopted and/or extended to other products. It covers two aspects. Firstly, it regulates situations when national and regionally recognised ecolabels should align to the EU Ecolabel criteria. The second paragraph requires the EU ecolabel criteria to be defined for new specific product groups taking into account existing national/regional ecolabel criteria. There is no case law specifically concerning the interpretation of this provision by the CJEU. The analysis would therefore need to be based on the literal, teleological and historical interpretation of the provision, taking into account other Regulation's provisions that might shed light into the meaning of Article 11. In addition, a review of the interpretation by competent bodies based on the responses to the survey carried out within the context of this project has complemented the legal analysis.

The purpose of coherence and harmonisation between EU and national and regional schemes

Recital 15 of Regulation 66/2010 highlights the benefits of a harmonised approach to grant an environmental label to products traded in the EU. It sets out that *in order to facilitate the marketing of products bearing environmental labels at national and Community [now Union] levels, to limit additional work for companies, in particular SMEs, and to avoid confusing consumers, it is also necessary to **enhance the coherence and promote harmonisation between the EU Ecolabel scheme and national eco-labelling schemes** in the Community [now Union].*

Under this recital, it is clear that the purpose of Article 11 is to enhance coherence and promote a harmonised approach between EU and national schemes. Through a purely literal interpretation of Article 11, the fact that the term 'harmonisation' is only used in the second paragraph could be interpreted as a differentiating factor. It could be argued that while paragraph 1 aims at enhancing coherence by requiring similar stringency levels of the criteria developed for the EU Ecolabel and the national and regional ecolabels, paragraph 2 pursues harmonisation. However, in practice the requirement under Article 11(2) can only mean that the European Commission should ensure that the EU Ecolabel criteria take into account national existing criteria which should ensure that their level of stringency is similar even if the criteria do not need to be exactly the same and fully harmonised.



Historically, the Commission had initially proposed to phase out national and regional eco-label for product groups covered by the EU scheme proposing an alternative graded system ranking the products according to their environmental performance and transferring the responsibility for defining the ecological criteria for the different product groups to an independent body. The reason for these proposals to be rejected is not clear. A possible explanation is however that national ecolabels such as the German Blue Angel and the Nordic Swan Ecolabel were well established, with longer trajectory and are often better known and accepted than the EU Ecolabel⁶. In any case, the current Regulation 66/2010 sets out a system of co-existence of the EU Ecolabel scheme and national eco-labelling schemes for the same product⁷ where the product criteria have a similar level of stringency and EU Ecolabel criteria should take into account those of existing schemes in different Member States.

Article 11 was introduced for the first time in Regulation No 66/2010 with the aim to ensure consistency and harmonise the criteria of the existing European eco-labelling schemes. The first paragraph refers to the consistent evolution of the ecolabel systems and their expansion of their product coverage. Article 11(1) reflects the notion behind **Article 193 TFEU** which enables Member States to maintain or introduce more stringent environmental protective measures if they are compatible with the Treaties and after notification to the Commission. This provision is a so called “environmental guarantee” as the national measure cannot go lower than the EU standard of environmental protection and, essentially, it opens the possibility for Member States to go beyond harmonisation at the European level and introduce even more environmentally stringent measures. This is also the case under Article 11(1) of the EU Ecolabel Regulation, which state that “*the criteria developed under those [national] schemes are **at least** as strict as the EU Ecolabel criteria*” (*emphasis added*).

The methodology to measure whether the national or regional ecolabels is based on criteria that are stricter, less strict or equally strict to the EU Ecolabel has not been defined yet.

On the other hand, the harmonisation objective of the EU Ecolabel requires taking into account criteria used for nationally and regionally recognised ecolabels to define the EU Ecolabel ones. Article 11(2) further specifies that to determine the criteria of EU Ecolabelling schemes (EN ISO 14024 type I), EU Ecolabel criteria **shall also take into account existing criteria developed in officially recognised eco-labelling schemes** in the Member States. The process for ensuring that the EU Ecolabel takes into account existing criteria in officially recognised national or regional eco-labelling schemes is described below.

Article 11 therefore has the following purpose:

- Facilitate the **marketing** of products with an environmental label at national and EU levels
- **Ensure consumer trust** in all regionally and nationally recognised EN ISO 14024 Type I labels when extended to product groups also covered by the EU Ecolabel and to avoid consumer confusion;

⁶ Ibid., at 240 and Report on Environmental Claims, Report from the Multi-Stakeholder Dialogue - Helping consumers make informed green choices and ensuring a level playing field for business, Report presented at the European Consumer Summit on 18-19 March 2013, available at http://ec.europa.eu/consumers/consumer_evidence/market_studies/docs/mdec_report_-_final.pdf, accessed November 2016.

⁷ Kramer, L., EU Environmental Law, seventh edition, Sweet & Maxwell, 2011, p. 240.



- Ensure **consistency and harmonisation in criteria** between regionally and nationally recognised EN ISO 14024 Type I labels and the EU Ecolabel;
- Encourage **simple adoption and integration of EU Ecolabel criteria** into regionally and nationally recognised EN ISO 14024 Type I labels;
- **Strengthen the role of the EU Ecolabel and EN ISO 14024 Type I labels** established in the EU countries as the baseline for environmental claims and establishing EU Ecolabel criteria as "minimum" benchmarks for regionally or nationally recognised EN ISO 14024 type I label criteria.⁸

5.3. The requirement to ensure compliance and harmonisation under Article 11

This section analyses the applicability of Article 11 obligation to ensure harmonisation of criteria or compliance of the stringency of the criteria between EU Ecolabel and nationally and regionally recognised ecolabelling schemes. It discusses what would be the time of adoption and type of decisions establishing the ecolabel criteria used in national or regional ecolabelling schemes recognised as EN ISO 14024 type I in relation to the publication of the EU ecolabel criteria for a given product group under Article 11 of the EU Ecolabel Regulation 66/2010. In particular, it is considered whether Article 11(1) of the EU Ecolabel Regulation 66/2010 refers to decisions of national or regional ecolabel schemes when adopting **new criteria for the first time** for a given product group or **decisions revising** or **amending** the criteria for a product group, thus, already partially covered by the national scheme. Finally, it refers to the requirements for the harmonisation of criteria under Article 11(2)

Article 11 (1) of Regulation 66/2010 states:

'Where EU Ecolabel criteria for a given product group have been published, other nationally or regionally officially recognised EN ISO 14024 type I ecolabelling schemes which do not cover that product group at the time of publication may be extended to that product group only where the criteria developed under those schemes are at least as strict as the EU Ecolabel criteria'

It is worth clarifying certain points that are relevant for the interpretation of this provision:

5.3.1 The wording of this provision refers to the situation where the EU Ecolabel criteria are published for a given product group which 'is not covered' by the nationally or regionally ecolabelling schemes at the point of entry into force of new Ecolabel criteria. The question is how to interpret whether the product group is already covered and the applicability of this provision's harmonisation or consistency requirement.

From a literal interpretation, followed by the authorities of the competent body managing the Blue Angel and the Swan Nordic Ecolabel scheme, Article 11(1) refers to product groups that are not covered by the national scheme at the time of publication of the EU Ecolabel decision in the OJ and, therefore, if the national or regional scheme already covers that type of product

⁸ Recital 15 Regulation 66/2010 and European Commission, Tender Specifications, Service Contract on The implementation of Article 11 under the EU Ecolabel Regulation, p. 13



group, the provision and the harmonisation requirement does not apply and the national/regional scheme is not obliged to ensure compliance with the Ecolabel criteria. This interpretation however conflicts with the overall objective and the effectiveness of Article 11 and prevent the accomplishment of the coexistence of schemes and harmonisation objective in relation to those national/regional ecolabel schemes that are quite old and cover products that are now covered by the EU Ecolabel.

The Nordic ecolabel and the Blue Angel schemes have interpreted this Article as limited to newly created criteria for new products under the national scheme in relation to the time of publication of the EU Ecolabel criteria decision. Under this interpretation, if certain EU Ecolabel criteria would be adopted for a specific product group that was already regulated under the national scheme but with a lower level of stringency, the authorities in charge of the national Ecolabel would not be required to align their criteria with those of the Regulation. That would mean that national schemes existing prior to the EU Ecolabel, would maintain their standards even if they would be lower than those imposed by the EU Ecolabel. While it is clear that Article 11 in stricto sensu does not apply to existing criteria covering a product group that is regulated by the EU Ecolabel criteria at a later stage, this study considers that it should be interpreted that the national authorities have the responsibility of updating the criteria to align their criteria to the level of stringency required under the EU standards.

Such an interpretation would be very rigid and would undermine the purpose of Article 11 of Regulation 66/2010 aiming to ensure harmonisation between the EU Ecolabel scheme and national ecolabelling schemes in the EU. This provision reinforces the Regulation's objective to encourage higher environmental performance in sectors for which environmental impact is a factor in consumer choice and such interpretation would mean that certain product groups would be subject to different, less stringent environmental standards for certain products when regulated under old national or regional Ecolabel schemes than under the new EU Ecolabel criteria. This interpretation would also run contrary to the objectives of Article 11 to facilitate the marketing of products with environmental label and to ensure consumer trust or avoid consumers' confusion. An interpretation of the concept 'ecolabelling scheme which do not cover that product group at the time of publication' as requiring that the national or regional ecolabel schemes do not regulate at all that product group by the time the EU Ecolabel decision is adopted, would trigger negative consequences such as distortion of the market and affect consumers trust on ecolabels as the level of stringency of the national and the EU ecolabel would be different.

A teleological interpretation of the provision, leads to consider that Article 11(1) does not refer only to the ecolabel criteria adopted for the first time for a given product group but also to the situations where the criteria for a given product are updated. Under this interpretation, those national or regional ecolabel schemes would be required to align their criteria with those adopted under the EU Ecolabel in both situations, when willing to expand their scope to these products regulated by the EU Ecolabel and therefore adopting the ecolabel criteria for the first time, and when reviewing the criteria applied to the product group that is now covered by the EU ecolabel in order to align their levels of stringency. So even if the product group is regulated under existing national ecolabel criteria, the new criteria under the EU Ecolabel, define a different framework for the product group and therefore the national scheme should align to it.



The teleological interpretation would consider that the **same alignment requirement applies to revised criteria or to amendments to the criteria as long as they are published after the entry into force of the EU Ecolabel Regulation**. That means that in the case where criteria under a national/regional scheme for a product group were established prior to the establishment of EU Ecolabel criteria for the same product group but were less stringent, would also need to be aligned with the EU criteria on the occasion of the next revision of these criteria. At the same time, the EU criteria would have taken into account the existing national criteria.

This interpretation is supported by the several ecolabels such as the Milieukeur, whose Annual Report SMK 2016 (and the Handbook) states that for product groups for which EU Ecolabel develops criteria later than Milieukeur criteria, SMK introduces the requirement to review the Milieukeur criteria to align them as much as possible with the EU Ecolabel criteria. The Slovak and Hungarian ecolabel align regularly their criteria with EU Ecolabel criteria given the fixed validity period of the ecolabel criteria (e.g. under Hungarian law the ecolabel criteria need to be revised at least every 5 years). In addition, the Hungarian Ecolabel adopts the published EU Ecolabel criteria so that when they are modified, the modification applies in the Hungarian scheme, once approved by the Ecolabelling Board.

The literal and teleological interpretation of the provision (in relation to the objectives of the Regulation and its Article 11) requires that there is consistency and a harmonised approach between the criteria used by the EU Ecolabel and the national/regional schemes. Therefore, when new criteria or a revision or amendment of the EU Ecolabel criteria for a product group are published, Article 11(1) of the Ecolabel Regulation 66/2010 is applicable and its requirements need to be taken into account.

5.3.2 The EU Ecolabel Regulation 66/2010 was published in the *Official Journal of the European Union* on January 2010 and entered into force twenty days after its publication, thus on **19 February 2010**. From that moment the Regulation is binding and directly applicable in all Member States. Article 11 of the EU Ecolabel Regulation 66/2010 is applicable to all Member States and the EU from that date and the harmonisation requirement applies to existing national systems from that date. While the harmonisation objective was not required to decisions establishing ecolabel criteria under a national ecolabel scheme prior to this date, from the entry into force of the Regulation, national schemes are bound by it. According to the legal interpretation described in this study; that means that as of 19 February 2010 all national schemes that adopt new criteria or revise or amend existing criteria, need to ensure that these criteria are as stringent as the EU Ecolabel criteria for this product group.

5.3.3 While the EU Ecolabel is a voluntary mechanism to support producers that go beyond legally binding standards, the EU Ecolabel Regulation 66/2010 establishes certain obligations on Member States if they decide to apply the EU Ecolabel and/or to have a national ecolabel scheme. Under Article 11(1) of the EU Ecolabel Regulation 66/2010, Member States are required to ensure a certain alignment between the criteria of nationally or regionally officially recognised ecolabelling schemes and the EU Ecolabel scheme criteria. In particular, when the national scheme is to be extended to product groups which are already covered by the EU Ecolabel criteria, Member States are required to ensure that the national criteria to be applied to those products is as stringent as the criteria applied under the EU Ecolabel. The provision



refers to EU Ecolabel criteria published for a given product and to the criteria developed under national or regional (officially recognised EN ISO 14024 type I ecolabel schemes) which did not cover the product group **at the time of publication**.

This provision should not be interpreted as referring to the time of **publication of the Regulation** as, as stated above, it is legally technically not possible that this Regulation is applicable to products prior to the date of the Regulation's entry into force. Under the principles of rule of law and legal certainty, EU legislation does not apply retroactively unless a specific provision explicitly establish and justifies it. The EU Ecolabel Regulation does not include such a provision.

Article 11(1) refers to the date of the publication in the **Official Journal of the decision** establishing the criteria for a specific product group under the **EU Ecolabel**, either for the first time or of the subsequent amendments and revisions. Once the decision of the EU Ecolabel criteria for a given product group is published, the national ecolabel scheme that adopts criteria covering such product group will have to comply with the stringency level of the EU Ecolabel published criteria and align to them. The national ecolabel scheme decision that will also need to be published for legal certainty, should clearly state that it covers the same type of product group (which was not covered by the time of publication of the EU Ecolabel criteria) and evidence that the existing national criteria applicable to the same product group covered by the EU Ecolabel are as stringent as the EU Ecolabel criteria or alternatively revise or amend them in order to align their criteria with the ones of the EU Ecolabel.

This interpretation is applied by the majority of the national/regionally recognised ecolabels analysed under the current project including the Nordic Swan, Milieukeur, the Slovak Ecolabel, the Austrian Ecolabel or the Hungarian Ecolabel. Most of the schemes align when the validity period of the national criteria come to an end.

5.3.4 The meaning of '**as strict as the EU Ecolabel criteria**' under the first paragraph is determined by the scientific, technical and procedural requirements taking into account those used by the criteria developed under EN ISO 14024 type I ecolabelling schemes. Similar consideration should be made under paragraph 2 which states the objective to harmonise the criteria of the European ecolabelling schemes, EU Ecolabel criteria and the national ecolabelling schemes.

5.3.5 In order to create a balanced and full circle approach, Article 11(2) requires that existing national ecolabel criteria of a product group are taken into account when establishing the criteria for the use of EU Ecolabel for such a product group. This provision promotes consistency between the criteria regulating the nationally and regionally recognised ecolabelling scheme for a specific product group and those adopted at a later stage within the EU Ecolabel. The second paragraph of Article 11 states: ***In order to harmonise the criteria of European ecolabelling schemes (EN ISO 14024 type I), EU Ecolabel criteria shall also take into account existing criteria developed in officially recognised ecolabelling schemes in the Member States.***

It requires the EU institutions, and in particular the European Commission which is empowered to adopt the decisions on the criteria according to Article 8, to ensure that the EU Ecolabel criteria take into account the criteria used under the national schemes for the relevant product



groups. Similarly, to the previous paragraph, the scope of this provision covers both new criteria developed for product groups, their revisions and amendments.

It is to note however, that there is a difference in the degree of obligation in both paragraphs. The first paragraph of Article 11 includes the formulation that nationally or regionally recognised ecolabels “may be extended [...] **only**” where the criteria developed under those schemes are at least as strict as the EU Ecolabel and hence includes a strict obligation that the national schemes **cannot be used** if the criteria are not at least as strict as the EU Ecolabel criteria. The second paragraph only requires that the EU Ecolabel criteria “shall also take into account” existing criteria developed in officially recognised ecolabelling schemes in the Member States. It can be concluded that the obligation in the first paragraph is stronger, as these do have to be more than just be “taken into account”.

The procedure for the establishment of the EU Ecolabel criteria is based on the negotiations with national experts, members of the national schemes which ensure that consistency.

We can **conclude** that, the implementation of Article 11 should be based on an interpretation of this provision based on the overall aim of the Regulation and the specific objectives of Article 11, notably, to ensure the co-existence between national ecolabels and the EU Ecolabel and a degree of compliance and harmonisation in relation to the stringency of the criteria for the same product groups.

It is argued that this provision requires Member States to ensure that the national or regional ecolabel schemes should align with the criteria adopted under the EU Ecolabel for product groups which would be covered by the national/regional schemes for the first time after the date of publication of the EU Ecolabel decision or when the national/regional criteria for such product group would be revised after the date of publication of the EU Ecolabel decision. The deadline to review existing criteria applied to the same product covered by the EU Ecolabel decision in order to align to the EU Ecolabel criteria should be explicitly stated in order to facilitate its implementation. The national/regional ecolabel scheme should provide evidence that the existing national/regional criteria are as stringent as the EU Ecolabel criteria or alternatively revise or amend them in order to align their criteria with the ones of the EU Ecolabel decision to ensure that they are at least as strict as the ones adopted by the EU Ecolabel. This should be applicable to decisions adopting new criteria, revising or amending existing ones. On the other hand, Article 11 (2) requires the EU institutions to take into account the criteria developed in officially recognised ecolabelling schemes in the Member States for specific product groups when developing EU Ecolabel criteria for those product groups. This is applicable to EU decisions adopting new criteria, revising or amending existing ones.

However, Article 11 is not clear in relation to the interpretation of the concept ‘ ecolabelling scheme which does not cover that product group at the time of publication’ and therefore its amendment might be considered should a decision to review the Ecolabel Regulation be adopted. This Study applies a teleological interpretation to Article 11 of the Ecolabel Regulation 66/2010 because the conservative literal interpretation would run counter the stated objectives. Should a modification of Article 11 be considered appropriate, Article 11 might be reviewed in order to require national and regional schemes to align to the criteria published under the EU Ecolabel and within a reasonable time period, e.g. 2 years from the



date of publication or notification as generally used for the transposition of Directives. However, as stated before, this amendment would require the adoption through ordinary legislative procedure and the political feasibility of such an amendment might need to be taken into account. Article 11(1) could be drafted as follows:

'Where EU Ecolabel criteria for a given product group have been published for the first time, reviewed or updated, other nationally or regionally officially recognised EN ISO 14024 type I ecolabelling schemes already covering that product group should align to the Ecolabel criteria within a period of one year ensuring that the criteria are as strict as the EU Ecolabel criteria. Those nationally or regionally officially recognised EN ISO 14024 type I ecolabelling schemes which do not regulate a product group at the time of publication of the decision adopting, reviewing or updating the EU Ecolabel criteria for such given product may be extended through a new decision to that product group only where the criteria developed under those schemes are at least as strict as the EU Ecolabel criteria'

5.4. Key definitions

In the following the key terms and concepts of Article 11 of the Ecolabel Regulation will be defined.

Product groups

Article 11 refers to product groups which are subject to the same criteria, for example different groups of paper products such as converted paper, newsprint paper, printed paper, copying and graphic paper, tissue paper. This concept is defined in Article 3(1) of the Regulation as “a set of products that serve similar purposes and are similar in terms of use, or have similar functional properties, and are similar in terms of consumer perception”.

ISO 14024 type I environmental labels

ISO 14024 is an international standard establishing principles and procedures for developing Type I environmental labelling programmes. EU Ecolabel is a Type I ecolabelling scheme. Type I environmental labelling schemes are also defined in opposition to Type II labels for products that include some sort of green claim or Type III labels related to environmental product declarations.

The criteria used to determine Type I schemes include:

- *Selection of product categories*
- *Product environmental criteria*
- *Product function characteristics*
- *Procedures for assessing and demonstrating compliance and the certification procedures for awarding the label (award, penalties, monitoring)*

The International Standard ISO 14024 was published in 1999 and relates to Type I environmental labelling schemes which award their environmental label to products which meet a set of predetermined requirements. These products are determined to be environmentally preferable within a particular product category. The International Standards ISO establish principles and procedures for developing Type I labelling schemes (including



selection of product categories, product environmental criteria and product function characteristics); principles for assessing and demonstrating compliance; as well as certification procedures for awarding the label⁹.

Type I environmental labelling programmes are voluntary, which means that the use of the label is not mandatory to companies or products groups in general and only those companies signing for it need to comply with the standards established under the national or regional labelling schemes. This has also an effect on the interpretation of Article 11 of the EU Ecolabel. Applying a narrow interpretation of Article 11, the fact that Article 11 of the Ecolabel only refers to other nationally or regionally officially recognised EN ISO 14024 type I ecolabelling schemes, might be interpreted as that Article 11 only applies to national and regional labels officially recognised to be compliant with ISO 14024 and hence excludes other ecolabels from its scope. This can lead to a loophole for labelling authorities to circumvent Article 11 by arguing that in those cases where Type I eco-label had not been officially recognised by ISO 14024 type I environmental labels compliance with Article 11 requirement regarding the stringency of the criteria in relation to the EU Ecolabel criteria would not be required. This would be an unnecessary restriction of the scope of application of the EU Ecolabel criteria. On the other hand it can be argued that the reference to ISO in Article 11 aims at ensuring that the national and regional ecolabels have certain credibility.

Therefore, this project is not limited to nationally and regionally recognised types I ecolabel schemes (see below).

Nationally and regionally recognised

There is no direct definition of “nationally or regionally recognized”. Based on the content of ISO 14024 and consultation of some national Competent Bodies, it is submitted that “nationally and regionally recognized” can be defined for this study as:

Ecolabels which receive/are subject to some public administration recognition following on agreed on certain common standards/requirements.

The public support can be in different forms such as publicity, financing and recognition in GPP processes. They do not need to be operated by the public administration; they can be managed from private institutions considering the following principles as established by DG Environment:

- EN ISO 14024 type I ecolabelling scheme that governments are managing or have delegated the management of to another entity
- EN ISO 14024 type I ecolabelling scheme that governments are supporting financially
- EN ISO 14024 type I ecolabelling scheme that government are officially recognizing in law and regulation (such as GPP procedures, mutual recognition agreements, etc.)
- EN ISO 14024 type I ecolabelling scheme that governments are promoting in public campaign/websites, etc.

⁹ ISO website: <https://www.iso.org/obp/ui/#iso:std:iso:14024:ed-1:v1:en>, accessed November 2016.



5.5. Additional elements of Article 11: Coherence with internal market rules

Effects on competition and internal market

Economic operators' associations have traditionally opposed any attempts to a label granted to certain number of "better" products as it affects the **competition** in the market of those products not holding the label¹⁰. Those objections are raised both against national and EU level Ecolabels. Regardless that opposition, eco-label systems have been developed as voluntary schemes aiming to promote certain products through a marketing tool to reduce the negative impact of consumption and production on the environment. The voluntary nature of such schemes avoids the potential distortion of the market that would be caused by a **discriminatory** scheme.

Most of the national Ecolabel schemes have an international remit and do not require the products to be national in order to use the ecolabel. For example, any product in the EU or outside may request to use the German Blue Angel ecolabel (see Consumer Market Study on Environmental Claims for non-food products, 2014¹¹). These products can enter the national market, having an impact on the competitiveness of those products not using the ecolabel. Therefore, the competition may expand to other national markets in the EU. Similarly, the establishment of a national or EU label does not only impact on the competitiveness of different national products or products from the same national origin without the label but the standards required to benefit from the label could potentially be used as **barriers to trade of products from other EU Member States**, if they were required to enter the market. The harmonisation of the standards required for each product type at EU level and the voluntary nature of the scheme ensures that trading of products between countries does not get distorted by imposing higher environmental standards through the national eco-label schemes as a requirement to enter the national market and therefore acting as a discriminatory barrier for products from other Member States (prohibited under Article 34 TFEU). Article 34 TFEU bans all measures restricting imports between Member States, including rules with protectionist effect. Measures concerning the way products are marketed or the way they are produced may be established as long as the product standards are equally applicable to domestic and to foreign products (*Dassonville*¹²). However, the internal market required more flexibility to enable for products to enter other EU Member States markets without applying different rules in each country. The harmonisation approach was not an easy market-building tool to cover all products. Therefore, the Court of Justice established in the *Cassis de Dijon*¹³ case that in principle goods from one state complying with its national rules should be marketable in others (due to the principle of mutual recognition) unless the application of standards to imports is necessary for the protection of public interests such as consumer protection or public health. The proportionality of the measure is then to be considered to

¹⁰ Kramer, L., EU Environmental Law, seventh edition, Sweet & Maxwell, 2011, p. 240.

¹¹ Report on Environmental Claims, Report from the Multi-Stakeholder Dialogue - Helping consumers make informed green choices and ensuring a level playing field for business, Report presented at the European Consumer Summit on 18-19 March 2013, available at:

http://ec.europa.eu/consumers/consumer_evidence/market_studies/docs/mdec_report_-_final.pdf, accessed November 2016.

¹² Case 8/74 *Procureur du Roi v Benoît and Gustave Dassonville* [1974] ECR 837

¹³ Case 120/78 *Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon)* [1979] ECR 649



determine whether the interest is sufficient to justify the derogation from the mutual recognition rule.

Member States have the possibility to maintain or introduce more stringent protective measures if they are compatible with the Treaties and once the Commission is notified according to Article 193 TFEU on environmental protection as well as Article 169 TFEU on consumer protection. This discretion is limited by the internal market rules which forbid the adoption of measures acting as a discriminatory barrier to internal trade.

The Ecolabel schemes are voluntary instruments whereby an enterprise may decide freely to adhere to or not. It certifies a certain level of abidance by the environmental standards superior to the ones provided by law and it binds the companies that adopt it. The eco-label is a voluntary award, not a requirement. In other words, products which meet the requirements may bear the European eco-label but are not required to do so¹⁴. Therefore, there is no distortion of the market. There might be a comparative advantage for the marketing of those products using the ecolabel. However, those producers willing to use a national ecolabel have to meet the same conditions, without discrimination. Those producers willing to use the EU eco-label have to comply with rules that are part of a European mark and therefore are applicable and valid throughout the whole territory of the EU.

The Ecolabel schemes therefore do not distort the internal market rules. The establishment of harmonised rules provides a stronger support to achieve environmental objectives facilitating consumers trust and protection.

Coherence with Unfair Commercial Practices rules

Furthermore, **Article 10** of the Regulation **forbids any false or misleading advertising** or use of any label or logo which leads to confusion with the EU Ecolabel and requires the competent authorities to verify that the product complies with the EU Ecolabel criteria and assessment requirements on a regular basis. Based on that control, it requires the competent authorities to adopt the appropriate measures regarding the misuse of the awarded ecolabel and it shall either prohibit the use of the EU Ecolabel on that product, or, in the event that the EU Ecolabel has been awarded by another competent body, it shall inform that competent body. The user of the EU Ecolabel shall not be entitled to repayment of the fees. The Regulation requires as well the establishment of effective, proportionate and dissuasive penalties for the infringement of the Regulation provisions (**Article 17**). In addition, other pieces of legislation such as the Unfair Commercial Practices Directive 2005/29/EC (UCPD) are also relevant and applicable to the Ecolabel. The UCPD forbids misleading commercial practices as they create confusion with any products, trademarks, trade names or other distinguishing marks of a competitor. It requires traders to present their green claims in a clear, specific, accurate and unambiguous manner, to ensure that consumers are not misled (Articles 6 and 7). Furthermore, it requires traders to substantiate their green claims by providing evidence supporting them.

¹⁴ Ilinca, E.A., Belu A.E. Eco-label, New Generation Instrument of Environmental Protection, 2010.



5.6. Procedural provisions of Regulation 66/2010 relevant for Article 11 implementation: internal coherence

The following section analyses other relevant provisions of the No 66/2010 Regulation that complement and support the interpretation and implementation of Article 11 ensuring the harmonisation between EU Ecolabel and national or regional schemes. These provisions provide a frame for the qualitative assessment of the schemes.

Article 4(4) relating to national competent bodies calls for a **verification process** to be carried out in a consistent, neutral and reliable manner by an independent party, based on international, European, **or** national standards and procedures concerning bodies operating product-certification schemes. The word 'or' implies that Member States may therefore only apply national verification standards in the verification process. This is in line with Article 11 that allows the co-existence of EU and national schemes. Verification means a procedure to certify that a product complies with specified EU Ecolabel criteria.

Certain aspects of the verification procedure of certification schemes are regulated by the Ecolabel Regulation. While the applicant has the responsibility to keep the product performance in continued compliance with the EU Ecolabel criteria, Regulation 66/2010 requires the competent body to undertake any necessary investigations to monitor the ongoing compliance by the holder of the EU Ecolabel license as regards to both the product group criteria and the terms of use and provisions of the contract. **Article 9** refers to the possibility for the competent authority to undertake on-site verifications or assign an authorised agent for that purpose and ensure that verifications are performed by bodies which are accredited under the EN 45011 standard (replaced by EN ISO/IEC 17065 in 2012) or an equivalent international standard. It also establishes that the competent bodies shall collaborate in order to ensure the effective and consistent implementation of the assessment and verification procedures, notably through the working group.

Annex V of Regulation 66/2010 sets out requirements relating to competent bodies. Annex V point 7 requires competent bodies to participate in, or ensure that their assessment personnel are informed of the relevant standardisation activities and the activities of the working group of competent bodies relating to sharing of best practices set up by the Commission (Article 13 of the Regulation). They should also apply as general guidance the **administrative decisions and documents** produced as a result of the work of the Commission working group. This is aimed at harmonising EU standards, however the difficulties in monitoring the impacts at national level remain.

The ISO has developed international standards (including ISO 142024 Type I standards) but are not a competent authority involved in product certification. Certification bodies are responsible for this, however they do not need to be accredited (ISO specifies that non-accreditation does not mean that a body is not reputable, but it provides independent confirmation of competence – ISO therefore recommends consulting the [International Accreditation Forum](#) to identify certification bodies).

General requirements for EU Ecolabel criteria Article 6 of Regulation 66/2010 sets out general requirements for EU Ecolabel criteria, which should be based on the environmental



performance of products (Art. 6(1), and determined on a scientific basis considering the whole life basis of products (Art. 6(3)).

Interpreting Article 11 jointly with **Article 6** leads us to conclude that the requirements for the EU Ecolabel criteria should guide the establishment of the criteria for national and regional ecolabel schemes for a given product group, provided that the EU ecolabel criteria for that given product group have been published. Therefore, according to the legal interpretation put forward in the current study national and regional schemes should not be awarded to goods containing substances or preparations classified as toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction (Article 6(6)). The requirements determined under Article 6 and presented below should also be taken into account by national or regional ecolabels in order to ensure a consistent approach in the development of criteria established for different environmental labels. The EU Ecolabel criteria should:

- Be based on the environmental performance of products;
- Set out the environmental requirements to be fulfilled by the products, in accordance with their intended use;
- Be determined on a scientific basis taking into consideration those criteria established for other environmental labels, particularly officially recognised, nationally or regionally, EN ISO 14024 type I environmental labels where they exist for that product group so as to enhance synergies between EU, national and regional schemes.

The considerations referred to in Article 6(3) to be taken into account for determining the criteria from a scientific point of view include:

Considerations for the development of EU Ecolabel criteria (Art. 6(3))

- a) the most significant environmental impacts, in particular the impact on climate change, the impact on nature and biodiversity, energy and resource consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of hazardous substances;
- b) the substitution of hazardous substances by safer substances, as such or via the use of alternative materials or designs, wherever it is technically feasible;
- c) the potential to reduce environmental impacts due to durability and reusability of products;
- d) the net environmental balance between the environmental benefits and burdens, including health and safety aspects, at the various life stages of the products;
- e) where appropriate, social and ethical aspects, e.g. by making reference to related international conventions and agreements such as relevant ILO standards and codes of conduct;
- f) criteria established for other environmental labels, **particularly officially recognised, nationally or regionally, EN ISO 14024 type I environmental labels**, where they exist for that product group so as **to enhance synergies**
- g) as far as possible the principle of reducing animal testing.

Some competent bodies have expressed their difficulties in implementing Article 6(6) of the Regulation.



With regard to the development and revision of the EU Ecolabel criteria already developed under another ecolabel scheme complying with the requirements of EN ISO 14024 type I environmental labels for a product group for which no EU Ecolabel criteria have been established, **Article 7(2)** provides that any Member State in which the other ecolabel scheme is recognised may, after consulting the Commission and the EUEB, propose those criteria for development under the EU Ecolabel schemes. In these cases, the shortened criteria development procedure laid down in Part B of Annex I may apply (see description of procedures below). This is in line with Article 11(2) requiring that EU Ecolabel criteria take into account existing criteria developed in officially recognised eco-labelling schemes in the Member States.

Procedures

The following section describes the procedures that are relevant as they reflect how the EU implements the requirement stated under Article 11(2). Furthermore, it describes the steps for awarding the EU Ecolabel which need to be taken into account when analysing the qualitative level of stringency of the national and regional Ecolabels in relation to the EU Ecolabel.

Development and revision of the EU Ecolabel criteria

The EU eco-label has become, after its reform, more participative, as it grants large room for expressing the points of view of the different stakeholders, such as ecological organizations, trade unions, consumers, the industry and commerce in defining the ecological criteria for awarding this European mark.

Bodies and authorities competent for the development of EU Ecolabelling criteria include the EU Ecolabelling Board (EUEB), the Commission and the Regulatory Committee, which votes on the criteria. The Council and the Parliament are further involved in the regulatory procedure with scrutiny. In addition, the Ad Hoc Working Group (AHWG) was created to develop a more transparent and wider discussion involving stakeholders.

Following consultation with the European Union Ecolabelling Board (EUEB), the Commission, Member States, Competent Bodies and other stakeholders may initiate and lead the **development or revision of EU Ecolabel criteria**.

The proposer of a new EU Ecolabel product group or leading a criteria development process in collaboration with the Commission is expected to provide supporting documentation (preliminary report, proposal for draft criteria and associated draft criteria, final report and final draft criteria, user manual for Competent Bodies and potential licence holders) to the Commission which will distribute it for discussion at the EUEB meeting. The EUEB meets at least three times a year to discuss Ecolabel criteria planning, revision and development. The Ad-Hoc Working Group provides advice to the EUEB.



Steps for an adopted product/service group proposal

- At the Ad-Hoc Working Group (AHWG) meetings level, the EU Ecolabel criteria are drafted according to the results of the preparatory work. The preparatory work includes feasibility, environmental and market studies, improvement analysis and revision of existing life cycle analysis or implementation of new analysis where necessary.
- EUEB discusses the drafts during the criteria development process.
- A draft of the criteria is circulated among the relevant Commission services for approval (Inter-Service Consultation).
- The draft of the criteria is approved by the EUEB.
- A vote is taken by a Regulatory Committee composed of representatives from EU Member States.
- Criteria are adopted by the Commission through a full regulatory procedure with scrutiny.
- The Commission Decision is published in the Official Journal.

Shortened procedure (in accordance with Annex IB of the Regulation) where criteria have been developed by other EN ISO 14024 type I ecolabelling schemes:

Shortened procedure for criteria development (Annex IB of the Regulation)

- Single report submitted to the Commission, including a section demonstrating that the technical and consultation requirements set out Annex I Part A have been met, along with a proposal for draft criteria, a manual for potential users of the EU Ecolabel and competent bodies and a manual for authorities awarding public contracts.
- If the COM is satisfied that the report and criteria meet the requirements set out in Part A, the report and the proposal for draft criteria shall be made available for public consultation on the Commission's dedicated EU Ecolabel website for a period of two months for comment (responses given to comments during PC period).
- Taking into account PC comments, and if no MS requests an open working group meeting, the COM may adopt criteria.

Effective awarding of certification:

Steps for the awarding of the EU Ecolabel

- **Application:**
 - Register application on EU Ecolabel E-catalogue (with support of Competent Body)
 - Information testing and verification requirements – applicants must assemble a dossier containing all the information and test results needed to show how the product has met each criterion. Each criterion will include a section setting out the Assessment and verification requirements which may include product tests, declarations of compliance, or independent verification.
- Compilation and submission of **dossier and application form**
- **Assessment** - the Competent Body examines the documentation including any material sent directly by suppliers. After all the documentation has been approved, the Competent Body may carry out an on-site visit to the applicant and/or its suppliers.
- **Award of licence**
- **Continuous control:** The applicant is responsible for ensuring that the product, once awarded the EU Ecolabel, always remains in compliance with the EU Ecolabel Criteria. After an EU Ecolabel licence has been granted, the licence holder must keep the application dossier up to date. In cases where continued tests or measurements are required, the licence holder is responsible for keeping



a record of the test results and other relevant documentation. This documentation may not need to be sent to the Competent Body, unless there is a specific requirement to do so (which will be set out in the relevant criterion), but must be available at any time if requested. If at any time during the validity period of the licence the product falls out of compliance with the criteria this must be reported to the Competent Body immediately, together with a statement of the reasons for non-compliance. The Competent Body will decide the consequences of the non-compliance, e.g. a demand for additional measurements, suspension of the licence etc.

- **Assessment of compliance with the criteria:** The Competent Body may undertake any necessary investigations to monitor the licence holder's ongoing compliance with the EU Ecolabel Criteria and the terms of use and provisions of the contract. To this end, the Competent Body may request, and the licence holder shall provide, any relevant documentation to prove such compliance.
- **Revision of criteria:** The criteria for each product group are revised in principle every three/four years, and existing EU Ecolabel holders have to re-apply when these new, revised criteria come into force.

5.7. Re-formulation of Article 11 for revisions of Regulation.

In line with the issues identified in this Legal Analysis, improvements pointed in the previous sections could be taken into account for further revisions of the EU regulation. A revision and amendment of Article 11 could be proposed, in order to clarify those issues that remain less clear and make a difficult interpretation such as: the concept of years of publication and the inclusion of all new publications including revision processes. For example, Article 11(1) could be drafted as follows:

'Where EU Ecolabel criteria for a given product group have been published for the first time, reviewed or updated, other nationally or regionally officially recognised EN ISO 14024 type I ecolabelling schemes already covering that product group should align to the EU Ecolabel criteria within a period of one year ensuring that the criteria are as strict as the EU Ecolabel criteria. Those nationally or regionally officially recognised EN ISO 14024 type I ecolabelling schemes which do not regulate a product group at the time of publication of the decision adopting, reviewing or updating the EU Ecolabel criteria for such given product may be extended through a new decision to that product group only where the criteria developed under those schemes are at least as strict as the EU Ecolabel criteria'

In addition, consideration should be given to adding certain definitions to the provisions of the Regulation such as "officially nationally or regionally recognized" or "at least as stringent". Other issues such as penalties systems or reporting methods to EU could also be required in the new Article formulation, following the ideas presented below.



6. Methodology for the assessment of stringency of requirement criteria

This section presents the methodology for the comparative assessment of criteria considering the degree of stringency of EU Ecolabel as benchmark.

As a first step, for each product group, the scope covered by the different ecolabels has been analysed for comparison. The different scopes have been analysed and described qualitatively, since difference on the scope can be the source of differences on the award criteria and requirements.

For each selected product group, the different Type I Ecolabel schemes have been analysed listing and checking each requirement in terms of coverage and stringency, comparing each requirement from criteria against EU Ecolabel. Both the criterion and verification method have been analysed. This analysis has comprised a quantitative analysis (through a ranking punctuation) and a qualitative assessment (stating the main differences between schemes).

The analysis has evaluated if the different areas indicated in the EU Ecolabel Regulation (*Article 6 General requirements for EU Ecolabel criteria*) which are covered in the EU Ecolabel are covered by the different labels:

- the most significant environmental impacts: impact on climate change, the impact on nature and biodiversity, energy and resource consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of hazardous substances;
- the substitution of hazardous substances by safer substances;
- the potential to reduce environmental impacts due to durability and reusability of products;
- the net environmental balance between the environmental benefits and burdens, including health and safety aspects, at the various life stages of the products;
- where appropriate, social and ethical aspects,
- as far as possible the principle of reducing animal testing,
- Requirements intended to ensure that the products bearing the EU Ecolabel function adequately in accordance with their intended use.

In order to do this analysis in a systematic way, a comprehensive table for each product group has been elaborated in order to easily compare each requirement

The different steps for defining the methodology are detailed in the following sections.

➤ DEFINITION OF AREAS, SUBJECTS AND SUB-SUBJECTS

A matrix has been elaborated organizing the requirements by Areas, Subjects and Sub-subjects, looking the criteria set for EU Ecolabel of the selected product group. For tourist accommodation services, a separated list has been elaborated since the criteria differ significantly from the criteria covering products. This list could be applied for other similar product groups covering services in the future.



Table 2. Areas and subjects definition for criteria evaluation for product groups.

AREA	SUBJECT	SUB-SUBJECT
1. Hazardous substances limitation	Hazardous substances limitation	Restriction of substances classified under hazard statements based on CLP hazard classifications
		Restriction on Substances of Very High Concern (SVHCs)
		Restrictions on the presence of specific hazardous substances
		Derogations / No derogations
1. Hazardous substances limitation	Restriction of specific compounds (if there are criteria for different types of materials, specify for each one)	Restriction of specific compounds (e.g. Fragrances, phosphorus)
	Raw materials characteristics	Raw material characteristics
Renewable content		
Recycled content		
Certified origin / traceability		
Component characteristics		
3. Production	Resource consumption	Energy consumption
		Water use during production
	Production restrictions	Carbon footprint
		Emissions limitation
		Waste limitation
	Environmental management	Clean production
Environmental management		
4. Packaging	Materials of packaging	Substances limitation
		Materials used
		Recyclability
		Renewable content
	Design of packaging	Components limitation (primary, secondary....)
		Weight limitation
		Reusable packaging - refilling systems
		Ecodesign



5.Use	Emissions	Emissions during use (indoor / outdoor)
	Resource consumption	Energy consumption during use/Efficiency
		Water consumption during use
	Fitness for use	Fitness for use/ technical performance
		Usability/information to users
		Changes on physical characteristics
		Lifetime/rechargeability
		Reparability
		Wash resistance
		Resistance on chemical products
Durability		
6.Social aspects	Working conditions	Principles and rights at work
		Labour Conditions and human rights
		Sourcing of 'conflict-free' minerals
	Corporate Social Responsibility	EU Recognitions regarding Corporate Social responsibility
7.End of life	Substance /product behaviour on the environment	Aquatic ecotoxicity
		Biodegradability
		Bioaccumulation
	Waste management	Design for disassembly and recycling
		Waste limitation
Waste management		
8.Product information	EU Information	Information appearing on the Ecolabel
	Product information	Product description

For each one of the sub-subjects, the criteria requirements and the verification covering the different subjects have been classified, as showed in the example, in order to be assessed.

Table 3. Example of comparison table for criteria evaluation for product groups

				EU ECOL	Ecol 1.
Production	Resource consumption	Energy consumption	CRIT		
			VER		
		Water use during production	CRIT		
			VER		
	Production restrictions	Carbon footprint	CRIT		
			VER		
		Emissions limitation	CRIT		
			VER		
		Waste limitation	CRIT		
			VER		
	Environmental management	Clean production	CRIT		
			VER		
Environmental management		CRIT			
		VER			



➤ **EVALUATION OF EACH SUB-SUBJECT AND REQUIREMENTS ASSOCIATED.**

In order to evaluate the criteria set in an objective way, each sub-subject and its associated requirement and verification method have been evaluated.

In a first stage, the criteria from EU Ecolabel have been analysed: each requirement has been classified into the different areas, subjects and sub-subjects defined. In a second stage, each of the Other Type I Ecolabel criteria have been evaluated against EU Ecolabel criteria, punctuating each sub-subject comparing the presence, absence and degree of stringency, obtaining a punctuation of 0/0,5/1/1,5 according to rationale detailed in Table 4.

For the verification method, each verification criterion has been punctuated with 0,5 if this verification method is as strict as EU Ecolabel (according to available methods and tests), or 0,2 in cases where the verification is less ambitious compared to EU Ecolabel.

The different punctuations are detailed in the table below.


Table 4. Punctuation system for criteria and verification methods.

Punctuation for criteria			
EU ECOLABEL		OTHER ECOLABELS	
EU ECOLABEL CRITERIA	1	No existence of criteria covering the environmental aspect (where EU Ecolabel exist)	0
		Awarding criteria but less stringent than EU Ecolabel	0,5
		Awarding criteria as stringent as EU Ecolabel	1
		Awarding criteria more stringent than EU Ecolabel	1,5
ADDITIONAL CRITERIA (not covered by EU Ecolabel)	0	Additional criteria (not existing for EU Ecolabel)	1
Punctuation for verification			
Verification method as restrictive as possible according to available tests, standard, graphical and written evidence, etc., considering as base line the verification method required by EU Ecolabel			0,5
Verification method less restrictive than other existing verification for the same criteria			0,2



As summary, the methodology consists in the following steps.

<p>For each product group, an excel table has been created with the areas, subjects and sub-subjects defined.</p>	EVALUATION OF EU ECOLABEL CRITERIA
<p>The requirement under the criteria of EU Ecolabel and their associated verification method has been classified in the table within the different sub-subjects listed.</p>	
<p>Each requirement and verification method of EU Ecolabel are punctuated as defined in</p>	
<p>Table 4 (criterion: 1 / 0) ; (verification: 0,5 / 0,2).</p>	
<p>All the punctuations are summed by areas in order to get a final punctuation for EU Ecolabel, which is the basis punctuation for the ranking of the rest of the Ecolabels analysed for that product group. Two punctuations are set for each ecolabel: - One punctuation including only those criteria covered by EU Ecolabel (without additional criteria) - One punctuation adding all criteria (including additional criteria not covered by EU Ecolabel)</p>	
<p>For each ecolabel covering this product group, the same procedure is be followed:</p>	EVALUATION OF OTHER TYPE I ECOLABELS
<p>The requirements under the criteria of each Other Type I Ecolabel and their associated verification method are classified within the different sub-subjects listed.</p>	
<p>Each criterion and verification method of Other Type I Ecolabel are punctuated as defined in</p>	
<p>Table 4 (criterion: 0; 0,5; 1; 1,5) ; (verification: 0,5 / 0,2).</p>	
<p>For each criterion, a qualitative analysis is performed, stating the main differences</p>	
<p>All the punctuation is summed in order to get a final punctuation for each Other Type I ecolabel, which is compared with the EU Ecolabel. All the punctuation from requirements are added without weighting among them, getting the same weight for each requirement</p>	
<p>Punctuation of EU Ecolabel is setting as 1 as reference, and the punctuation of the other Type I Ecolabels are setting in relation to this EU Ecolabel punctuation (1 for EU Ecolabel).</p>	
<p>Two punctuations are compared: Global punctuation and punctuation only considering areas covered by EU Ecolabel criteria.</p>	
<p>The results of the analysis are presented by product group in a matrix as defined.</p>	INTERPRETATION OF RESULTS
<p>Interpretation of results and identification of reasons for deviations.</p>	
<p>Identification of potential barriers for further alignment and improvement proposals (Task 3)</p>	IDENTIFICATION OF BARRIERS AND PROPOSALS



For the general evaluation, only those areas covered by EU Ecolabel have been compared in terms of stringency and accounted. For each product group, a global punctuation including also the additional criteria from Other Type I Ecolabels covering those subjects not covered by EU Ecolabel has been calculated and they are detailed for each product group. With this second assessment, the second paragraph of the Article 11 is assessed, comparing the degree of ambition of the different ecolabels.

The methodology for services has been modified, defining different areas and subjects. The implementation of the methodology in the tourist accommodation product group has identified some difficulties due to the large number of criteria and the variety of them. The following modifications have been applied:

- The assessment and verification have not been taken into account in the punctuation.
- Different sub-areas have been defined in order to classify better the criteria.
- Each sub-subject has been assessed considering both optional and mandatory criteria. Voluntary criteria are considered to be less restrictive than mandatory for the same requirement. So that, when a sub-subject is covered by EU Ecolabel, comparison is done with the rest of national ecolabels considering it more or less restrictive in function of the content of criteria and its voluntary or mandatory formulation.


Some limitations have been encountered applying this methodology, making difficult a robust and comprehensive comparison of the degree of stringency for different criteria sets. The main limitations are the following:

- Differences on scope.
- Differences on the approach and formulation of requirements .
- Limitations related to the punctuation method, for instance no weighing is applied when summing all punctuation of all requirements.

7. Results of the online-survey to Competent Bodies

In order to have first-hand information on the current level of knowledge and implementation of Article 11 of EU Regulation, a survey was done to be filled by competent bodies and Other Type I Ecolabels operations. Answers from 10 competent bodies corresponding to 8 Ecolabel Schemes were received. The main conclusions from the survey responses are listed:

- Survey feedback from Competent Bodies showed a general good level of knowledge and existing procedures for the implementation of Article 11.1, since most of CBs assured taking into account EU Ecolabel criteria for their national criteria.
- National and regional Ecolabels normally include the analysis of EU Ecolabel for their criteria development and revision processes, although written procedure does not always exist.
- Main barriers and challenges have been identified from the CBs responses, indicating issues such as regulations, market and technology diversity and procedural aspects.



This information has been useful for the interpretation of the results from the criteria assessment.

- Main reasons of differences between national Ecolabel criteria and EU criteria were identified by Competent Bodies. Some of the most important, according to them, are: Different national interests and efforts to address specific issues (e.g. recycled paper); different situations on the markets and reality of countries; different environmental circumstances and environmental problems; national / regional requirements from regulations (e.g. classified chemicals); different consumer habits and environmental discussion issues in the society; different climate, natural geographic differences.
- Main challenges or difficulties preventing an efficient harmonisation are, according to respondents: the current complex EU Ecolabel criteria for hazardous substances in relation to the Articles 6(6) and 6(7) of the EU Ecolabel Regulation 66/2010; Different attitudes towards some aspects such as the use of fragrances or virgin/recycled fibres in the different Member states; different regional environmental policies and consumer preferences; disparity between Member States on level of technologies, testing laboratories, assortment of products produced in the country and different level of awareness about environmental labels.

8. Results of assessment of stringency of requirements by product group

This section provides an overview of the comparative assessment done by each one of the product group. Complete results and further details can be found in Deliverable 2.

8.1. Rinse-off cosmetics

Current EU Ecolabel criteria for rinse-off cosmetics are from 2014. From all Other Type I Ecolabels identified, six ecolabels have published criteria for the product group "Rinse-off cosmetics": Austrian Ecolabel, Nordic Ecolabel, Hungarian Ecolabel, Good environmental Choice, Blue Angel and CZ Ecolabel. Five out six Ecolabels have been analysed for this product group.

Comparison of the degree of stringency of the criteria by areas and subjects

The comparison of the stringency degree of EU Ecolabel and the Other Type I Ecolabels are detailed in the table below. All punctuations for all requirements covering the different subjects have been added by areas. Benchmark punctuation from EU Ecolabel have been defined as ONE, the rest of punctuations have been established in relation with this base EU punctuation. The total punctuation is the sum of all requirements. This punctuation only refers to those areas covered by EU Ecolabel, additional criteria are not included.

As commented above, Hungarian Ecolabel has exactly the same punctuation than EU Ecolabel since the criteria are directly adopted from EU Ecolabel.

In general, there is a good level of harmonization of the criteria of different Ecolabels, except for Good Env. Choice, which is not a nationally recognized Ecolabel. The most important deviations in areas other than product information that is not considered a critical area since EU criteria are optional, are detected on hazardous substances limitation and packaging (for the case of Nordic Ecolabel). Some ecolabels present a higher degree of stringency than EU Ecolabel for the areas of hazardous substances, packaging and end-of-life due to a higher stringency of certain requirements. Only Good Environmental Choice (which is not officially recognised at national level) presents also deviations in other areas such as use stage or End-of-life.

Table 5. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Rinse-off cosmetics

EU CRITERIA	EU ECOLABEL (benchmark)	Hung. Ecol.	Blue Angel	Nordic	Austrian Ecolabel	Good choice
Hazardous substances	1,00	1,00	1,10	0,98	1,10	0,78
Raw materials	1,00	1,00	1,00	1,00	1,00	1,00
Production	1,00	1,00	1,00	1,00	1,00	1,00
Packaging	1,00	1,00	1,07	0,93	1,07	0,25
Use	1,00	1,00	1,00	1,00	1,00	0,00
Social aspects	1,00	1,00	1,00	1,00	1,00	1,00
End of life	1,00	1,00	1,00	1,22	1,00	0,71
Product information	1,00	1,00	1,00	0,00	0,00	0,00
Total	1,00	1,00	1,06	0,96	1,00	0,55

Legend:


Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ **Interpretation of results by area**

Hazardous substances limitation

The hazardous substances requirements are horizontal, since they can have a direct effect on different life stages such as production, use or end of life. For this reason they have been maintained in a different section.

If we sum up the punctuation of different sub-subjects, as general output, it can be stated that overall Blue Angel, Nordic Swan and Austrian Ecolabel have a similar degree of stringency. However some differences exist for the different sub-subjects; Nordic Swan and Blue Angel show a lower degree of stringency for the exclusion of some substances and mixtures meeting the criteria for classification with some hazard statements, and for the restriction of some specific substances, dyes or preservatives. For fragrances all Other Type I ecolabels have a more restrictive limitation with the prohibition: setting limit concentrations for the total quantity of fragrances in the product ($\geq 0.010\%$; ≥ 100 ppm); prohibiting fragrances for child-products up to 12 years (not only 3 such as the EU Ecolabel), and finally the prohibition of some specific substances.



Blue Angel and Austrian Ecolabel have both an extra criterion regarding the classification of the final product. Nevertheless it is not considered as an extra degree of stringency, since EU Ecolabel product cannot be classified if it is compliant with the criterion on hazardous substances.

Some national ecolabels have additional criteria on specific product groups such as enzymes, polymers or UV filters. Some national ecolabel schemes (Nordic, Good Choice) make reference to Safety Standards Consultative Committee (SSCC) regulations and precautionary principle is asked. Additional criteria are not reflected in the table since only requirements covered by EU Ecolabel are listed. These additional criteria have been accounted in the next section and results on total punctuations can be seen in Table 6.

Raw materials

Regarding materials characteristics, EU Ecolabel and the rest of Other Type I criteria have a criterion for the traceability of origin of palm oil substances and derivatives, some of the ecolabels requires these certification for all renewable materials not only for palm oil.

All national ecolabels have an additional requirement regarding a minimum content coming from renewable substances. This criterion is not covered by EU Ecolabel and therefore is not accounted as a higher degree of stringency.

Production

Production area is not covered neither by EU Ecolabel nor for the rest of the Ecolabels.

Packaging

Packaging is also an area well defined with many sub-subjects with existing criteria. EU Ecolabel and the rest of national criteria cover: recyclability, restriction of components, weight limitation, refilling and design. For this area in general the degree of stringency is quite similar, except for Good Choice with a lower degree of stringency since some subjects are not covered.

Some national ecolabels have extra criteria limiting some substances in the packaging such as halogenated polymers (Blue Angel), fluorinated organics or perfumes. Also criteria limiting materials are found on the national ecolabels; for instance limiting metal (Nordic), glass (Good Env. Choice), aluminium (Blue Angel, Austrian) or halogenated polymers (Blue Angel, Austrian). Regarding renewable materials some ecolabels ask for a minimum of recycled content for board packaging.


Use

For the use stage, the criterion for fitness for use is common to all EU Ecolabel and national ecolabels, except to Good Choice not covering this issue.

End-of-life

Aspects related to bioaccumulation are dealt in the section of hazardous substances, such as bioaccumulation potential restriction for colorants and preservatives. Ecotoxicity requirements of most ecolabels have the same approach limiting the Critical Dilution Volume (CDV) of the product, although Nordic Ecolabel has more restrictive threshold values. For biodegradability also requirements of most ecolabels have the same thresholds set.

In this area, Nordic Ecolabel has an extra criterion for take-back waste management system.



Social Aspects

This area is not covered by EU Ecolabel. In this section, some ecolabels have additional criteria making reference to Safety Standards Consultative Committee (SSCC) decisions.

Product information

EU Ecolabel has a common criterion for all product groups, regulating the optional sentences that can be put with the logo. Although this is an optional criterion, this is considered useful information for consumers. The rest of the ecolabels do not have any criteria related to the information to consumers.

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

As commented in the different areas, some other Type I Ecolabels have additional criteria. If all criteria are accounted, it can be seen that the degree of ambition of the different ecolabels is quite high in comparison to EU Ecolabel, especially Blue Angel and Nordic Ecolabel. Good Environmental Choice has a lower degree of ambition compared to EU Ecolabel. The areas with more differences are raw materials (including renewability), packaging and hazardous substances.

Table 6. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Rinse-off cosmetics

ALL CRITERIA	EU ECOLABEL (benchmark)	Hung. Ecol.	Blue Angel	Nordic	Austrian Ecolabel	Good choice
Hazardous substances	1,00	1,00	1,25	1,27	1,25	0,92
Raw materials	1,00	1,00	2,00	2,00	2,00	2,00
Production	1,00	1,00	1,00	1,00	1,00	1,00
Packaging	1,00	1,00	1,47	1,13	1,23	0,73
Use	1,00	1,00	1,00	2,00	1,00	0,00
Social aspects	1,00	1,00	1,00	1,00	1,00	1,00
End of life	1,00	1,00	1,00	1,56	1,00	0,98
Product information	1,00	1,00	2,00	0,00	0,00	0,00
Total	1,00	1,00	1,34	1,35	1,16	0,88

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.2. All-Purpose Cleaners and Sanitary Cleaners

From all Other Type I Ecolabels identified, seven ecolabels have published criteria for the product group “All-purpose Cleaners and Sanitary Cleaners” (Hungarian Ecolabel, Österreichisches Umweltzeichen - AT, Ekologicky Setrny Vyrobek (CZ), Nordic Ecolabel, Blue Angel, NF Environnement, Good env. Choice). EU Ecolabel criteria taken into account in this study are from 2011. From the seven Other Type I Ecolabels identified, those selected for the assessment four of the shortlist are: Hungarian Ecolabel, Austrian, Nordic, Blue Angel and Good Environmental Choice Ecolabels.

Comparison of the degree of stringency of the criteria by areas and subjects

When criteria from Other Type I Ecolabels are assessed versus the EU Ecolabel criteria, it can be seen that the degree of stringency in many areas for Other Type I Ecolabels is lower than stringency established in EU Ecolabel, as shown in Table 7.

Table 7. Comparative evaluation of criteria of the different Ecolabels by sustainability area. All-purpose cleaners and sanitary cleaners

EU CRITERIA	EU ECOLABEL (benchmark)	Hung. Ecol.	Nordic	Blue Angel	Austrian Ecolabel	Good choice
Hazardous substances limitation	1,00	1,00	0,96	1,13	1,09	0,57
Raw materials characteristics	1,00	1,00	1,00	1,00	1,00	1,00
Production	1,00	1,00	1,00	1,00	1,00	1,00
Packaging	1,00	1,00	0,56	0,94	0,72	0,61
Use	1,00	1,00	0,78	1,00	0,56	0,11
Social aspects	1,00	1,00	1,00	1,00	1,00	1,00
End of life	1,00	1,00	1,17	1,17	1,00	0,50
Product information	1,00	1,00	0,00	0,67	0,00	0,00
Total	1,00	1,00	0,78	1,03	0,83	0,47

*Legend:


Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ Interpretation of results by area

Hazardous substances limitation

It can be stated that all nationally recognised ecolabels have a good degree of alignment with EU Ecolabel. Blue Angel and Austrian Ecolabel have a good stringency level, although Blue Angel presents some differences in some sub-subjects. Nordic Ecolabel is a bit less stringent. Finally Good Environmental Choice presents the lowest degree of stringency with more relevant deviations.

In this case, horizontal limitations of classified substances under hazard statements show a good degree of harmonisation. On the limitation of specific substances most ecolabels restrict additional substances like the case of nanomaterials. For fragrances and phosphorous other



Ecolabels have stronger requirement limiting totally these substances. On the other hand, EU Ecolabel is in general more restrictive for VOCs and biocides.

Apart from restrictions from EU Ecolabel, other Type I ecolabels have additional criteria for substances such as colouring agents, enzymes or microorganisms.

Raw materials

EU Ecolabel does not cover this area with any criteria. Blue Angel has an additional requirement asking for a minimum of renewable content. Besides this, all Other Type I Ecolabel have a requirement for traceability of palm oil.

Packaging

Packaging is also an important subject of this product group, in general the punctuation reflects a lower criteria stringency level for Other Type I Ecolabels in comparison with EU Ecolabel.

Subjects with deviations are the restriction of substances (spray propellants). Other Type I show stronger requirement for the limitation of packaging materials (for instance with prohibition of PVC) and recyclability (specifying not allowed combination of materials for a proper recycling).

Regarding weight and refill actions, all Type I ecolabels have the same requirements for the calculation of weight ratio, except Good Env. Choice which does not cover this area. Nevertheless, EU Ecolabel includes refilling systems for the calculation, aspect not covered by Nordic or Blue Angel.

Use

For the use stage, EU Ecolabel criteria are focused on the fitness for use and information to consumers, where Other Type I ecolabels show different degrees of stringency as it can be seen in table. Regarding the criterion of training to professional users, only Blue Angel has this same requirement.

End of life

For this area, EU Ecolabel covers the subjects of aquatic toxicity and biodegradability. For aquatic ecotoxicity all Other Type I Ecolabels are at least as strict as EU Ecolabel, only Austrian Ecolabel has stricter limits for CDV for some types of products.

Regarding biodegradability, Nordic and Blue Angel have more restrictive requirements asking that all surfactants shall be biodegradable under aerobic and anaerobic conditions. The rest of ecolabels have less restrictive values for biodegradability.

Product information

The product information area does not accomplish with the requirements of stringency level. Other Type I Ecolabels assessed does not have any criteria established for product information, with the exception of Blue Angel Ecolabel with a requirement presenting lower stringency.

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

When additional criteria are also included in the analysis, the degree of stringency of the different Type I Ecolabels assessed showed that, comparing to EU Ecolabel, Nordic Swan, Blue Angel and Austrian Ecolabel have a higher level of stringency whereas Good Environmental Choice remains with a lower punctuation.

Table 8. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. All-purpose cleaners and Sanitary cleaners.

ALL CRITERIA	EU ECOLABEL (benchmark)	Hung. Ecol.	Nordic	Blue Angel	Austrian Ecolabel	Good choice
Hazardous substances limitation	1,00	1,00	1,48	1,26	1,71	0,65
Raw materials characteristics	1,00	1,00	1,00	2,00	2,00	2,00
Production	1,00	1,00	1,00	1,00	1,00	1,00
Packaging	1,00	1,00	0,56	0,94	0,72	0,61
Use	1,00	1,00	0,78	1,00	0,56	0,11
Social aspects	1,00	1,00	1,00	1,00	1,00	1,10
End of life	1,00	1,00	1,67	1,17	1,50	0,50
Product information	1,00	1,00	2,00	0,67	0,00	0,67
Total	1,00	1,00	1,14	1,19	1,18	0,68

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.3. Laundry detergents

From all Other Type I Ecolabel identified, six ecolabels have published criteria for the product group “Laundry detergents”. Current EU Ecolabel criteria are from 2014. From these ecolabels, the ecolabels analysed are: EU Ecolabel, Blue Angel, Nordic Ecolabel, Good Environmental Choice and Austrian Ecolabel.

Comparison of the degree of stringency of the criteria by areas and subjects

If only areas and criteria of EU Ecolabel are assessed for the Other Type I Ecolabels, it can be seen in Table 9 that only Nordic Ecolabel and Blue Angel have higher punctuation than EU Ecolabel.

Although the stringency level is lower for Other Type I Ecolabel than EU Ecolabel, Nordic Ecolabel is quite similar presenting deviations only for hazardous substance area. Austrian and Good Environmental Choice have a significant lower degree of stringency.

Table 9. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Laundry detergents

EU CRITERIA	EU ECOLABEL (benchmark)	Nordic	Blue Angel	Austrian	Good choice
Hazardous substance limitation	1,00	0,89	1,22	1,11	0,61
Raw materials characteristics	1,00	1,00	1,00	1,00	1,00
Production	1,00	1,00	1,00	1,00	1,00
Packaging	1,00	1,08	1,17	0,33	0,50
Use	1,00	1,07	0,80	0,80	0,13
Social aspects	1,00	1,00	1,00	1,00	1,00
End of life	1,00	1,17	1,33	0,83	0,83
Product information	1,00	1,00	1,00	0,00	0,67
Total	1,00	1,02	1,09	0,76	0,48

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ **Interpretation of results by area**

Hazardous substances limitation

As it happens in other product groups, main deviations in this area are related to requirements on horizontal limitations of classified hazardous substances. Austrian Ecolabel and Blue Angel are at least as strict in all EU ecolabel requirements for this area.

On the other hand for the limitation of specific substances, most ecolabels have more specific substances limited, like nanomaterials. Only Good Env. Choice has lower restrictions for these substances, since it does not ban some of the substances restricted by EU Ecolabel.


For fragrances, Nordic and Austrian have the same requirements than EU Ecolabel. Blue Angel is stricter since it totally bans fragrances for products intended to children and allergic. Good Env. Choice is also stricter as it limits the total quantity of fragrances in the product.

Some ecolabels are also stricter for requirements on biocides; Blue Angel and Austrian also restrict bioaccumulative preservatives. Good Env. Choice limits the total quantity of biocides in the product.

Some ecolabels have additional requirements for some substances groups, such as phosphorous in the case of Nordic Ecolabel or enzymes in Austrian Ecolabel.

Raw materials

This area is not covered by EU Ecolabel. All Other Type I Ecolabels have additional criteria regarding the traceability of renewable substances (Nordic, Blue Angel and Austrian Ecolabel and Good Env. Choice) in order to assure their sustainable origin. Blue Angel also has a requirement in reference to a minimum content of renewable ingredients, asking for surfactants to contain a minimum of 40% of carbon from renewable origin.



Packaging

Limitation of substances and materials in EU Ecolabel criteria for packaging is limited to the prohibition of phthalates. All the other Type I ecolabels except Austrian Ecolabel have stricter requirement banning PVC as material. Blue Angel and Good Env. Choice also have additional requirements regarding the recycled content on cardboard packaging.

Regarding recyclability, Blue Angel and Good Env. Choice have stricter criteria, since in the first case they specify prohibited combination of materials to assure recyclability and Good Env Choice asks to include instructions to consumers for recycling the packaging.

Regarding weight limitation of packaging, Blue Angel and Nordic ecolabel have the same requirements; they also include refilling systems into the calculation. Austrian Ecolabel has stricter requirement with a lower packaging ratio limit for tablets and they also include recycled packaging into the calculation. Good Env. Choice is the only ecolabel which does not cover this subject without any requirement.

Production

Production is only covered by Good Env. Choice, with a requirement regarding environmental management systems on industries and a plan for sustainable distribution systems.

Use

EU Ecolabel requirements for Use are focused on dosage, fitness for use and information and instructions to users. Most of ecolabels have similar degree of stringency for most requirements, except Good Env. Choice with a general lower degree of stringency.

Blue Angel does not cover requirements regarding information and claims into packaging, but it is as strict as EU Ecolabel for the rest of requirements.

Social aspects

This area is only covered by Nordic Ecolabel, with an additional requirement regarding working conditions and related regulations.

End of life

For End-of-life area, EU Ecolabel is focused on requirements for eco-toxicity and biodegradability. In general the degree of stringency is equal or superior for most other Type I ecolabels. Only Austrian Ecolabel has lower stringency for biodegradability with small differences.

Product information

For Product information area, EU Ecolabel is focused on the requirement referred to the information accompanying the Ecolabel logo. Most other Type I ecolabels have similar requirements, although Austrian Ecolabel does not cover this area.

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

When additional criteria are also included in the analysis, as it can be seen in Table 10, the level of stringency for Nordic, Blue Angel and Austrian Ecolabels is higher than EU Ecolabel. Nordic Ecolabel is at least as stringent as EU Ecolabel in all area and stricter in some areas. Good Environmental Choice remains with a lower criteria stringency level.

Table 10. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Laundry detergents.

ALL CRITERIA	EU ECOLABEL (benchmark)	Nordic	Blue Angel	Austrian	Good choice
Hazardous substance limitation	1,00	1,39	1,28	1,61	0,72
Raw materials characteristics	1,00	1,00	1,00	1,00	1,00
Production	1,00	1,00	1,00	1,00	1,00
Packaging	1,00	1,08	1,42	0,33	0,67
Use	1,00	1,07	0,73	0,80	0,13
Social aspects	1,00	1,00	1,00	1,00	1,00
End of life	1,00	1,67	1,33	1,33	0,83
Product information	1,00	1,00	0,67	0,00	0,67
Total	1,00	1,33	1,24	1,04	0,63

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.4. Paints and varnishes

The product group "paints and varnishes" are covered for EU Ecolabel and six Other Type I Ecolabels (Österreichisches Umweltzeichen - AT, Nordic Ecolabel, Blue Angel, CZ Ecolabel, NF Environnement). The current criteria of EU Ecolabel were published in 2014. For the study three of the identified ecolabels have been analysed: EU Ecolabel, Austrian Ecolabel and NF Environnement. It should be mentioned that in Austrian Ecolabel these products are covered by 2 criteria documents: Uz01 varnishes and Uz17 indoor paints. Only the first criteria document has been used for the comparison.

Comparison of the degree of stringency of the criteria by areas and subjects

The degree of stringency of the requirements is lower for the two Other Type I Ecolabels analysed, in comparison with EU Ecolabel. It should be noted that NF French is not officially recognised at national level.

Table 11. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Paints and varnishes.

EU CRITERIA	EU ECOLABEL (benchmark)	Austrian Ecolabel	NF French
Hazardous substances	1,00	0,69	0,65
Raw materials	1,00	1,00	1,00
Production	1,00	0,00	1,00
Packaging	1,00	1,00	1,00
Use	1,00	0,72	0,68
Social aspects	1,00	1,00	1,00
End of life	1,00	1,00	1,00
Product information	1,00	0,00	1,00
Total	1,00	0,66	0,68

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ **Interpretation of results by area**

Hazardous substances

In general, both national Ecolabels have a lower degree of stringency on the area of Hazardous substances than EU Ecolabel, especially for horizontal requirements on limitation of classified hazardous substances and SVHC.

For requirements on specific substances, the two other Type I ecolabels analysed have lower ingredients restricted.

For restrictions of specific types of compounds, the two other Type I Ecolabels analysed have stricter requirements for the free formaldehyde.


For Preservatives, Surfactants and Plasticisers in paint and varnishes; NF and Austrian Ecolabels have less strict requirements. For some types of products (Five specific compounds have no criteria established for the Other Type I Ecolabels analysed: Drying anti-skinning agents, UV protectors and stabilising agents for outdoor paints, Corrosion inhibitors and Residual substances that may be present in the final product) the other Type I Ecolabels do not have any requirement on this regard.

For other substances such as Metals, White pigment and wet scrub resistance, Volatile and semi-volatile organic compounds some differences exist between the ecolabels analysed, as it can be seen in the table above.

Nevertheless NF has some additional restrictions of specific compounds such as Metals, Nanomaterials or Glycol ethers.

Raw materials

None of the three ecolabels have criteria related to the characteristics of raw materials.



Production

For production, EU Ecolabel restricts the air emissions. For this requirement NF has the same degree of stringency whereas Austrian Ecolabel does not cover this subject.

The two other Type I ecolabels have additional requirement on this area. NF Ecolabel, besides air emissions, also restricts the quantity of waste generated and product losses. Austrian Ecolabel has an additional criterion for environmental management systems on the production site.

Packaging

Austrian Ecolabel is the only ecolabel that have criteria related to the packaging (limitation of packaging, recyclability and ecodesign).

Use

Requirements related to the fitness for use has a big importance in criteria set for this product group, for this reason it has been disclosed for the different technical performance aspects covered. In general the global degree of stringency is quite similar, although characteristics of the performance aspects differ among ecolabels, and the diversity of standards and test methods made difficult a direct comparison. Nevertheless as it can be seen in Table 11, main aspects such as coverage, water resistance, abrasion etc. are covered in all ecolabels with equivalent degree of stringency.

End of life

EU Ecolabel does not have any requirement for this area. NF and Austrian Ecolabels have additional criteria related to waste management, asking for the inclusion of information to consumer for proper waste treatment (NF) or for a take-back system for packaging waste (Austrian Ecolabel).

Product information

The horizontal criterion on guideline for the information accompanying the EU Ecolabel Logo is present in this product group. NF has a similar criterion, whereas Austrian Ecolabel is more focused on communicating the composition of the product.

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

If all criteria from other Type I ecolabels are considered, including additional criteria for those subjects not covered by EU Ecolabel, it can be seen that the global degree of ambition remains lower for the two ecolabels assessed in respect to the EU Ecolabel. NF French has additional criteria in production (related to the scrap and waste from production), whereas Austrian Ecolabel presents a higher degree of ambition in packaging. Both other Type I ecolabel have additional criteria in the end-of-life, in relation with the waste treatment and collection system. It should be noted that NF Environnement is not officially recognised at national level, although it operates as Type I Ecolabel.

Table 12. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Paints and varnishes.

ALL CRITERIA	EU ECOLABEL (benchmark)	Austrian Ecolabel	NF French
Hazardous substances	1,00	0,69	0,77
Raw materials	1,00	1,00	1,00
Production	1,00	1,00	1,50
Packaging	1,00	1,50	1,00
Use	1,00	0,72	0,76
Social aspects	1,00	1,00	1,00
End of life	1,00	1,50	1,50
Product information	1,00	1,00	1,00
Total	1,00	0,89	0,88

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.5. Personal, Notebook and Tablet Computers

The product group "personal, notebook and tablet computers" are covered for EU Ecolabel and four Other Type I Ecolabels (Ekologicky Setrny Vyrobek (CZ), Nordic Ecolabel, Blue Angel, and TCO). For this product group, the previous set of EU Ecolabel criteria has been analysed: notebook computers (2011); personal computers (2011). The assessment compares the criteria stringency level for TCO Ecolabel. The rest of the Type I Ecolabels have not been assessed for this product group due to study limitations, but they have been already analysed in other product groups. Hence they are not assessed under this product group comparison.

The names and versions of the criteria set analysed are the following: EU Ecolabel (COMMISSION DECISION of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for notebook computers (notified under document C(2011) 3736) (Text with EEA relevance) (2011/330/EU); COMMISSION DECISION of 9 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for personal computers (notified under document C(2011) 3737) (Text with EEA relevance) (2011/337/EU) and TCO (criteria sets for notebooks and PCs).

Comparison of the degree of stringency of the criteria by areas and subjects

In comparison with EU Ecolabel, TCO regional Ecolabel has a lower degree of stringency in its criteria set, as it can be seen in Table 13. EU Ecolabel has higher degree of stringency in most of the areas.

Table 13. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Personal and Notebook Computers.

EU CRITERIA	EU ECOLABEL (benchmark)	TCO
Hazardous substance limitation	1,00	0,33
Raw materials characteristics	1,00	0,00
Production	1,00	1,00
Packaging	1,00	0,00
Use	1,00	0,33
Social aspects	1,00	1,00
End of life	1,00	0,67
Product information	1,00	1,00
Total	1,00	0,35

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ Interpretation of results by area

Hazardous substances

TCO does not have any requirement for the requirements set for EU Ecolabel, addressing limitation of classified substances according to Directive 67/548/EEC, limitation of SVHCs presence of mercury, DNOP, DINP and DIDP in plastic parts, biocides.

TCO have requirements for Mercury and phthalates, as EU Ecolabel does. On the other hand, TCO have additional requirements for specific substances such as Cadmium (Cd), lead (Pb) and hexavalent chromium (CrVI); flame retardants or plasticizers that contain halogenated substances; PBB, PBDE and HBCDD; Non halogenated flame retardants shall be on the publically available Accepted Substance List for TCO Certified.

Raw materials

EU Ecolabel requirements for this area are focused on the recycled content of plastic parts. TCO does not have this requirement.

Production


EU Ecolabel does not have any requirement for Production area. TCO has an additional criterion for environmental management of producers; they ask that each manufacturing plant must be certified in accordance with ISO 14001 or EMAS registered.

Packaging

EU criteria are focused on the recycled content of cardboard and plastic packaging. TCO does not have any requirement for packaging.. TCO has an additional criterion limiting metals in packaging.

Use

For the Use area, several requirements for both ecolabels are referred to energy consumption. EU Ecolabel criteria for energy savings set stricter requirements than Energy Star, whereas TCO adopt the same level of stringency that Energy Star.



Both Ecolabels have also requirements regarding durability. TCO has a lower degree of stringency for the years of warranty and availability of spare parts. Also both ecolabels have requirement for noise, with the same degree of stringency on limitation of dB allowed.

EU Ecolabel has also requirements regarding instructions for users (not covered by TCO).

For technical performance TCO have several additional requirements for subjects which are not covered by EU Ecolabel such as: luminance level, uniformity and contrast; electrical and magnetic fields; electrical safety.

Social aspects

EU Ecolabel does not have any requirement for social aspects. On the other hand TCO have a requirement regarding Brand owner's code of conduct. TCO also put requirements on Responsible Supply Chain of Conflict-Affected or High-risk Areas for minerals used within the product.

End-of-life

EU Ecolabel has a requirement regarding recyclability of components; TCO has also a requirement on this subject but with a lower degree of stringency, only focused on marking components for recycling.

On the other hand TCO has an additional requirement covering take-back system of products at their end of life; subject not covered by EU Ecolabel.

Product information

Both EU Ecolabel and TCO have a requirement addressing the environmental information that should accompany the ecolabel logo. Moreover, TCO has an additional requirement including a description of the product.

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

If the analysis of TCO Ecolabel is done for all the requirements including those additional requirement for subjects not covered by EU Ecolabel, it can be seen in Table 14 that even though for areas like Hazardous substances and Raw materials TCO is less stringent than EU Ecolabel, for the rest of areas TCO Ecolabel is at least as strict or even stricter than EU Ecolabel. It is the case of the areas of Production, Use and Social aspects. It evidences the different approaches between these two ecolabels, since TCO is more ambitious in some areas not directly related to environment, such as ergonomics, usability and social aspects.

Table 14. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Personal and Notebook computers.

ALL CRITERIA	EU ECOLABEL (benchmark)	TCO
Hazardous substance limitation	1,00	0,53
Raw materials characteristics	1,00	0,00
Production	0,00	2,00
Packaging	1,00	1,00
Use	1,00	1,19
Social aspects	0,00	3,00
End of life	1,00	1,67
Product information	1,00	2,00
Total	1,00	1,17

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.6. Furniture

For this product group the EU Ecolabel criteria sets from the years 2009 and 2016 (current) have been analysed. Each criteria set has been analysed separately with those ecolabels with criteria published after the year of publication of EU criteria. For this product group, a cross analysis has been done in order to check both the previous EU Ecolabel criteria set from 2009 and the current EU Ecolabel criteria set from 2016.

➤ EU FURNITURE CRITERIA 2009

From the ecolabels identified for this product group (Nordic Ecolabel, Blue Angel, Cat. Award, Austrian Ecolabel, CZ Ecolabel and NL Milieukeur), only two ecolabels have been analysed; the ecolabels analysed are the following: EU Ecolabel (criteria for wooden furniture, 2009), Nordic Swan (criteria for furniture and fitments, 2011). The scope description of EU Ecolabel for furniture (2009) is only defined for only wooden furniture, while the scope for Nordic Swan Ecolabel (2011) includes all type indoor furniture.

Comparison of the degree of stringency of the criteria by areas and subjects

When EU Ecolabel criteria are assessed versus the same criteria defined for Nordic Swan Ecolabel, it can be seen in that the final punctuation for the Nordic Ecolabel is lower, due to deviations in the areas of hazardous substances, raw materials, packaging and use.

Table 15. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Furniture (2009)

EU CRITERIA	EU ECOLABEL (benchmark)	Nordic Swan
Hazardous substances	1,00	0,88
Raw materials	1,00	0,58
Production	1,00	1,00
Packaging	1,00	0,50
Use	1,00	0,67
Social aspects	1,00	1,00
End of life	1,00	1,00
Product information	1,00	1,17
Total	1,00	0,77

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ **Interpretation of results by area**

Hazardous substances limitation

EU Ecolabel has several requirements for the area of Hazardous substances. For this area Nordic Ecolabel is aligned for most of requirements such as limitation of hazardous classified substances or preservatives. For some specific substances Nordic ecolabel is stricter like for surface treatment compounds (VOCs) and formaldehyde.

Nevertheless some deviations have been found for requirements where Nordic Ecolabel does not cover these substances such as flame retardants, adhesives or plasticisers.

Raw materials

EU Ecolabel has a requirement for recycled materials limiting metals. Nordic ecolabel does not cover this area.

Both ecolabels have requirement for certification of the origin or traceability of renewable raw materials. Nordic has a stricter requirement for this subject since it requires a higher % of certified material (70% for pine, spruce, birch and tropical timber; 50% for panels of solid wood, laminated wood and veneer).

Finally, both EU Ecolabel and Nordic Ecolabel totally ban GMOs.

Production

This area is not covered by EU Ecolabel. Nordic Ecolabel has an additional requirement limiting the energy consumption during production.

Packaging

For the area of packaging, EU Ecolabel has a requirement regarding materials, asking to be recyclable, renewable or reusable. Nordic Ecolabel does not have this requirement. Nevertheless both ecolabels have a requirement regarding recyclability and waste treatment of packaging.



Use

For use area, requirements of EU Ecolabel cover the subjects of emissions, fitness for use, information to users and durability/repairability.

Regarding emissions, EU Ecolabel has requirements for formaldehyde emissions for raw materials and surface treatment, whereas Nordic Ecolabel only covers the emissions from treated wood.

Regarding fitness for use, Nordic presents a very comprehensive requirement for technical performance, with a higher degree of stringency in comparison with EU Ecolabel.

For the requirement covering the information given to the user about how to make a correct use of the product or installation instructions; Nordic ecolabel has the same degree of stringency covering most of the points required by EU Ecolabel.

EU Ecolabel has a requirement for durability and reparability of products, which is not covered by Nordic Ecolabel. Finally, Nordic Ecolabel has an additional criterion for lighting systems.

Social aspects

Social aspects area is not covered by EU Ecolabel with any requirement. Nordic Ecolabel has an additional requirement regarding safety in working environment.

End-of-life

Both ecolabels have a requirement for waste management of the product with similar degree of stringency.

Product information

EU Ecolabels have two requirements for this area. The first one is referred to environmental information accompanying the ecolabel logo, where Nordic has a similar requirement referred to the marketing of the ecolabelled products and claims that can be made. The second requirement is about product description, where Nordic ecolabel presents a higher degree of stringency since more information is asked (i.e. suppliers).

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

When additional requirements from Nordic Ecolabel for those subjects not covered by EU Ecolabel are included, the degree of Nordic Ecolabel is equal or more stringent than EU Ecolabel in most areas, with remaining deviations for raw materials and use areas.

In this section, the current set of EU criteria (from 2016) has been also compared to the previous EU criteria set, and it can be seen that the degree of current EU ecolabel criteria is more restrictive than the previous EU ecolabel criteria (2009) and than the Nordic Ecolabel criteria. This fact is explained in part by the fact that the new EU scope is much larger than the previous EU criteria, covering different types of furniture and materials, not only wooden furniture.

Table 16. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Furniture (2009)

ALL CRITERIA	EU ECOLABEL 2009 (benchmark)	Nordic	EU ECOLABEL 2016
Hazardous substances	1,00	1,00	1,88
Raw materials	1,00	0,83	1,00
Production	1,00	3,00	1,50
Packaging	1,00	1,00	0,00
Use	1,00	0,87	2,00
Social aspects	1,00	1,50	1,00
End of life	1,00	1,00	2,00
Product information	1,00	1,17	1,00
Total	1,00	1,09	1,55

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ **EU FURNITURE CRITERIA 2016**

The current criteria of furniture (2016) has been compared with those ecolabels with more recent criteria published (Green Mark and NF). It should be highlighted that these two Type I ecolabels are not officially recognised at national level by Member States.

Comparison of the degree of stringency of the criteria by areas and subjects


The results of the comparison of the degree of stringency of the criteria between EU Ecolabel and Green Mark and NF Ecolabels are reflected in the next Table. It can be seen that both Green Mark and NF Ecolabels have much lower degree of stringency in comparison to EU Ecolabel in almost all areas. This low degree of alignment with EU Ecolabel can be related to the fact that the assessed Type I Ecolabels are not recognised at regional/national level.

Table 17. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Furniture (2016).

EU CRITERIA	EU ECOLABEL (benchmark)	Green Mark	NF
Hazardous substance limitation	1,00	0,04	0,04
Raw materials characteristics	1,00	0,33	0,00
Production	1,00	0,00	0,00
Packaging	1,00	1,00	1,00
Use	1,00	0,33	0,40
Social aspects	1,00	1,00	1,00
End of life	1,00	0,50	0,00
Product information	1,00	0,00	0,50
Total	1,00	0,19	0,17

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------



➤ Interpretation of results by area

Hazardous substances

EU Ecolabel has several requirements for hazardous substances, including horizontal limitations of classified substances and limitations for substance groups (Contaminants in recycled wood, Heavy metals in paints, primers and varnishes, fragrances, phosphorus, VOC content in paints and varnishes, heavy metals in plastic additives, paints, glass, etc.). These requirements are not present in the two Type I Ecolabels analysed (Green Mark and NF). These two Ecolabels only have one requirement limiting some substances such as some metals or formaldehyde.

Raw materials

EU Ecolabel covers the raw materials area with four requirements related to recycled content, traceability and sustainable origin of renewable raw materials and limitations for plastic and upholstered materials. Only Green Mark cover some of these subjects, with less stringent requirements for recycled materials and origin certified materials, where it asks for a lower minimum percentage in both cases.

Production

For the production phase, EU Ecolabel has a criterion regarding restrictions during upholstery production processes, which is not covered either for Green Mark nor NF Ecolabels.

The rest of requirements during production are related to emissions limitations. For these requirements, only NF has a requirement for Formaldehyde emissions from wood-based panels although it is less stringent than EU Ecolabel. Green Mark has only a requirement regarding limitation of VOC emissions for the final product with the same degree of stringency.

Packaging

Any of the Type I ecolabels analysed, including EU Ecolabel, does not cover the area of packaging.

Use

Use is the second area in relevance after hazardous substances for EU Ecolabel. For this area only some of the requirements from EU Ecolabel are covered by the two Type I Ecolabels assessed, and usually with a minor degree of stringency.

Some requirements such as technical performance, user information, reparability and design for disassembly are covered by the two Type I ecolabels assessed. On the other hand, aspects related to durability, physical quality requirements are not covered by none of the two Type I ecolabels.

Social Aspects

EU Ecolabel does not cover this area. Only Green Mark has an additional requirement regarding social compliance in production sites.

End of life

For End of life, requirements from EU Ecolabel are related to design for disassembly and marking plastic parts for recycling. Only Green Mark has the same requirement than EU Ecolabel for marking plastics. NF does not have any requirement for this area.

Product information

EU Ecolabel does have two requirements covering environmental information and product description. Only NF has a requirement regulating the environmental information that should appear together with the ecolabel logo.

➤ Additional criteria and areas covered by Other Type I Ecolabels

In Table 18 it can be seen the comparison of requirements stringency between EU Ecolabel and the Other Type I Ecolabel when additional criteria are included in the analysis. Results show that the degree of stringency remains lower for both Type I ecolabels.

Even though Green Mark has additional criteria for social aspects, the rest of stages have less requirements established, including key areas like hazardous substances limitation, raw materials characteristics and use. NF Ecolabel has similar deviations since the main areas are not covered or they have a much lower degree of stringency.

Table 18. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Furniture (2016)

ALL CRITERIA	EU ECOLABEL (benchmark)	Green Mark	NF
Hazardous substance limitation	1,00	0,11	0,11
Raw materials characteristics	1,00	0,33	0,00
Production	1,00	1,00	0,00
Packaging	1,00	1,00	1,00
Use	1,00	0,33	0,40
Social aspects	1,00	1,50	1,00
End of life	1,00	0,50	0,00
Product information	1,00	0,00	0,50
Total	1,00	0,27	0,20

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.7. Lubricants

The product group "lubricants" is covered by the EU Ecolabel and four Other Type I Ecolabels (Österreichisches Umweltzeichen - AT, Ekologicky Setrny Vyrobek (CZ), Blue Angel, Catalan Env. Quality Award). The current criteria of EU Ecolabel were published in 2011, currently they are under revision. The rest of Ecolabels have criteria published between 2011 and 2016, so Article 11 is applicable for all of them. The ecolabels for the criteria set analysed are the following: EU Ecolabel, Blue Angel, Catalan Award and Austrian Ecolabel.

Comparison of the degree of stringency of the criteria by areas and subjects

Comparing the degree of stringency for the different areas, main differences are found for the Catalan Award, especially for the areas of hazardous substances, use and end-of-life, where Catalan Award presents a lower degree of stringency. Raw materials present also differences although it is due to differences on the scope, since Catalan Award only covers products with regenerated oils. Austrian Ecolabel has very similar criteria that EU Ecolabel with a good level of harmonization. Blue Angel also has a good level of stringency, being even a bit more ambitious than EU Ecolabel in some areas such as hazardous substances and product information.

Table 19. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Lubricants

EU CRITERIA	EU ECOLABEL (benchmark)	Blue Angel	Catalan Award	Austrian Ecolabel
Hazardous substances	1,00	1,31	0,71	1,00
Raw materials	1,00	0,83	0,00	1,00
Production	1,00	1,00	1,00	1,00
Packaging	1,00	1,00	1,00	1,00
Use	1,00	1,00	0,67	1,00
Social aspects	1,00	1,00	1,00	1,00
End of life	1,00	1,00	0,00	1,00
Product information	1,00	1,33	1,33	1,00
Total	1,00	1,12	0,47	1,00

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ Interpretation of results by area

Hazardous substances


Hazardous substances area is the main focus of all ecolabels analysed. Degree of stringency is similar to the EU ecolabel for the Austrian and Blue Angel, but lower for Catalan Award although differences of scope can be in part the cause of these deviations.

Raw materials

Criterion for raw materials is focused on renewability of raw materials, especially oils. All national ecolabels have similar criteria except Catalan Award, which does not cover this issue since its scope is only for regenerated oils, so it cannot be interpreted as a lower degree of stringency for this area.

Production

Production is only covered by Catalan Award, with a criterion referring to environmental management on production and distribution stages.



Packaging

EU Ecolabel and the majority of the other Type I ecolabels do not cover the area of packaging. Only Catalan Award has a criterion related to the prevention of waste packaging and the use of recycled and recyclable packaging materials.

Production

EU Ecolabel and the majority of the other Type I ecolabels do not cover the area of production. Only Catalan Award has an explicit criterion of regulation during production and transport of products.

Use

Use area is focused in the fitness for use and technical performance, with technical requirements of the different categories based on reference standards. Only Catalan Award has lower degree of stringency in this area. Blue Angel has also a criterion for information and instructions for the consumer.

End of life

EU Ecolabel has criteria for toxicity, biodegradability and bioaccumulation. Other Type I ecolabels have similar formulation and requirements, except the Catalan Award which does not cover these subjects. Blue Angel has an additional criterion for the waste management of used oil.

Product information

Product information is focused on environmental information accompanying the Ecolabel (voluntary criterion). It is covered by all ecolabels assessed.

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

If additional criteria of national ecolabels are accounted, i.e. including additional criteria from Other Type I ecolabels for those criteria of subjects not covered by EU Ecolabel, it can be observed that Blue Angel and Catalan Award improve their punctuation. On the other hand Catalan Award remains with a general lower degree of stringency despite having additional criteria for production and packaging. Austrian Ecolabel does not vary its values due to the high degree of harmonization and the similar approach and structure of the criteria in comparison with EU Ecolabel.

Table 20. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Lubricants.

ALL CRITERIA	EU ECOLABEL (benchmark)	Blue Angel	Catalan Award	Austrian Ecolabel
Hazardous substances	1,00	1,31	0,71	1,00
Raw materials	1,00	0,83	0,00	1,00
Production	1,00	1,00	1,10	1,00
Packaging	1,00	1,00	1,50	1,00
Use	1,00	2,00	0,67	1,00
Social aspects	1,00	1,00	1,00	1,00
End of life	1,00	1,33	0,00	1,00
Product information	1,00	1,33	1,33	1,00
Total	1,00	1,36	0,66	1,00

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.8. Tissue paper

From all Other Type I Ecolabels identified, 7 ecolabels other than the EU Ecolabel have criteria published for the product group "Tissue paper": Österreichisches Umweltzeichen - AT, Ekologicky Setrny Vyrobek (CZ), Nordic Ecolabel, Blue Angel, Hungarian Ecolabel, National Prog. Env.Ass. and Ecolabel Slovak Republik (SK), Catalan Env. Quality Award.

Current EU Ecolabel criteria are from 2009 (they are currently under revision). All Other Type I Ecolabels have published criteria after this year, so Article 11 is applicable for all these Ecolabels, as it can be seen in the table below. All the ecolabels identified have been assessed. It should be highlighted that Hungarian Ecolabel have adopted the same criteria than EU Ecolabel, for this reason the scope and requirement criteria are the same.

Comparison of the degree of stringency of the criteria by areas and subjects

If only the areas covered by EU Ecolabel are considered, only SK and Hungarian Ecolabel are equal or stricter than EU Ecolabel, whereas Nordic Ecolabel and CZ have slightly lower punctuation. Blue Angel, Austrian Ecolabel and Catalan Award have a lower degree of stringency. Hungarian Ecolabel has exactly the same punctuation than EU Ecolabel in both cases since the criteria are directly adopted from EU Ecolabel. Sk ecolabel is the only ecolabel with a higher degree of stringency.

In the tables below, it can be seen the comparative degree of stringency of Other Type I ecolabels against EU Ecolabel by each one of the areas defined.

Table 21. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Tissue paper.

EU CRITERIA	EU ECOLABEL (benchmark)	Hung	Nordic	Blue Angel	Catalan Award	CZ Ecolabel	Slovak Ecolabel	Austrian Ecolabel
Hazardous substances	1,00	1,00	0,88	0,88	0,79	0,92	0,96	0,77
Raw materials	1,00	1,00	0,67	0,00	1,00	1,00	1,33	0,00
Production	1,00	1,00	0,85	0,00	0,33	0,93	1,27	1,13
Packaging	1,00	1,00	1,00	1,00	1,00	1,00	1,00	1,00
Use	1,00	1,00	2,00	0,00	1,20	0,00	2,00	2,00
Social aspects	1,00	1,00	1,00	1,00	1,00	1,00	1,00	1,00
End of life	1,00	1,00	1,00	1,00	1,00	1,00	1,00	1,00
Product information	1,00	1,00	1,00	1,00	1,00	1,00	1,00	1,00
Total	1,00	1,00	0,93	0,46	0,64	0,89	1,09	0,90

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ **Interpretation of results by area**

Hazardous substances

For this product group EU Ecolabel does not have the general criterion limiting hazard substances according to horizontal articles 6(6) and 6 (7) of the EU Regulation, as criteria have been published before the current EU Ecolabel Regulation. On this regard, most of Other Type I Ecolabels have an additional criterion with a horizontal criterion limiting hazardous substances., but they have less overall restrictions than EU Ecolabel.


The restrictions for specific substances and specific groups of substance differ among ecolabels. Nordic, CZ and SK ecolabels show a medium level of harmonization with only some deviations for specific substances, whereas the rest of ecolabels have more differences on the number and concentrations of limited substances.

Nordic and Blue Angel, and other ecolabels such as Catalan Award or Austrian Ecolabel, have stronger requirements for some substances groups such as fragrances, surfactants or dyes.

Besides the subjects covered by EU Ecolabel, some national Ecolabels such as Nordic Ecolabel and Blue Angel have additional criteria for specific groups: Coating agents, retention agents, flocculants, foam inhibitors/ defoamers.

Raw materials

For the raw materials areas, EU criteria are focused on requirement for the traceability of pulp. Most of ecolabels have the same requirement, with some differences on the % of renewable materials certified required. Some ecolabels have also additional requirement asking for a minimum % of recycled content (Blue Angel, Catalan Award, CZ and SK). Nordic Ecolabel also limits GMOs.



Production

EU Ecolabel and most Other Type I ecolabels assessed have requirements on the energy consumption and carbon footprint (except Blue Angel and Catalan Award). Emissions during production are also restricted in EU Ecolabel and some other ecolabels, with differences on the type and limits of these emissions. Limitations of some substances during production such as chlorine for bleaching are restricted in the hazardous substances section. Waste management is covered also EU Ecolabel; it is also covered by Nordic Ecolabel, CZ., SK and Austrian Ecolabel.

Some ecolabels such as Nordic and Catalan Award also have additional requirement for environmental management systems for producers.

Packaging

Packaging is not covered by EU Ecolabel, but most of Other Type I Ecolabels analysed have additional requirements regarding the materials and eco-design of the packaging.

Use

EU criteria in Use area focused on fitness for use; the same that most Other Type I ecolabels analysed, which are in some cases more restrictive than EU Ecolabel on this subject. Blue Angel and CA does not cover this area.

End of life

End of life is not covered by EU Ecolabel, the same happens for other Type I Ecolabels, except Nordic Ecolabel which has an additional requirement regarding waste management and take-back systems for packaging. Regarding the biodegradability, biodegradability of surfactants, related issues are addressed in hazardous substances section.

Product information

EU Ecolabel requirements on this area are focused on information appearing on the Ecolabel logo. Austrian and CA ecolabels have a similar requirement. On the other hand, Nordic and Catalan ecolabels have additional requirements regarding product description information.

➤ **Additional criteria and areas covered by Other Type I Ecolabels**

The degree of stringency of the different Ecolabels assessed including addition requirements for those subjects not covered by EU Ecolabel, show that comparing to EU Ecolabel, all ecolabels get a higher punctuation than EU Ecolabel, with the exception of Blue Angle, which remains with a lower degree of stringency.

Table 22. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Tissue paper.

ALL CRITERIA	EU ECOLABEL (benchmark)	Hung	Nordic	Blue Angel	Catalan Award	CZ Ecolabel	Slovak Ecolabel	Austrian Ecolabel
Hazardous substances	1,00	1,00	1,25	1,00	0,92	0,92	0,96	0,89
Raw materials	1,00	1,00	2,67	1,00	2,00	2,00	2,33	1,00
Production	1,00	1,00	1,25	0,00	0,73	0,93	1,27	1,29
Packaging	1,00	1,00	6,00	1,00	1,50	3,00	3,00	1,50
Use	1,00	1,00	3,50	0,00	1,20	0,00	2,00	2,00
Social aspects	1,00	1,00	1,20	1,00	1,00	1,00	1,00	1,00
End of life	1,00	1,00	1,10	1,00	1,00	1,00	1,00	1,00
Product information	1,00	1,00	3,00	0,00	1,50	1,00	0,00	1,00
Total	1,00	1,00	1,90	0,59	1,03	1,09	1,28	1,21

*Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

8.9. Tourist accommodation services

There are 4 Other Type I Ecolabels that have published criteria for the product group tourist accommodation service (Österreichisches Umweltzeichen - AT, Ekologicky Setrny Vyrobek (CZ), Nordic Ecolabel, Catalan Env. Quality Award). The last revision of the EU Ecolabel criteria is from 2017, however any Other Type I Ecolabels have not yet revised and the criteria publication is previous to 2017. For this reason, and in order to analyse the applicability of Article 11, the EU Ecolabel criteria selected to compare with the rest of Other Type I Ecolabels is the previous one, from 2009.

This product group is different from the others because it includes mandatory criteria and also optional criteria. For this reason, the system of punctuation has been modified after the assessment of the ecolabels. Criteria have been classified per area of influence, and the stringency level has been scored according mandatory and optional criterion together. Following this methodology, in cases where the EU Ecolabel only includes an optional criterion about a specific area, and a Type I Ecolabel includes a mandatory criterion, the Type I is more stringent than EU Ecolabel.

The names and versions of the criteria set analysed are the following: EU Ecolabel (COMMISSION DECISION of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for tourist accommodation service (2009/578/EC), Austrian Ecolabel, CZ Ecolabel, Nordic Ecolabel (Nordic Ecolabelling for Hotels, restaurants and conference facilities, version 4.4.1. 23 October 2013-31 December 2018), Catalan Award (Resolution TES/2807/2016, for the establishment of environmental criteria for tourist accommodations).

As mentioned above, the tourist accommodation service criteria are divided in two parts: the mandatory part, and the optional part. All the criteria from the mandatory part have to be achieved to obtain the ecolabel, but in addition a minimum punctuation of the optional criteria has to be obtained.

Each criterion from the optional part provides a specific punctuation, according to the stringency level of the accommodation. Nordic Ecolabel, Catalan Award and EU Ecolabel have a maximum punctuation that are able to obtain the accommodation, and a minimum that must be obtained to be certificated, in the following table the values are summarised:

ECOLABEL	SERVICE PROVIDED	MAXIMUM PUNCTUATION	MINIMUM PUNCTUATION	PERCENTAGE REQUIRED
EU ECOLABEL	Tourist accommodation	116 points	20 points	17%
	Tourist accommodation + food services		23 points	20%
	Tourist accommodation + leisure/fitness activities		23 points	20%
	Tourist accommodation + wellness centre		25 points	22%
	Tourist accommodation + green/outside areas		23 points	20%
	Tourist accommodation + food services + leisure/fitness activities		26 points	22%
	Tourist accommodation + food services + wellness centre		28 points	24%
	Tourist accommodation + food services + green/outside areas		26 points	22%
	Tourist accommodation + leisure/fitness activities + green/outside areas		26 points	22%
	Tourist accommodation + wellness centre + green/outside areas		28 points	24%
	Tourist accommodation + food services + leisure/fitness activities + green/outside areas		29 points	25%
	Tourist accommodation + food services + wellness centre + green/outside areas		31 points	27%
Nordic Ecolabel	Hotel	73 points	26 points	36%
	Restaurant	77 points	27 points	35%
	Conference facility	59 points	21 points	36%
	Hotel and restaurant	88 points	31 points	35%
	Hotel and conference facility	73 points	26 points	36%
	Restaurant and conference facility	77 points	27 points	35%
	Hotel, restaurant and conference facility	88 points	31 points	35%
Catalan Award	Tourist accommodation	345 points	87	25%
	Tourist accommodation + swimming pool		103	30%
Austrian	Accommodation offers	352,5	35 – 40	*
	Gastronomic offers		33 – 45	
	Conference offers		+3	
	Green area		+3	
	Leisure time facilities or wellness centre		+5	

*A minimum requirement of 30 points is necessary for all the facilities. However, the percentage required are influenced by the services provided: not all the criteria are covering the different services.

Comparison of the degree of stringency of the criteria by areas and subjects

When there are compared only the criteria coincident with the EU Ecolabel, the punctuation of Other Type I ecolabels analysed are down to 0,3 for the Nordic, 0,6 for the Catalan ecolabel, and 0,9 for Austrian Ecolabel. Nordic and Catalan ecolabels are less restrictive than EU Ecolabel requirements, for all the categories included in the criteria analysis. The total requirements of Austrian Ecolabel are less restrictive than EU Ecolabel, however some of the categories

considered have more restrictive requirements: for detergents and disinfectants and other services.

Finally, the CZ Ecolabel is considered as stringent as EU Ecolabel as a whole, although deviations can be found in some areas such as energy or detergents.

Table 23. Comparative evaluation of criteria of the different Ecolabels by sustainability area. Tourist accommodation.

EU CRITERIA	EU Ecolabel	Nordic	Cat. Award	CZ	Austrian
Energy	1,00	0,14	0,55	0,95	1,00
Water	1,00	0,12	0,75	1,15	0,90
Detergents and disinfectants	1,00	0,56	0,22	0,89	1,28
Waste	1,00	0,72	0,56	1,00	0,66
Other services	1,00	0,42	0,66	1,00	1,18
General management	1,00	0,72	0,67	1,00	0,60
Total	1,00	0,38	0,60	1,01	0,91

Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------

➤ **Interpretation of the results by area**

Energy


The most important area of actuation for the EU Ecolabel is the energy sector: 31% of the criteria included in the ecolabel are about energy. This is coinciding for most of the other Type I ecolabels (33% of criteria included in Catalan Ecolabel refer to energy requirements, 29% for the case of CZ Ecolabel, and 34% for the Austrian Ecolabel). Nevertheless, in the case of Nordic Swan the energy aspects are less covered, only representing 12% of the total score.

Catalan Ecolabel has a similar punctuation than EU Ecolabel when all the criteria are considered, including additional criteria. Nevertheless, if only the criteria coincident with the EU Ecolabel are included, the punctuation is reduced. Some of the additional requirements included in the Catalan Ecolabel are about outside lighting or regulation of swimming pools energy consumption, subjects not covered by EU Ecolabel.

Water

Similar to the energy area, water is an important issue in all the ecolabels, except for Nordic Swan: from approximately 20% of the total score, to less than 4% for the Nordic Swan. This ecolabel only has optional criteria about water referred to water consumption restrictions.

Additional criteria are included in the Catalan Ecolabel: mandatory criteria about water use in outside areas.



Detergents and disinfectants

The less important areas for the EU Ecolabel, the CZ and the Catalan ecolabels are those referring to criteria on detergents and disinfectants (6%, 6%, and 2% respectively). However for the Austrian and Nordic ecolabels, 13% and 22% of the criteria refer to this topic.

While the EU Ecolabel only includes one mandatory criterion about detergents and disinfectants (restriction of chemicals products), the Nordic Swan includes 8 mandatory criteria about restriction of chemicals products, requirements about chemical dosage, substance restrictions and products certified with ecolabel used in the accommodation. If optional criteria are analysed, the EU ecolabel includes more criteria than the Nordic Swan.

Finally, the Catalan Ecolabel only includes 3 criteria about this topic: about chemical products certified with ecolabel and restriction in chemical dosage in swimming pools.

Waste

All the ecolabels have a similar percentage of waste criteria: 10% of the score are about waste. All the mandatory criteria of the type I ecolabels are coincident with the EU Ecolabel. When the optional criteria are analysed some differences exist between the ecolabels: Nordic Swan includes new optional criteria about limitation on waste generation, requirements about disposable products, and certified products. The Catalan Ecolabel also includes additional criteria: about waste reduction and restriction in chemical dosage.

Other services

Other services include criteria about different topics: transport offered in the accommodation, specifications about refillable or rechargeable products, products used in the accommodation certified with ecolabel, requirements about food services, etc.

Nordic Swan and Austrian Ecolabel include in the scope the restaurant service (also when it is independent from the tourist accommodation). For this reason, these ecolabels include more criteria about food requirements. If the mandatory criteria are analysed, Nordic Swan includes 8 requirements and Austrian Ecolabel 31 specific criteria; while the EU Ecolabel only considers two mandatory criteria for other services. The additional criteria refer to specific products that have to be certified with an ecolabel, and requirements in the food service (use of organic food, origin of the food, ingredients and food restrictions, etc.).

General management

Different aspects are analysed in this category: maintenance, information to guests and staff, monitoring of consumption data, certifications of the accommodation, and additional actions.

The monitoring of data is a requirement covered for all the ecolabels, the Nordic Swan is more stringent than EU Ecolabel, and the Catalan Ecolabel is more stringent in energy and water monitoring, but does not cover the waste and other data collection.



➤ **Additional criteria and areas covered by national Ecolabels**

If all the criteria are included in the comparison, two of the Type I ecolabels are as stringent as or more stringent than EU Ecolabel: CZ Ecolabel is similar to EU Ecolabel and the distribution by areas is the same; the Austrian Ecolabel is more stringent than EU Ecolabel because it includes requirements about food service.

On the other hand, the Nordic Ecolabel and the Catalan Ecolabel are only one point less stringent than the EU Ecolabel.

Table 24. Comparative evaluation of criteria of the different Ecolabels by sustainability area including additional criteria than EU Ecolabel. Tourist accommodation.

ALL CRITERIA	EU Ecolabel	Nordic	Cat. Award	CZ	Austrian Ecolabel
Energy	1,00	0,34	0,93	0,95	1,11
Water	1,00	0,15	0,98	1,15	1,02
Detergents and disinfectants	1,00	3,11	0,33	0,89	2,06
Waste	1,00	0,91	0,75	1,00	0,78
Other services	1,00	1,95	1,13	1,00	2,61
General management	1,00	1,00	0,71	1,00	0,81
Total	1,00	0,89	0,86	1,01	1,26

Legend:

Stricter (>1)	Equal strict (=1)	Less strict (<1)
---------------	-------------------	------------------



9. Summary of results of comparative assessment of stringency by environmental area

The results on the stringency of criteria requirements according to the Article 11.1 assessed by each product group and the different ecolabels are summarized in the table below. In order to have a clearer picture of the dimension of deviations, if global punctuation is superior of 80%, it is marked in orange, as indicated in the legend.

Table 25. Summary of stringency results based on Article 11 by Ecolabel and product group.

	Type I nationally recognized									Type I. Not nationally recognized		
	Hungarian	Nordic	Blue Angel	Cat. Award	AT Ec.	CZ	Mil (NL)	Slovak (SK)	TCO	NF	Good Choice	Green Mark
Rinse-off cosmetics (2014)	Green	Orange	Green	-	Green	Grey	-	-	-	-	Red	-
All-Purpose Sanitary Cleaners (2011)	Green	Red	Green	-	Orange	Grey	-	-	-	Grey	Red	-
Laundry detergents (2014)	Green	Green	Green	-	Red	Grey	-	-	-	-	Red	-
Paints and varnishes (2014)	-	Grey	Grey	-	Red	Grey	-	-	-	Red	-	-
PC, Notebook, Tablet Computers (2011)	-	Grey	Grey	-	-	Grey	-	-	Red	-	-	-
Furniture 2009	-	Red	Grey	-	Grey	Grey	-	-	Grey	-	-	-
Furniture 2016	-	-	-	Grey	-	-	-	-	-	Red	-	Red
Lubricants (2011)	-	-	Green	Red	Green	Grey	-	-	-	-	-	-
Tissue paper (2009)	Green	Orange	Red	Red	Orange	Orange	-	Green	-	-	-	-
Tourist accommodation (2009)	-	Red	-	Red	Orange	Green	-	-	-	-	-	-

Legend:

Fully aligned	Minor deviations (<80% of dev)	Relevant deviations	Not assessed	Without criteria
---------------	--------------------------------	---------------------	--------------	------------------

From the 35 criteria set analysed, only 13 of them are totally aligned considering all areas assessed, 6 sets present minor deviations and 16 sets have more relevant deviations. For all product groups, some ecolabels present deviations. The product groups with a higher number of ecolabels aligned to EU Ecolabel or with minor deviations are: rinse-off cosmetics, lubricants, and tissue paper. It should be noted that this total punctuation has been done adding all areas punctuations without weighing, so the analysis by area can be more relevant in order to identify the sources of deviations and the most problematic areas for harmonisation. Details are further described in the following sections by area.

An analysis by area has been done, calculating the average in percentage of the number ecolabels aligned with EU Ecolabel for the different product groups and by each area. Social aspects are excluded since this area is not covered by EU Ecolabel in the criteria sets of the product groups analysed.

The average degree of stringency is detailed in the tables below. The percentage is calculated performing the average of the different product groups per life stage.

The degree of harmonisation is higher when only the officially recognized at national/regional level are included in the assessment (Table 27), as compared to results where all Type I ecolabels are included (Table 26).

It corroborates that those Type I Ecolabels which are officially recognised have more mechanisms for aligning their criteria with EU criteria, since they are more familiar with EU Ecolabel procedures and EU Regulation. Moreover, most of these officially recognised ecolabels are operated in the countries of the European Economic Area by the same national EU Ecolabel competent bodies.

- In a global view, the current global degree of harmonisation in line with Article 11 considering all product groups and all type I Ecolabels is **55%**.
- If only those officially recognised at national or regional level Ecolabels are accounted, the current degree of harmonisation with EU Ecolabel is **63%**.

The most problematic areas are **Use** (mainly related to fitness for use and emissions), **Hazardous substances** (due to differences on limitation of classified substances and specific substances groups), raw materials and **product information** (although it is not a critical area), and Raw materials. **Packaging** also shows relevant deviations.

Table 26. Summary of harmonisation based on the Article 11 by area.

All Type I ecolabels	
Area	Degree of harmonisation
Hazardous substances	29%
Raw materials	54%
Production	77%
Packaging	62%
Use	33%
End of life	65%
Product information	63%
Total	55%



Table 27. Summary of harmonisation based on of the Article 11 by area.

Officially recognised ecolabels (national/regional)	
Area	Degree of harmonisation
Hazardous substances	42%
Raw materials	61%
Production	80%
Packaging	63%
Use	42%
End of life	80%
Product information	69%
Total	63%

The general degree of harmonisation by each area is detailed in the following sections.



9.1. Degree of stringency by area: Hazardous substances

As it can be seen in the table below, hazardous substances is one of the areas with relevant difficulties for fully harmonization with EU Ecolabel in order to assure that requirements from Other Type I ecolabels are at least as strict as EU Ecolabel. EU Ecolabel has these horizontal criteria on limitation of classified hazardous substances similar for all product groups according to articles 6)6 and 6)7 from EU Regulation. This area is a key aspect for the EU Ecolabel sets, representing from 30% to 50% of weight of the whole criteria set. Apart from the Ecolabels which are not officially recognised at national level (NF, Good Env. Choice and Green Mark), Catalan Award and TCO are the Ecolabels with the most important deviations, together with Nordic and Austrian Ecolabel.

For most product groups, other Type I Ecolabels do not have requirements for horizontal limitations of all classified substances, but they focus on specific compounds of substances. On the other hand, some ecolabels such as Austrian, Nordic and Blue Angel are usually stricter for some ingredients such as fragrances, dyes and some emerging substances such as nanomaterials on endocrine disruptors.

Table 28. Degree of stringency based on Article 11 for the area of Hazardous substances.

Hazardous substances		Nationally recognised Type I Ecolabels									Not nationally recognised Type I Ecolabels			ALL ECOLABELS TYPE I	OFFICIALLY RECOGNISED
	EU ECOLABEL (benchmark)	Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF	Good	Green Mark	Degree of compliance with Article 11	Degree of compliance with Article 11
Rinse-off cosmetics	1,00	1,00	1,10	-	0,98	1,10	-	-	-	-	-	0,78	-	3 out of 5	3 out of 4
All-Purpose and Sanitary Cleaners	1,00	1,00	1,09	-	0,96	1,13	-	-	-	-	-	0,57	-	3 out of 5	3 out of 4
Laundry detergents	1,00	1,00	1,11	-	0,89	1,22	-	-	-	-	-	0,61	-	3 out of 5	3 out of 4
Paints and varnishes	1,00	-	0,69	-	-	-	-	-	-	-	0,65	-	-	0 out of 2	0 out of 1
Personal, Notebook and Tablet Computers	1,00	-	-	-	-	-	-	-	-	0,33	-	-	-	0 out of 1	0 out of 1
Furniture (2009)	1,00	-	-	-	0,88	-	-	-	-	-	-	-	-	0 out of 1	0 out of 1
Furniture (2016)	1,00	-	-	-	-	-	-	-	-	-	0,04	-	0,04	0 out of 2	-
Lubricants	1,00	-	1,00	-	-	1,31	-	-	0,71	-	-	-	-	2 out of 3	2 out of 2
Tissue paper	1,00	1,00	0,77	0,92	0,88	0,88	-	0,96	0,79	-	-	-	-	1 out of 7	1 out of 7
DEGREE OF ALIGNMENT													29%	42%	

Legend:

Fully aligned	Minor deviations (<80% of dev)	Relevant deviations	Not assessed	Without product group
---------------	--------------------------------	---------------------	--------------	-----------------------

9.2. Degree of stringency by area: Raw materials

For raw materials, the degree of stringency is quite good for some product groups, although differences exist for furniture, lubricants and tissue paper (related to the recycled content and origin traceability). The average degree of harmonisation for all product groups and ecolabels assessed is 61%, being higher for those product groups related to cosmetics and detergency. Deviations are in some cases caused by different requirements regarding recycled content (such as the case of tissue paper), traceability and certifications on sustainable origin for renewable materials and limitation of certain materials such as polymers or PVC. For some product groups such as detergents, some ecolabels also have additional requirements setting a minimum percentage of renewable materials for some components of substance groups such as surfactants.

Table 29. Degree of stringency based on Article 11 for the area of raw materials.

Raw materials		Nationally recognised Type I Ecolabels									Not nationally recognised Type I Ecolabels			ALL ECOLABELS TYPE I	OFFICIALLY RECOGNISED
	EU ECOLABEL (benchmark)	Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF	Good	Green Mark	Degree of compliance with Article 11	Degree of compliance with Article 11
Rinse-off cosmetics	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	-	1,00	-	5 out of 5	4 out of 4
All-Purpose Cleaners and Sanitary Cleaners	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	-	1,00	-	5 out of 5	4 out of 4
Laundry detergents	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	-	1,00	-	5 out of 5	4 out of 4
Paints and varnishes	1,00	-	1,00	-	-	-	-	-	-	-	1,00	-	-	2 out of 2	1 out of 1
Personal, Notebook and Tablet Computers	1,00	-	-	-	-	-	-	-	-	0,00	-	-	-	0 out of 1	0 out of 1
Furniture 2009	1,00	-	-	-	0,58	-	-	-	-	-	-	-	-	0 out of 1	0 out of 1
Furniture 2016	1,00	-	-	-	-	-	-	-	-	-	0,00	-	0,33	0 out of 2	-
Lubricants	1,00	-	1,00	-	-	0,83	-	-	0,00	-	-	-	-	1 out of 3	1 out of 3
Tissue paper	1,00	1,00	0,00	1,00	0,67	0,00	-	1,33	1,00	-	-	-	-	4 out of 7	4 out of 7
DEGREE OF ALIGNMENT														54%	61%

Legend:

At least as strict as EU Ecolabel	Minor deviations (<80% of dev)	Relevant deviations	Not assessed / Without product group
-----------------------------------	--------------------------------	---------------------	--------------------------------------

9.3. Degree of stringency by area: Production

Production area shows a good level of harmonisation, since normally this area does not have many criteria and requirements that may differ among ecolabels. Normally they are related to emissions and resources consumed during production. Product groups with higher differences are tissue paper, paints and furniture, which are characterised for having more diversity of requirements, regarding limitation of substances during production, energy consumption and emissions during production. In some cases, other Type I have similar requirements but the thresholds for these issues are lower, resulting in a lower degree of stringency.

Table 30. Degree of stringency based on Article 11 for the area of production.

Production		Nationally recognised Type I Ecolabels									Not nationally recognised Type I Ecolabels			ALL ECOLABELS TYPE I	OFFICIALLY RECOGNISED
		Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF	Good	Green Mark	Degree of compliance with Article 11	Degree of compliance with Article 11
Rinse-off cosmetics	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	-	1,00	-	5 out of 5	4 out of 4
All-Purpose Cleaners and Sanitary Cleaners	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	-	1,00	-	5 out of 5	4 out of 4
Laundry detergents	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	-	1,00	-	5 out of 5	4 out of 4
Paints and varnishes	1,00	-	0,00	-	-	-	-	-	-	-	1,00	-	-	1 out of 2	0 out of 1
Personal, Notebook and Tablet Computers	1,00	-	-	-	-	-	-	-	-	1,00	-	-	-	1 out of 1	1 out of 1
Furniture 2009	1,00	-	-	-	1,00	-	-	-	-	-	-	-	-	1 out of 1	1 out of 1
Furniture 2016	1,00	-	-	-	-	-	-	-	-	-	0,00	-	0,00	0 out of 2	-
Lubricants	1,00	-	1,00	-	-	1,00	-	-	1,00	-	-	-	-	3 out of 3	3 out of 3
Tissue paper	1,00	1,00	1,13	0,93	0,85	0,00	-	1,27	0,33	-	-	-	-	3 out of 7	3 out of 7
DEGREE OF ALIGNMENT													77%	80%	

Legend:

At least as strict as EU Ecolabel	Minor deviations (<80% of dev)	Relevant deviations	Not assessed / Without product group
-----------------------------------	--------------------------------	---------------------	--------------------------------------

9.4. Degree of stringency by area: Packaging

The average degree of stringency for the area of packaging is 63%, with relevant deviations of all purpose cleaners, computers and furniture (2009), especially related to the restriction of substances and materials of the packaging. In some cases, other Type I ecolabels have stricter requirements than EU Ecolabel, for instance in aspects related to materials limitation, recyclability or weight limitations.

Table 31. Degree of stringency based on Article 11 for the area of packaging.

Packaging	Nationally recognised Type I Ecolabels										Not nationally recognised Type I Ecolabels			ALL ECOLABELS TYPE I	OFFICIALLY RECOGNISED
	EU ECOLABEL (benchmark)	Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF	Good	Green Mark	Degree of compliance with Article 11	Degree of compliance with Article 11
Rinse-off cosmetics	1,00	1,00	1,07	-	0,93	1,07	-	-	-	-	-	0,25	-	4 out of 5	4 out of 4
All-Purpose Cleaners and Sanitary Cleaners	1,00	1,00	0,72	-	0,56	0,94	-	-	-	-	-	0,61	-	1 out of 5	1 out of 4
Laundry detergents	1,00	1,00	0,33	-	1,08	1,17	-	-	-	-	-	0,50	-	3 out of 5	3 out of 4
Paints and varnishes	1,00	-	1,00	-	-	-	-	-	-	-	1,00	-	-	2 out of 2	1 out of 1
Personal, Notebook and Tablet Computers	1,00	-	-	-	-	-	-	-	-	0,00	-	-	-	0 out of 1	0 out of 1
Furniture 2009	1,00	-	-	-	0,50	-	-	-	-	-	-	-	-	0 out of 1	0 out of 1
Furniture 2016	1,00	-	-	-	-	-	-	-	-	-	1,00	-	1,00	2 out of 2	-
Lubricants	1,00	-	1,00	-	-	1,00	-	-	1,00	-	-	-	-	3 out of 3	3 out of 3
Tissue paper	1,00	1,00	1,00	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	7 out of 7	7 out of 7
DEGREE OF ALIGNMENT													62%	63%	

Legend:

At least as strict as EU Ecolabel	Minor deviations (<80% of dev)	Relevant deviations	Not assessed / Without product group
-----------------------------------	--------------------------------	---------------------	--------------------------------------

9.5. Degree of stringency by area: Use

The Use area is one of the areas with most important deviations with a low average of harmonisation (42%). These deviations are found for most of the product groups analysed and ecolabels. They are related to the fitness for use and emissions limitations. Product group with a higher degree of harmonisation are rinse-off cosmetics, tissue and lubricants, where requirements are focused on fitness for use. Relevant deviations are found for the rest of the groups; related to requirements linked to information or training to users (laundry, cleaners), emissions during use or aspects linked to durability and reparability (furniture), or more specific requirements linked to technical performance and quality standards (computers or paints).

Table 32. Degree of stringency based on Article 11 for the area of use.

Use	EU ECOLABEL (benchmark)	Nationally recognised Type I Ecolabels									Not nationally recognised Type I Ecolabels			ALL ECOLABELS TYPE I	OFFICIALLY RECOGNISED
		Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF	Good	Green Mark	Degree of compliance with Article 11	Degree of compliance with Article 11
Rinse-off cosmetics	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	-	0,00	-	4 out of 5	4 out of 4
All-Purpose Cleaners and Sanitary Cleaners	1,00	1,00	0,56	-	0,78	1,00	-	-	-	-	-	0,11	-	2 out of 5	2 out of 4
Laundry detergents	1,00	1,00	0,80	-	1,07	0,80	-	-	-	-	-	0,13	-	2 out of 5	2 out of 4
Paints and varnishes	1,00	-	0,72	-	-	-	-	-	-	-	0,68	-	-	0 out of 2	0 out of 1
Personal, Notebook and Tablet Computers	1,00	-	-	-	-	-	-	-	-	0,33	-	-	-	0 out of 1	0 out of 1
Furniture 2009	1,00	-	-	-	0,67	-	-	-	-	-	-	-	-	0 out of 1	0 out of 1
Furniture 2016	1,00	-	-	-	-	-	-	-	-	-	0,40	-	0,33	0 out of 2	-
Lubricants	1,00	-	1,00	-	-	1,00	-	-	0,67	-	-	-	-	2 out of 3	2 out of 3
Tissue paper	1,00	1,00	2,00	0,00	2,00	0,00	-	2,00	1,20	-	-	-	-	5 out of 7	5 out of 7
DEGREE OF ALIGNMENT													33%	42%	

Legend:

At least as strict as EU Ecolabel	Minor deviations (<80% of dev)	Relevant deviations	Not assessed / Without product group
-----------------------------------	--------------------------------	---------------------	--------------------------------------

9.6. Degree of stringency by area: End-of-life

For the end-of-life, the average degree of harmonisation is 80%, with deviations on waste management systems and the potential damage on the environment related to toxicity, biodegradability and bioaccumulation. Most of deviations are identified in those Type I Ecolabels which are not officially recognised at national or regional level. For the rest, deviations are found in TCO and Catalan Award Ecolabels whereas the rest of Ecolabels present in general a satisfactory degree of stringency in comparison to EU Ecolabel. On the other hand, Nordic and Blue Angel presents a higher degree of stringency for cosmetics and detergency products, due to stricter limits on toxicity, biodegradability requirements.

Table 33. Degree of stringency based on Article 11 for the area of end-of-life.

End-of-life		Nationally recognised Type I Ecolabels									Not nationally recognised Type I Ecolabels			ALL ECOLABELS TYPE I	OFFICIALLY RECOGNISED
	EU ECOLABEL (benchmark)	Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF	Good	Green Mark	Degree of compliance with Article 11	Degree of compliance with Article 11
Rinse-off cosmetics	1,00	1,00	1,00	-	1,22	1,00	-	-	-	-	-	0,71	-	4 out of 5	4 out of 4
All-Purpose Cleaners and Sanitary Cleaners	1,00	1,00	1,00	-	1,17	1,17	-	-	-	-	-	0,50	-	4 out of 5	4 out of 4
Laundry detergents	1,00	1,00	0,83	-	1,17	1,33	-	-	-	-	-	0,83	-	3 out of 5	3 out of 4
Paints and varnishes	1,00	-	1,00	-	-	-	-	-	-	-	1,00	-	-	2 out of 2	1 out of 1
Personal, Notebook and Tablet Computers	1,00	-	-	-	-	-	-	-	-	0,67	-	-	-	0 out of 1	0 out of 1
Furniture 2009	1,00	-	-	-	1,00	-	-	-	-	-	-	-	-	1 out of 1	1 out of 1
Furniture 2016	1,00	-	-	-	-	-	-	-	-	-	0,00	-	0,50	0 out of 2	-
Lubricants	1,00	-	1,00	-	-	1,00	-	-	0,00	-	-	-	-	2 out of 3	2 out of 3
Tissue paper	1,00	1,00	1,00	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	7 out of 7	7 out of 7
DEGREE OF ALIGNMENT														65%	80%

Legend:

At least as strict as EU Ecolabel	Minor deviations (<80% of dev)	Relevant deviations	Not assessed / Without product group
-----------------------------------	--------------------------------	---------------------	--------------------------------------



9.7. Degree of stringency by area: Product information

Product information presents a low degree of stringency. Nevertheless this area is not considered a key area since it is normally covered only for one criterion, which is normally optional. EU Ecolabel has, for all product groups, an optional criterion with environmental information that may be added to the EU Ecolabel logo. Deviations occur in most cases because for some products other Type I Ecolabels do not have any requirement regarding environmental information that should appear with the ecolabel logo. Some of these Ecolabels have other additional requirements related to the product description.

Table 34. Degree of stringency based on Article 11 for the area of product information.

Product information		Nationally recognised Type I Ecolabels									Not nationally recognised Type I Ecolabels			ALL ECOLABELS TYPE I	OFFICIALLY RECOGNISED
		Hung	AT	CZ	Nordic	Blue Angel	Mil (NL)	Slovak (SK)	Cat. Award	TCO	NF	Good	Green Mark			Degree of compliance with Article 11	Degree of compliance with Article 11
Rinse-off cosmetics	1,00	1,00	0,00	-	0,00	1,00	-	-	-	-	-	0,00	-	2 out of 5	2 out of 4
All-Purpose Cleaners and Sanitary Cleaners	1,00	1,00	0,00	-	0,00	0,67	-	-	-	-	-	0,00	-	1 out of 5	1 out of 4
Laundry detergents	1,00	1,00	0,00	-	1,00	1,00	-	-	-	-	-	0,67	-	3 out of 5	3 out of 4
Paints and varnishes	1,00	-	0,00	-	-	-	-	-	-	-	1,00	-	-	1 out of 2	0 out of 1
Personal, Notebook and Tablet Computers	1,00	-	-	-	-	-	-	-	-	1,00	-	-	-	1 out of 1	1 out of 1
Furniture 2009	1,00	-	-	-	1,17	-	-	-	-	-	-	-	-	1 out of 1	1 out of 1
Furniture 2016	1,00	-	-	-	-	-	-	-	-	-	0,50	-	0,00	0 out of 2	-
Lubricants	1,00	-	1,00	-	-	1,33	-	-	1,33	-	-	-	-	3 out of 3	3 out of 3
Tissue paper	1,00	1,00	1,00	1,00	1,00	1,00	-	1,00	1,00	-	-	-	-	7 out of 7	7 out of 7
DEGREE OF ALIGNMENT														63%	69%

Legend:

At least as strict as EU Ecolabel	Minor deviations (<80% of dev)	Relevant deviations	Not assessed / Without product group
-----------------------------------	--------------------------------	---------------------	--------------------------------------




9.8. Summary and interpretation of results

This section summarises the main results obtained from the assessment results on **comparative analysis of the degree of stringency of criteria** from Type I Ecolabels in comparison to EU Ecolabel. The outputs from the study "*Evaluation of the Implementation of the EU Ecolabel Regulation*" (European Commission, 2017)¹⁵ have been considered in order to have a better interpretation of the sources of deviations and barriers for further implementation of the Article 11.

Regarding the **scope and methodological choices** the following aspects have to be taken into account:

- The comparative analysis has been focused on the first paragraph of Article 11 (11.1.), which states that Type I Ecolabels which are officially recognised at national/regional level have to set criteria at least as strict as EU Ecolabel for the same product groups. For this reason, main results only consider the scope of the areas covered by EU Ecolabel (excluding additional criteria for those subjects not covered by EU Ecolabel). Nevertheless, in order to have a more complete picture of the current situation, a second analysis has been done including all requirements from Type I Ecolabels. If all requirements for all areas from Other Type I ecolabels are included in the assessment, in some cases the degree of ambition of Other Type I ecolabels is increased, since they cover additional subjects which are not regulated by EU Ecolabel. Examples of these additional requirements are related to some hazardous emerging substances (nanomaterials, enzymes, etc.), requirements regarding recycled or renewable materials, requirements for the area of production related to environmental management systems, or take-back systems for waste. In some cases, additional requirements for social aspects have been also identified.
- The second part of the Article 11, which recommends that EU Ecolabel should also take into account criteria from Other Type I Ecolabels in their processes of developing own criteria, has been also analysed but in a minor extent, for instance for the product group of furniture. Nevertheless, it is a known procedure that European Commission takes into account other Type I ecolabels criteria in their processes of developing and revising their criteria.
- According to the scope defined on the first task and the legal analysis of the Article 11 done, 12 Type I ecolabels operating in different European Member States have been included into the analysis. From these 12 ecolabels, only 9 are officially recognised at national or regional level: Österreichisches Umweltzeichen (AUSTRIA); Ekologicky Setrny Vyrobek (CZECH REPUBLIC); Nordic Swan Ecolabel (DENMARK, NORWAY; SWEDEN, ICELAND, FINLAND); Blue Angel (GERMANY); Hungarian Ecolabel

¹⁵ Louise Evans, Chris Nuttall, Simon Gandy – Ricardo Energy & Environment Fabio Iraldo, Michele Barberio, Anna Paglialonga, Federica Gasbarro, Benedetta Nucci - IEFE, Bocconi University. Project to Support the Evaluation of the Implementation of the EU Ecolabel Regulation. Synthesis Report October 2015




(HUNGARY); Polish Ecolabel (POLAND); NL Milieukeur (NETHERLANDS); National Programme of Environmental Assessment and Ecolabelling in the Slovak Republic NPEHOW (SLOVAKIA); Catalan Environmental Quality Guarantee Award (SPAIN, CATALONIA); TCO certification (IT products, SWEDEN; only recognised by some States). Besides these ecolabels, 3 Type I Ecolabels have been also analysed although they are not officially recognised at national/regional level (NF Environnement; Good Environmental Choice and Green Mark). Results for the analysis of the degree of stringency of criteria in comparison to EU Ecolabel, show that those Ecolabels which are officially recognised at national or regional level present a better degree of harmonisation based on Article 11.1 than those that are not officially recognised.

These results are in line with outputs from the survey, where those competent bodies which are in charge of recognised ecolabels at national/regional level stated to have a good degree and they are currently applying good practices regarding the implementation of Article 11. These competent bodies are normally from public organisms and they are at the same time EU Ecolabel national competent bodies. On the other hand, not recognised ecolabels are normally private initiatives not linked directly to EU Ecolabel or other Type I ecolabels.

On this regard, the study *"Evaluation of the Implementation of the EU Ecolabel Regulation"*¹⁵, also found little evidence of connection between the EU Ecolabel and the no-officially recognised Ecolabels operating in Europe. These labels showed much less coherence than nationally recognised ecolabels, as the aims of these private labels were significantly different in terms of inclusivity and transparency, and little reference was identified to the EU Ecolabel, its objectives or its methodology. On the other hand, according to the study, with the other Type I ecolabels officially recognised at national or regional level, the interactions appeared more reciprocal because of harmonisation efforts at the Member State level, so the EU Ecolabel may make use of existing evidence and research from Member States and national schemes may draw upon the EU Ecolabel evidence base. These schemes also noted that they work to harmonise product groups with the EU Ecolabel.

- From all ecolabels analysed, only 2 of them are fully aligned with EU Ecolabel; Hungarian Ecolabel which directly adopt EU Ecolabel criteria and Slovak Ecolabel. Four ecolabels present some deviations in specific product groups and areas (Austrian Ecolabel, CZ Ecolabel, Nordic Swan and Blue Angel). Although most of these officially recognised ecolabels assure having a good approach for harmonisation, several differences exist in most product group criteria, resulting in a non-fully alignment with EU Ecolabel criteria according to Article 11.1. Finally, five ecolabels present significant differences in most product groups and environmental areas (Catalan Award, private ecolabels such as TCO and non recognised ecolabels at national/regional level). Nevertheless, these trends could be affected by the selection of product groups since some ecolabels have been only analysed for few product groups due to the limited sample of the shortlist of product groups analysed.

Related to these results, the study *"Evaluation of the Implementation of the EU Ecolabel Regulation"*¹⁵ also concluded that there was coherence between national labelling schemes and the EU Ecolabel, mainly related to harmonisation of the product




groups covered, their criteria and the verification requirements. This is occurring iteratively as the labels refer to the criteria and verification requirements used by other labels, to the evidence base and to the key areas addressed. Such harmonisation is welcomed by stakeholders, but there is a great desire from license holders and producers that this harmonisation be developed a great deal further to reduce the burden on producers who have labelled products, so that test standard requirements are harmonised, criteria are harmonised, time lines are harmonised, etc.

If quantitative **comparative assessment results are analysed by product group and areas**, the following conclusions can be drawn:

- From the 35 criteria set analysed, only 13 of them are totally aligned considering all areas assessed, 6 sets present minor deviations and 16 sets have more relevant deviations. All product groups present some ecolabels with deviations; those product groups with a higher number of ecolabels aligned to EU Ecolabel or with minor deviations are rinse-off cosmetics, lubricants and tissue paper. Three of the product groups (computers, furniture and tourist accommodation) have more important differences; due in part to different scopes and approaches, different stringency degrees and different focus on environmental subjects and areas.
- The most problematic environmental areas are Use (mainly related to fitness for use and emissions), Hazardous substances (due to differences on limitation of classified substances and specific substances groups), product information (although it is not a critical area), and Raw materials. Packaging also shows relevant deviations in some product groups. The main findings by environmental area are further detailed in this section.

For hazardous substances, one of the areas with relevant deviations, EU Ecolabel has these horizontal criteria on limitation of classified hazardous substances similar for all product groups according to articles 6(6) and 6(7) from EU Regulation. For most product groups, other Type I Ecolabels do not have requirements for horizontal limitations of all classified substances, but they focus on specific compounds of substances. On the other hand, some ecolabels such as Austrian, Nordic and Blue Angel are usually stricter for some ingredients such as fragrances, dyes and some emerging substances such as nanomaterials on endocrine disruptors.

On this regard, the study "*Evaluation of the Implementation of the EU Ecolabel Regulation*"¹⁵, also identified the approach taken by EU Ecolabel for Hazardous substances as one of the most barriers for fully harmonisation. The evaluation study also suggests that the particularly low uptake in certain product groups is caused by industry dissatisfaction with these requirements (One example of this is for product groups such as computers and laptops). These criteria are considered to be both too stringent to be met and based on unfamiliar verification processes associated with hazardous classifications. Several times industry stakeholders had to supply derogation requests that had to be individually assessed in order to request some indispensable and non-substitutable substance to be allowed in EU Ecolabel products. The provisions



of Articles 6.6 and 6.7 of the EU Ecolabel regulation, concerning hazardous substances, are a clear issue for some product groups, and appear to have resulted in negligible uptake of the label for those groups. While the provisions are to ensure high environmental standards, their inclusion is to some extent having the opposite effect by discouraging producers from applying for the scheme altogether. In addition, requirements on hazardous substances implemented by the current EU Ecolabel Regulation were not previously required; therefore any criteria developed under the previous regulation must undergo the full criteria development process.


For raw materials, the degree of stringency is quite good for some product groups, being higher for those product groups related to cosmetics and detergency. Deviations are in some cases caused by different requirements regarding recycled content (such as the case of tissue paper), traceability and certifications on sustainable origin for renewable materials, as well as limitation of certain materials such as polymers or PVC. For some product groups such as detergents, some ecolabels also have additional requirements setting a minimum percentage of renewable materials for some components or substance groups such as surfactants.

Production area shows a good level of harmonisation, since normally this area does not have many requirements that may differ among ecolabels. Normally they are related to emissions and resources consumed during production. Product groups with higher differences are tissue paper and paints and furniture; which are characterised for having more diversity of requirements in the area of production, related to the limitation of substances during production, energy consumption and emissions during production. In some cases, other Type I have similar requirements but the thresholds for these issues are lower, resulting in a lower degree of stringency.

The average degree of harmonisation for the area of packaging is 63%, with relevant deviations of all purpose cleaners, computers and furniture (2009), especially related to the restriction of substances and materials of the packaging. In some cases, other Type I ecolabels have stricter requirements than EU Ecolabel, for instance in aspects related to materials limitation, recyclability or packaging weight limitations.

The Use area is one of the areas with most important deviations with a low average of harmonisation (42%). These deviations are found for most of the product groups analysed and ecolabels. They are related to the fitness for use and emissions limitations. The product groups with a higher degree of harmonisation are rinse-off cosmetics, tissue and lubricants, where requirements are focused on fitness for use. Relevant deviations are found for the rest of the groups; related to requirements linked to information or training to users (laundry, cleaners), emissions during use or aspects linked to durability and reparability (furniture), or more specific requirements linked to technical performance and quality standards (computers or paints).

For the end-of-life, the average degree of harmonisation is 80%, with deviations on waste management systems and the potential damage on the environment related to toxicity, biodegradability and bioaccumulation. Most of deviations are identified in those Type I Ecolabels which are not officially recognised at national or regional level. For ecolabels officially recognised at national/regional level, deviations are mainly



found in TCO and Catalan Award Ecolabels whereas the rest of Ecolabels present in general a satisfactory degree of stringency in comparison to EU Ecolabel. On the other hand, Nordic and Blue Angel presents a higher degree of stringency for cosmetics and detergency products, due to stricter limits on toxicity, biodegradability requirements.

Product information presents a low degree of stringency in Other Type I Ecolabels in comparison to EU Ecolabel. Nevertheless this area is not considered a key area since it is usually covered only for one criterion, which is normally optional. EU Ecolabel has, for all product groups, an optional criterion with environmental information that may be added to the EU Ecolabel logo. Deviations occur in most cases because other Type I Ecolabels do not have any requirement regarding environmental information that should appear with the ecolabel logo. On the other hand, some of these Ecolabels have other additional requirements related to the product description.

10. Proposal for implementation actions and future monitoring method

This section summarises the proposed implementation actions and monitoring method, which are further detailed in Deliverable 3.


10.1. Implementation actions to enforce compliance of Article 11

The following improvement measures to enforce harmonization and implementation of Article 11 are proposed to be developed at medium/long term.

➤ Guideline with good practices for creation/revision of criteria for Member States

Several good practices have been identified during the study, which are nowadays applied by competent Bodies and Other Type I Ecolabels. Some of these good practices are (non exhaustive list):

- Align validity periods and revision periods with EU Ecolabel. Some of CBs stated that when they develop new or revised criteria they try to align as much as possible the years of validity and revision periods with EU Ecolabel, so that it is easier for them to align their decisions with EU Ecolabel criteria. For instance setting the validity period always one year after EU Ecolabel will assure to always be aligned with the current EU Ecolabel criteria. This practice will allow also simplifying and doing more effective revision processes for CBs, since up-to-date technical reports and studies from EU criteria revision processes will be available for their own revision.
- To directly adopt criteria from EU Ecolabel. Some EU Ecolabel such as Hungarian Ecolabel, directly adopt EU criteria for their own Ecolabel, for those product groups with existing EU Ecolabel criteria.
- To actively participate in revision processes as CBs and stakeholders, in AHWG meetings. The more EU Ecolabel decision reflects the views and necessities of the different Member States, the easier will be the potential adoption or alignment of these criteria by these Member States for their own Type I Ecolabel decisions.
- To define a procedure to ensure harmonization with EU criteria in their internal processes of development of criteria.



In order to spread the knowledge of these practices, together to other proposals that would enforce the implementation of Article 11 through harmonization, it is proposed to elaborate a brief guideline. This guideline would be addressed to Competent Bodies and Other Type I Ecolabels operators in order to propose an effective and cost-time efficient procedure to ensure harmonization between ecolabels, focusing on the process of development of criteria of the different schemes.

The guideline should be elaborated by EC with the participation of Competent Bodies and members of the EUEB.

➤ **Dissemination of article 11 and harmonisation goals**

Different dissemination actions could be organized in order to increase the knowledge on EU Regulation and Article 11, including its content and effects on practical issues.

Some dissemination initiatives could be:

- Seminar and working sessions on Article 11 and harmonization.
- Information of EU Ecolabel webpages.
- Joint activities with EC and Competent Bodies.

These actions could be part of current meeting and workshops, such as European Ecolabelling Board (EUEB) or National/Regional Ecolabels Boards and Committees.


➤ **Enforcing mutual harmonization. Ensure participation of all CBs in the development of EU Ecolabel**

As stated in Article 11, harmonization should be ideally bidirectional. Currently EU Ecolabel does take into account national criteria from other Type I ecolabels nationally recognised in their processes of developing criteria. They always do a comprehensive analysis in their technical documents within the revision. Some of the requirements from this ecolabels are studied and discussed within the revision process and some of them are finally included in EU criteria, if it is considered being applicable considering EU Ecolabel objectives, scopes and geographical coverage. This fact contributes to align EU criteria to national realities, so that future harmonisation will be more feasible by the different Member States.

One of the instruments to enforce harmonization is that EU Ecolabel criteria incorporate as far as possible the singularities and demands of all Member States, keeping in mind the EU scope. For this reason the active participation of Competent Bodies in the EU Ecolabel criteria creation processes is a key issue to guarantee this representativeness. Having CBs views and experience from the very beginning of criteria development process is a key factor to define EU Ecolabel criteria

➤ **Horizontal working groups for specific areas**

For those areas where a horizontal approach is taken by EU Ecolabel for all product groups (e.g. hazardous substances) or specific topics where different approaches exist (such as nanomaterials, traceability of renewable materials, bio-based content, recycled fibres etc.), specific working groups could be created in view of harmonization. These working groups should be formed by representatives of European Commission and Member States and experts



of each topic. For some topics, working groups are already operating; in those cases the inclusion of the aspect of harmonization should be included.

➤ **Simplification of EU Ecolabel criteria**

One of the barriers identified by CBs for further implementation of Article 11, is the current complexity of EU Ecolabel criteria.

The study on the implementation of EU Ecolabel¹⁵ also suggests that more efforts are required to reduce the absolute number of criteria set for any given product group, and, where possible, to simplify them. It should be possible to limit the criteria to a smaller number of key factors, compliance with which should be sufficient to demonstrate excellent environmental credentials. This should also have the associated benefits of expediting the process and lowering the costs to achieve the award, if less testing is required. The use of fewer criteria should also bring benefits to the awarding of the EU Ecolabel to producers. Fewer and less complex criteria should result in lower compliance costs, and less documentation, and hence may encourage uptake. Potential efficiencies are available, both in terms of reducing the number of criteria. It is probably possible to identify the top 10-20% most efficient products in terms of environmental performance with relatively few criteria, and a reduced set of criteria would enable the EU Ecolabel to achieve its aims, while offering significant efficiencies in terms of criteria development time and cost, reduced costs for producers, as well as reduced costs for CB verification processes. This shorter criteria set will enforce potential adoption of key requirements by the rest of Type I Ecolabels for the same product groups.

10.2. Monitoring method


A monitoring method has been developed in order to guarantee a feasible and robust surveillance of the implementation of Article 11 by Member States. The monitoring method compile the lessons learnt during the implementation of the assessment methodology applied during the project.

As it has been proved during the study on the implementation of Article 11, comparing the degree of stringency of criteria set of other type I Ecolabels in front of EU Ecolabel requires an exhaustive and technical analysis case by case.

For this reason, the most optimum method in terms of effort and effectiveness is to establish a reporting mechanism for competent bodies and Type I Ecolabels operators.

A monitoring method is proposed so that Member States may inform the European Commission about their processes of development of own criteria, in those cases where this product group is already covered by EU Ecolabel. In these cases, Member States should report if their new criteria are as strict as EU Ecolabel for those areas covered by EU Ecolabel criteria.

Similarly than the assessment methodology used for the assessment during the project, for each product group, the different requirements from Type I Ecolabel schemes should be analysed in terms of stringency, comparing each requirement from criteria against EU Ecolabel. Both the criterion and verification method will be analysed.



The degree of harmonization for environmental areas will be reported, dividing each area in different subjects, allocating the requirements of the corresponding ecolabel in those subjects and applying punctuation depending on the degree of the criteria stringency. In those cases where alignment is not total, a rationale will be needed exposing the reasons of these deviations.

In order to do this reporting as easy and efficient as possible, an excel tool has been created, following the same approach established for the study. This tool will allow a comparative assessment of each criterion set with the corresponding EU Ecolabel criteria.

A procedure has been defined in order to establish the steps and the communication and exchange of information needed between EC and competent bodies. The procedure with the different steps and the CE and Other Type I Ecolabels managers' roles is detailed in the following flowchart.

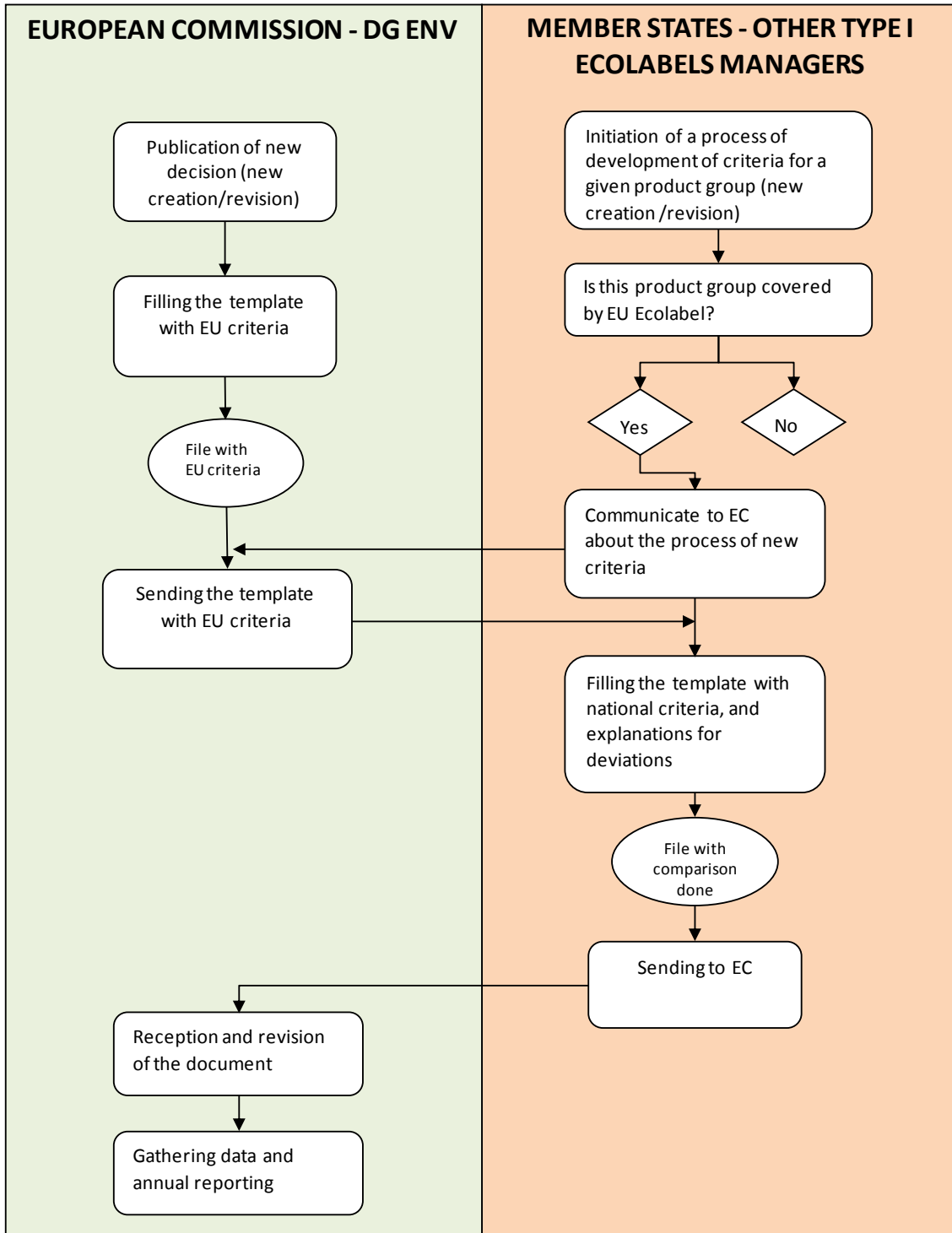


Figure 1. Procedures for EC and Competent Bodies flowchart

Monitoring tool

The monitoring tool has been designed to be user-friendly, with guidelines on how the different requirements have to be classified into the different environmental areas defined and how requirements have to be compared in terms of stringency in comparison to EU Ecolabel requirements.

The tool contains a matrix for the requirements organised by Areas, Subjects and Sub-subjects. The areas, subjects and sub-subjects can be seen in the template tool detailed in the annex.

This template should be filled by EC in a first stage, for all EU Ecolabel decisions, classifying the EU requirement criteria into the different areas. Once filled, the tool will be sent to Competent Bodies and Type I operator managers that develop their own criteria for the same product groups.

Each CB will fill this tool with the comparative assessment of their requirement criteria, stating if the degree of stringency is at least equal to EU requirements for each subject. The tool incorporates a cell to report the reasons for any deviation.

The different steps for applying the monitoring method are detailed in the following sections.

1) For each product group, EC will fill the template with the EU Ecolabel requirements

For each one of the subjects, the EU Ecolabel criteria requirements and the verification covering the different subjects would be classified by EC, in order to be easily compared with Other Type I Ecolabels in a second stage.

Table 35. Example of areas and subjects for criteria classification

AREA	SUBJECT	SUB-SUBJECT		EU ECOL
Production	Resource consumption	Energy consumption	CRIT	.....
			VER	.....
		Water use during production	CRIT	.....
			VER	.....
	Production restrictions	Carbon footprint	CRIT	.....
			VER	.....
		Emissions limitation	CRIT	.....
			VER	.....
		Waste limitation	CRIT	.....
			VER	.....
	Environmental management	Clean production	CRIT	.....
			VER	.....
Environmental management		CRIT	.....
		VER	.....

In order to establish basis punctuation for posterior comparison, each requirement and each associated verification method will be punctuated as follows:



Table 36. Punctuation system for EU Ecolabel requirements and verification methods

Punctuation for EU Ecolabel requirements	
Punctuation for requirements	
Existing requirement for this subject	1
Any existing requirement for this subject	0
Punctuation for verification methods	
Verification method available.	0,5

All the punctuations are summed by areas in order to get a final punctuation for EU Ecolabel, which will be the basis punctuation for the ranking of the rest of the Ecolabels analysed for that product group.

The overall EU Ecolabel punctuation is converted to 1 (dividing the number by itself), in order to establish a common basis for the relative comparison with the rest of Type I ecolabels.


These steps will allow having a file for each product group with the EU Ecolabel. This filled template will be sent to CBs for reporting whenever a new criteria set is developed by any of the operating Type I Ecolabels for that product group.

2) Comparative assessment of requirements from other Type I ecolabels

In a second stage, each requirement of the Other Type I Ecolabel will be evaluated against EU Ecolabel in terms of stringency, defining if it is less, equal strict or stricter than the corresponding reference EU Ecolabel requirement and verification method. This assessment will be converted automatically in the following punctuation. The different punctuations are detailed in the table below.

Table 37. Punctuation system for EU Ecolabel requirements and verification methods

Punctuation for Other Type I Ecolabels requirements	
OTHER ECOLABELS	
No existence of criteria covering the environmental aspect (where EU Ecolabel exist)	0
Awarding criteria but less stringent than EU Ecolabel	0,5
Awarding criteria as stringent as EU Ecolabel	1
Awarding criteria more stringent than EU Ecolabel	1,5
Additional criteria (not existing for EU Ecolabel)	1
Punctuation for verification	
Verification method as restrictive as EU Ecolabel, according to available tests, standard, graphical and written evidence, etc.	0,5
Verification method less restrictive than other existing verification for the same criteria	0,2



Following the same approach that EU Ecolabel, all the punctuations will be summed by areas in order to get a final punctuation for each ecolabel, in order to have the comparison by area.

Once all requirements are classified and automatically punctuated according to their degree of stringency assigned in comparison to EU Ecolabel, the tool will elaborate two punctuation results:

The tool will calculate two different punctuations:

- **Punctuation considering only subjects covered by EU Ecolabel**
For this score, only those areas and subjects covered by EU Ecolabel will be accounted. This punctuation will reflect if the first section of the Article 11 is implemented, i.e. if requirements from Other Type I ecolabels are at least as strict as EU Ecolabel.

- **Global punctuation and punctuation considering additional criteria for those subjects not covered by EU Ecolabel.**
For each product group, a global punctuation including also the additional criteria from Other Type I Ecolabels covering those subjects not covered by EU Ecolabel has been calculated and they are detailed for each product group. With this second assessment, the second paragraph of the Article 11 is assessed, comparing the degree of ambition of the different ecolabels.

Having these two results, excluding and including additional nationally/regionally recognised Type I Ecolabel criteria, it can be seen the harmonisation of the nationally/regionally recognised Type I Ecolabel with the EU Ecolabel; also information on additional criteria established by nationally/regionally recognised Type I Ecolabels will be gathered, for exploring its potential extension and adoption by EU Ecolabel, in line with the second section of Article 11.

The tool has been prepared in excel format, with cells predefined and multi-responses menus in order to make it easier and user-friendly. It contains three sheets: A first sheet with instructions, a second sheet to be filled with the requirements and stringency assessment, and a third sheet with the scoring which is automatically calculated. The tool template is detailed in Deliverable 3.

Once the EC would receive the monitoring tool filled by Competent Bodies, information should be validated by EC. Information would be gathered in a database, in order to have up-to-date data on the current state of the implementation of Article 11 and its evolution. It is recommended to treat and compile this information yearly in a report format.



11. Conclusions

The project carried out regarding the study of the current implementation of Article 11 has been executed according to the tasks and goals foreseen, with some deviations during execution.

Main results have been presented as follows:


- Identification and analysis of officially recognised at national and regional level Type I Ecolabels (Deliverable 1 and 2).

Ten Type I Ecolabel schemes operating in European Union which are officially recognised at national and regional level were identified. Besides these ecolabels, other three Ecolabels Type I not officially recognised at national/regional level by the Member States were nevertheless included in the study for information purposes (NF France, Good Environmental Choice and Green Product Mark). This identification has been difficult, since any official register is available; desk research and direct consultation by EC has been served to identify these ecolabels.

- Legal interpretation of Article 11 (Deliverable 1 and Final report)

A legal interpretation of Article 11 of the Ecolabel Regulation has been done in the framework of the study. The Article 11 requires a certain harmonisation of criteria between national and EU level schemes when being adopted and/or extended to other products. It covers two aspects. Firstly, it regulates situations when national and regionally recognised ecolabels should align to the EU Ecolabel criteria. The second paragraph requires the EU ecolabel criteria to be defined for new specific product groups taking into account existing national/regional ecolabel criteria. There is no case law specifically concerning the interpretation of this provision by the CJEU. The analysis has therefore needed to be based on the literal, teleological and historical interpretation of the provision. In addition, a review of the interpretation by competent bodies has complemented the legal analysis.

Article 11 is not clear in relation to the interpretation of the concept 'ecolabelling scheme which does not cover that product group at the time of publication'. From a literal interpretation, followed by the authorities of the competent body managing the Blue Angel and the Swan Nordic Ecolabel scheme, Article 11(1) refers to product groups that are not covered by the national scheme at the time of publication of the EU Ecolabel decision in the OJ and, therefore, if the national or regional scheme already covers that type of product group, the provision and the harmonisation requirement does not apply and the national/regional scheme is not obliged to ensure compliance with the Ecolabel criteria. This interpretation however conflicts with the overall objective and the effectiveness of Article 11; it would undermine the whole purpose to ensure harmonisation between the EU Ecolabel scheme and national ecolabelling schemes in the EU and to encourage higher environmental performance in sectors for which environmental impact is a factor in consumer choice as it would mean that certain product groups would be subject to different, less stringent environmental standards for certain




products. This literal interpretation is also supported by EC Legal Services, stating that Article 11.1 is applicable as of the entry into force Regulation 66/2010 (on 19 February 2010). That means that it applies to those Ecolabel criteria that were newly adopted after that date. Article 11.1 does not apply to ecolabel criteria that existed prior to the publication of EU Ecolabel criteria for the same product group.

A teleological interpretation of the provision leads to consider that Article 11(1) does not refer only to the ecolabel criteria adopted for the first time for a given product group but also to the situations where the criteria for a given product are updated. Under this interpretation, those national or regional ecolabel schemes would be required to align their criteria with those adopted under the EU Ecolabel in both situations, when willing to expand their scope to these products regulated by the EU Ecolabel and therefore adopting the ecolabel criteria for the first time, and when reviewing the criteria applied to the product group that is now covered by the EU ecolabel in order to align their levels of stringency. The teleological interpretation would consider that the same alignment requirement applies to revised criteria or to amendments to the criteria as long as they are published after the entry into force of the EU Ecolabel Regulation. This interpretation is supported by the several ecolabels such as the Milieukeur, Slovak and Hungarian ecolabels.

The literal and teleological interpretation of the provision (in relation to the objectives of the Regulation and its Article 11) requires that there is consistency and a harmonised approach between the criteria used by the EU Ecolabel and the national/regional schemes. Therefore, when new criteria or a revision or amendment of the EU Ecolabel criteria for a product group are published, Article 11(1) of the Ecolabel Regulation 66/2010 is applicable and its requirements need to be taken into account. It was concluded that the implementation of Article 11 should be based on an interpretation of this provision based on the overall aim of the Regulation and the specific objectives of Article 11.

Should a modification of Article 11 be considered appropriate, Article 11 might be reviewed in order to require national and regional schemes to align to the criteria published under the EU Ecolabel and within a reasonable time period, e.g. 2 years from the date of publication or notification as generally used for the transposition of Directives. The deadline to review existing criteria applied to the same product covered by the EU Ecolabel decision in order to align to the EU Ecolabel criteria should be explicitly stated in order to facilitate its implementation. The national/regional ecolabel scheme should provide evidence that the existing national/regional criteria are as stringent as the EU Ecolabel criteria or alternatively revise or amend them in order to align their criteria with the ones of the EU Ecolabel decision to ensure that they are at least as strict as the ones adopted by the EU Ecolabel. This should be applicable to decisions adopting new criteria, revising or amending existing ones.

A revision and modification of the Article could be proposed, especially for those issues that remain less clear and make a difficult interpretation such as: the concept of years of publication and the inclusion of all new publications including revision processes, the terminology "officially nationally recognized" or "at least as stringent". Other issues such



as penalties systems or reporting methods to EU could be assessed in order to incorporate them in the new Article formulation

Hazardous substances is one of the areas with relevant difficulties for fully harmonization with EU Ecolabel in order to assure that requirements from Other Type I ecolabels are at least as strict as EU Ecolabel. EU Ecolabel has these horizontal criteria on limitation of classified hazardous substances similar for all product groups according to articles 6)6 and 6)7 from EU Regulation. This area is a key aspect for the EU Ecolabel sets, representing from 30% to 50% of weight of the whole criteria set.

➤ Identification of existing deviations, barriers and challenges for further harmonisation between EU Ecolabel and other Type I Ecolabels (Deliverable 2).

This identification of current barriers and challenges have been identified with the collaboration of CB through an on-line survey. Feedback from CBs have been also received via e-mail and during the EUEB sessions. Answers from 10 competent bodies corresponding to 8 Ecolabel Schemes were received.


Survey feedback from Competent Bodies showed a general good level of knowledge and existing procedures for the implementation of Article 11.1, since most of CBs assured taking into account EU Ecolabel criteria for their national criteria.

National and regional Ecolabels normally include the analysis of EU Ecolabel for their criteria development and revision processes, although written procedure does not always exist.

Main barriers and challenges have been identified from the CBs responses, indicating issues such as regulations, market and technology diversity and procedural aspects. This information has been useful for the interpretation of the results from the criteria assessment.

Main reasons of differences between national Ecolabel criteria and EU criteria were identified by Competent Bodies. Some of the most important, according to them, are: Different national interests and efforts to address specific issues (e.g. recycled paper); different situations on the markets and reality of countries; different environmental circumstances and environmental problems; national / regional requirements from regulations (e.g. classified chemicals); different consumer habits and environmental discussion issues in the society; different climate, natural geographic differences.

Main challenges or difficulties preventing an efficient harmonisation are, according to respondents: the current complex EU Ecolabel criteria for hazardous substances in relation to the Articles 6(6) and 6(7) of the EU Ecolabel Regulation 66/2010; Different attitudes towards some aspects such as the use of fragrances or virgin/recycled fibres in the different Member states; different regional environmental policies and consumer preferences; disparity between Member States on level of technologies, testing laboratories, assortment of products produced in the country and different level of awareness about environmental labels.

- 
- Assessment of the current degree of alignment of studied Type I ecolabels in comparison to EU Ecolabels in terms of stringency according to Article 11 (Deliverable 2).

35 criteria sets corresponding to 12 Type I Ecolabels and 9 product groups (shortlist selected) have been analysed and results are presented in this deliverable. From all criteria set entering in the scope of the study, a representative sample of 35 have been analysed due to time and resources limitation of the study.


The comparative analysis has been focused on the first paragraph of Article 11 (11.1.), which states that Type I Ecolabels which are officially recognised at national/regional level have to set criteria at least as strict as EU Ecolabel for the same product groups. For this reason, main results only consider the scope of the areas covered by EU Ecolabel (excluding additional criteria for those subjects not covered by EU Ecolabel). Nevertheless, in order to have a more complete picture of the current situation, a second analysis has been done including all requirements from Type I Ecolabels. If all requirements for all areas from Other Type I ecolabels are included in the assessment, in some cases the degree of ambition of Other Type I ecolabels is increased, since they cover additional subjects which are not regulated by EU Ecolabel. Examples of these additional requirements are related to some hazardous emerging substances (nanomaterials, enzymes, etc.), requirements regarding recycled or renewable materials, requirements for the area of production related to environmental management systems, or take-back systems for waste. In some cases, additional requirement for social aspects have been also identified.

The second part of the Article 11, which recommends that EU Ecolabel should also take into account criteria from Other Type I Ecolabels in their processes of developing own criteria, has been also analysed but in a minor extent, for instance for the product group of furniture. Nevertheless, it is a known procedure that European Commission takes into account other Type I ecolabels criteria in their processes of developing and revising their criteria.

The degree of harmonisation is higher for the ecolabels officially recognized at national/regional level, as compared to Type I Ecolabels not officially recognised at regional/national level. It corroborates that those Type I Ecolabels which are officially recognised have more mechanisms for aligning their criteria with EU criteria, since they are more familiar with EU Ecolabel procedures and EU Regulation. Moreover, most of these officially recognised ecolabels are operated in the countries of the European Economic Area by the same national EU Ecolabel competent bodies.

The most problematic areas are **Use** (mainly related to fitness for use and emissions), **Hazardous substances** (due to differences on limitation of classified substances and specific substances groups), raw materials and **product information** (although it is not a critical area). **Packaging** also shows relevant deviations.

The Use area is one of the areas with most important deviations with a low average of harmonisation. These deviations are found for most of the product groups analysed and ecolabels. They are related to the fitness for use and emissions limitations. The product



groups with a higher degree of harmonisation are rinse-off cosmetics, tissue and lubricants, where requirements are focused on fitness for use. Relevant deviations are found for the rest of the groups; related to requirements linked to information or training to users (laundry, cleaners), emissions during use or aspects linked to durability and reparability (furniture), or more specific requirements linked to technical performance and quality standards (computers or paints).


For hazardous substances, one of the areas with relevant deviations, EU Ecolabel has these horizontal criteria on limitation of classified hazardous substances similar for all product groups according to articles 6(6) and 6(7) from EU Regulation. For most product groups, other Type I Ecolabels do not have requirements for horizontal limitations of all classified substances, but they focus on specific compounds of substances. On the other hand, some ecolabels such as Austrian, Nordic and Blue Angel are usually stricter for some ingredients such as fragrances, dyes and some emerging substances such as nanomaterials on endocrine disruptors.

For raw materials, the degree of stringency is quite good for some product groups, being higher for those product groups related to cosmetics and detergency. Deviations are in some cases caused by different requirements regarding recycled content (such as the case of tissue paper), traceability and certifications on sustainable origin for renewable materials, as well as limitation of certain materials such as polymers or PVC. For some product groups such as detergents, some ecolabels also have additional requirements setting a minimum percentage of renewable materials for some components or substance groups such as surfactants.

Product information presents a low degree of stringency in Other Type I Ecolabels in comparison to EU Ecolabel. Nevertheless this area is not considered a key area since it is usually covered only for one criterion, which is normally optional. EU Ecolabel has, for all product groups, an optional criterion with environmental information that may be added to the EU Ecolabel logo. Deviations occur in most cases because other Type I Ecolabels do not have any requirement regarding environmental information that should appear with the ecolabel logo. On the other hand, some of these Ecolabels have other additional requirements related to the product description.

Production area shows a good level of harmonisation, since normally this area does not have many requirements that may differ among ecolabels. Normally they are related to emissions and resources consumed during production. Product groups with higher differences are tissue paper and paints and furniture; which are characterised for having more diversity of requirements in the area of production, related to the limitation of substances during production, energy consumption and emissions during production. In some cases, other Type I have similar requirements but the thresholds for these issues are lower, resulting in a lower degree of stringency.

The average degree of harmonisation for the area of packaging is 63%, with relevant deviations of all purpose cleaners, computers and furniture (2009), especially related to the restriction of substances and materials of the packaging. In some cases, other Type I ecolabels have stricter requirements than EU Ecolabel, for instance in aspects related to materials limitation, recyclability or packaging weight limitations.



For the end-of-life, the average degree of harmonisation is 80%, with deviations on waste management systems and the potential damage on the environment related to toxicity, biodegradability and bioaccumulation. Most of deviations are identified in those Type I Ecolabels which are not officially recognised at national or regional level. For ecolabels officially recognised at national/regional level, deviations are mainly found in TCO and Catalan Award Ecolabels whereas the rest of Ecolabels present in general a satisfactory degree of stringency in comparison to EU Ecolabel. On the other hand, Nordic and Blue Angel presents a higher degree of stringency for cosmetics and detergency products, due to stricter limits on toxicity, biodegradability requirements.

From all ecolabels analysed, only 2 of them are fully aligned with EU Ecolabel; Hungarian Ecolabel which directly adopt EU Ecolabel criteria and Slovak Ecolabel. Four ecolabels present some deviations in specific product groups and areas (Austrian Ecolabel, CZ Ecolabel, Nordic Swan and Blue Angel). Although most of these officially recognised ecolabels assure having a good approach for harmonisation, several differences exist in most product group criteria, resulting in a non-fully alignment with EU Ecolabel criteria according to Article 11.1. Finally, five ecolabels present significant differences in most product groups and environmental areas (Catalan Award, private ecolabels such as TCO and non recognised ecolabels at national/regional level). Nevertheless, these trends could be affected by the selection of product groups since some ecolabels have been only analysed for few product groups due to the limited sample of the shortlist of product groups analysed.


Those competent bodies which are in charge of recognised ecolabels at national/regional level stated to have a good degree and they are currently applying good practices regarding the implementation of Article 11. These competent bodies are normally from public organisms and they are at the same time EU Ecolabel national competent bodies. On the other hand, not recognised ecolabels are normally private initiatives not linked directly to EU Ecolabel or other Type I ecolabels.

➤ Proposal of implementation actions and monitoring method (Deliverable 3 and excel tool).

A monitoring method has been developed in order to guarantee a feasible and robust surveillance of the implementation of Article 11 by Member States. The monitoring method compile the lessons learnt during the implementation of the assessment methodology applied during the project.

As it has been proved during the study on the implementation of Article 11, comparing the degree of stringency of criteria set of other type I Ecolabels in front of EU Ecolabel requires an exhaustive and technical analysis case by case. **For this reason, the most optimum method in terms of effort and effectiveness is to establish a reporting mechanism for competent bodies and Type I Ecolabels operators.**

A monitoring method is proposed so that Member States may inform the European Commission about their processes of development of own criteria, in those cases where



this product group is already covered by EU Ecolabel. In these cases, Member States should report if their new criteria are as strict as EU Ecolabel for those areas covered by EU Ecolabel criteria.

Similarly than the assessment methodology used for the assessment during the project, for each product group, the different requirements from Type I Ecolabel schemes should be analysed in terms of stringency, comparing each requirement from criteria against EU Ecolabel. Both the criterion and verification method will be analysed.

The degree of harmonization for environmental areas will be reported, dividing each area in different subjects, allocating the requirements of the corresponding ecolabel in those subjects and applying punctuation depending on the degree of the criteria stringency. In those cases where alignment is not total, a rationale will be needed exposing the reasons of these deviations.

In order to do this reporting as easy and efficient as possible, an excel tool has been created, following the same approach established for the study. This tool will allow a comparative assessment of each criterion set with the corresponding EU Ecolabel criteria.

A procedure has been defined in order to establish the steps and the communication and exchange of information needed between EC and competent bodies. The procedure with the different steps and the CE and Other Type I Ecolabels managers' roles is detailed in the following flowchart.

The monitoring tool has been designed to be user-friendly, with guidelines on how the different requirements have to be classified into the different environmental areas defined and how requirements have to be compared in terms of stringency in comparison to EU Ecolabel requirements.


The tool contains a matrix for the requirements organised by Areas, Subjects and Sub-subjects. The areas, subjects and sub-subjects can be seen in the template tool detailed in the annex.

This template should be filled by EC in a first stage, for all EU Ecolabel decisions, classifying the EU requirement criteria into the different areas. Once filled, the tool will be sent to Competent Bodies and Type I operator managers that develop their own criteria for the same product groups.

Each CB will fill this tool with the comparative assessment of their requirement criteria, stating if the degree of stringency is at least equal to EU requirements for each subject. The tool incorporates a cell to report the reasons for any deviation.

As general conclusion of the study, it can be stated **that the current degree of implementation of Article 11 – as interpreted in the study - present important deviations for all product groups and other type I ecolabels analysed, although initiatives and good practices have been identified.** Improvement actions will be needed in order to enforce their application in the future. More details on the results of the analysis can be found in the section 9.8. *Summary and interpretation of results.*

The study performed have encountered some difficulties and limitations that have to be taken into account. The following considerations have to be taken into account:

- 
- The original objective of the study was to define a methodology for future monitoring of the compliance of Article 11. Nevertheless, the political and practical application of this monitoring or surveillance method is not clearly stated. In that sense, the analysis of the shortlist of product group was defined in order to test the methodology as a proof of feasibility. For this reason it cannot be interpreted as a comprehensive diagnosis of the state of the compliance of Article 11. The limited sample of criteria set analysed could affect the results since results differ among product groups for a same ecolabel scheme. Several limitations on the representativeness of the sample, the complexity of the analysis of the requirements have been encountered during the study. For this reason results have to be analysed cautiously.
 - The different criteria set for a same product group usually presented differences on the scope and the approach for different ecolabels. This is the case for instance of furniture (covering indoor, outdoor, only wooden, including panels, etc.), cosmetics (including only rinse-off or all cosmetics, including or not aesthetic cosmetics). In some categories the scope already exclude some products due to sustainability considerations (e.g. non-recycled fibres for paper products, metal packed or propellant cosmetics), whereas in some other ecolabels these considerations are part of the requirements of criteria. These differences on scope made difficult a direct comparison between criteria sets.
 - The degree of technical complexity and the requirements makes the comparison of stringency a difficult, time expensive task. The analysis of stringency needs an individual assessment of the content of each criterion. A systematic method is difficult to establish since every criterion is formulated in a different way. This can especially complex in the area of hazardous substances. Some criterion are restricting the substances by their classification, other restrict specific substances. In some cases the requirements on the effect of these substances (in terms of biodegradability, toxicity, etc.) are excluding some substances. Moreover, the derogation systems and exceptions are differently formulated in each case.
 - The comparison of verification methods are quite complex, since in each ecolabel schemes the reference for tests and standards are different. Some national or regional Type I Ecolabel use their own national standards which in some cases may be equivalent to those used by EU Ecolabel, but it is difficult to establish without a detailed knowledge of the content of each standard or test.
 - Some information has been difficult to obtain. Although some Competent Bodies have been contacted during the execution of the study and they have provided some information and useful feedback, other data have been difficult to obtain (for instance some ecolabel schemes documentation, of historical data on criteria).
 - Although the methodology proposed has been developed in order to be as simple, user-friendly and intuitive as possible, being at the same time as objective as it can be seen, it has been difficult to propose an operational and clear method. Some comments from stakeholders stated to have difficulties to understand the rationale of the methodology and the punctuation system.



Proposals for future improvements of the study

From lessons learnt during the execution of the project, the following recommendations are done by the authors for future steps on this topic, as measures in order to improve the methodological aspects as well as results of the study.

- To well define from the beginning the scope of the analysis. This scope is related both from the interpretation of the Article 11 and the goals of the study. If only the criteria sets that have been created after EU Ecolabel criteria decisions are consider (considering a literal legal interpretation of Article 11), fewer criteria set would enter to the scope of the study.
- Some comments from competent bodies proposed to analyse in more detail the section 11.2. of the Article in order to have an overall situation of the co-existence and harmonization among ecolabels. This analysis would allow quantifying at which extent EU Ecolabel adopts requirements from existing criteria of Other Type I Ecolabel.
- The monitoring method for future surveillance of the article should be agreed with competent bodies. A close collaboration with competent bodies and stakeholders would allow overcoming with difficulties on analysis due to the technical complexity of criteria. For monitoring method an active participation of Competent Bodies would be necessary in order to establish an efficient and comprehensive surveillance of the implementation of Article 11.
- As seen in the Legal interpretation section and conclusions of this study, in line with some comments from competent bodies, the Article 11 is not really clear and operational. A revision of the goals, the scope and the formulation of the Article should be carefully studied.

12. Annex. List of contact persons

Name	E-mail	Telephone	Organization
Aude ANDRUP	aude.andrup@ademe.fr	+33(0)241914060	Ademe (NF Ecolabel)
Barbora Bondorova	barbora.bondorova@enviro.gov.sk	-	CB Slovak Ecolabel
Marianne Burum Eskeland	mbe@ecolabel.no	-	CB Nordic Swan (Norway)
Anna Esteve i Traveset.	aesteve@gencat.cat	+34 93 495 80 00	CB Catalan Award. Generalitat de Catalunya
Murielle GAUVAIN	murielle.gauvain@afnor.org	-	AFNOR (NF Ecolabel)
Ruben Jimenez	ruben.jimenez@gencat.cat	-	CB Catalan Award. Generalitat de Catalunya
Björn-Erik Lönn	bel@ecolabel.no	-	CB Nordic Swan (Norway)
Søren Mørch Andersen	san@MST.DK	(+45) 22 35 25 63	CB Nordic Swan (Denmark)
Sara Orberg	sara.orberg@naturskyddsforeningen.se	-	Good Environmental Choice
Josef Reschl	JReschl@vki.at	+ 43 1 588 77-206	CB Austrian Ecolabel
Susanne Stark	<SStark@vki.at	+ 43 1 588 77-208	CB Austrian Ecolabel
Kristin Stechemesser	Kristin.Stechemesser@uba.de		CB Blue Angel
Andreas Tschulik	Andreas.Tschulik@bmnt.gv.at	+43 1 71100 611651	CB Austrian Ecolabel
Dr. Éri Vilma	eri.vilma@okocimke.hu	-	Hungarian Ecolabel
-	kirsi.auranmaa@ecolabel.fi	-	CB Nordic Ecolabel (Finland)
-	ivlot@smk.nl	-	CB Milieukeur
-	Address_bel@ecolabel.no	-	CB Nordic Swan