



MINUTES

Meeting of the European Union Ecolabelling Board (EUEB)

12-13 March 2014

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1. ADOPTION OF THE AGENDA OF 20 NOVEMBER – *PRESIDENT*

Agenda was adopted

2. ADOPTION OF THE MINUTES – *PRESIDENT*

Minutes were adopted

3. DISCUSSION ON FINAL CRITERIA DOCUMENT: ABSORBENT HYGIENE PRODUCTS; *EUROPEAN COMMISSION*

EC: Presents the last criteria version for vote in the EU Ecolabel Regulatory Committee.

DK asks that preservatives of the Isothiazolinones family (that is Methylisothiazolinone (MI) and Methylchlorisothiazolinone (MCI)) are also excluded from EU Ecolabel diapers and absorbent hygiene products (AHP) as they are from lotions.

UK: On criterion 2.1. Sustainable fluff pulp, we proposed to maintain the 25 % but be clearer about the remaining 75 % must be from controlled sources and therefore legal and sustainable. There was no need for a reference to FLEGT and CITES. We didn't see that incorporated in the text. Do we have to propose it again formally?

BE: Lotions are now prohibited in all products except for diapers. Children are most sensitive to allergenic reactions, we ask for an exclusion of lotion in diapers. On criterion 7: would it be possible to add to the assessment and verification part that the applicant should give information on which substances are covalently bonded? The code number should be 047 instead of 47.

SE: We are concerned about the assessment process and the risk of double booking on the 2.1 sourcing criterion.

NL: The State secretary intends to accept PEFC Malaysia in the near future. This acceptance will be for a maximum of a 2 year period and because the criteria for AHP will be valid for 4 years, NL still intends to vote negative.

IT: Call attention to possible misalignment between Table 1 CTMP for Sulphur and on Table 2 emissions on LPG where numbers are different than the ones we know from Tissue Paper. ISPRA believes that a higher percentage of fibres could be reached: the 25 % could be increased. Agree with Denmark on the Isothiazolinone concerns. We are against the position of Belgium on lotions. We are afraid that by banning lotions the product will not be interesting for the South Mediterranean countries, especially for Italy. As a general point also for inks, dyes and fragrances: instead of complete banning we would prefer to have stricter requirements. It is most important for lotions and that is why we would ask to allow lotions also for feminine care pads.

BEUC/EEB: On the 25 % value for fluff pulp, there is room to increase values; there are products on the market and it is not a niche market. Will call for raising the target – or at least to introduce some sort of phase-in target. By lowering standards from best environmental performance we are not providing the right signal to producers or consumers and lose credibility. Hope that the proposed text will refer to controlled

sources and is satisfied with that. Call on the EC to allocate a Task Force that should take on a horizontal discussion and an evaluation on the issue of controlled sources. On fragrances: we welcome the extension of exclusion to cover additional product groups, but unsatisfied that it doesn't cover feminine pads. We recognize improvement in the way fragrances are addressed, but we call for a total exclusion. On lotions: the EU Ecolabel should not allow lotions, it is not a performance requirement and it is possible also in southern countries to find diapers that do not have lotions. If lotions are to be accepted, we strongly call for an exclusion of Isothiazolinones. It can be justified as it can be considered a "leave on" product; it will be in permanent contact with children and should not be used. On absorbent polymers, the ambition level set now at 1000 ppm does not reflect the possibility of manufactures to reduce the remaining polymers. The Nordic Swan has the criterion at 400 ppm and the manufactures can comply with it.

FR: We welcome that you consider the comments by UK and BEUC on the assessment and verification in Criterion 2. We would like to see the modification made to ensure that 100 % fluff pulp use will be covered by valid sustainable forest management and chain custody certificates. Threshold for pulp coming from wood grown according to the principle of sustainable forest management, we would like to see in the Commission statement that it shall reassess the level of stringency of this criterion for the next revision. Are the lotions in baby diapers used under the scope of the cosmetic directive? Will the ban on MCI and MI also apply to lotion used in diapers? Do we need a definition for lotion, if yes; is it possible to add it in the user's manual? We welcome the 100 % of organic cotton criterion.

Procter and Gamble (P&G): With respect to lotions, inks and dyes, the focus is very much on hazards and not on the benefits. Inks and dyes help consumers on how to use the product, how they have to position it. Some ink on the product is helping consumers in terms of traceability quality control and so forth. In terms of the safety aspects: these dyes are all safe and assessed through risk assessment. There is a very small chance of skin exposure as they are usually on the back sheet with no direct contact. In terms of sustainability we are using milligrams of inks on a product that weights around grams, if you do a LCA, it would probably not even show up. There are a lot of benefits of using them without actual harm. On lotions: they bring skin benefits that are shown through studies we did in hospitals. All the lotions we use they are safe. In terms of sustainability, if you use additional products to treat the skin of babies or in case of feminine hygiene products, you will add an extra burden to the environment. Having it all in one product is a much better approach in terms of dealing with sustainability in these products.

FATER S.p.A: I support P&G. We sent detailed feedback to the Commission in a position paper. We are strongly concerned about three criteria: on inks, on lotion and on fragrances. We sent to JRC large scale clinical studies showing that lotion are needed, particularly in the Southern Europe, where the temperatures are higher and there is more sweating. They are currently allowed in baby care but not for feminine pads where they actually deliver the same functional benefits as they do in baby care. An LCA study shows that products with lotions, inks and fragrances basically deliver the same environmental performance as a product without them. Differences are all below 1 %. An LCA shows that products containing lotion, inks and dyes can actually very well be easily environmentally superior to products that don't have any of these ingredients. A technical model shows how lotions work as an antibacterium, it acts as a softener, it reduces menstrual flow in contact with the body, and it spreads itself on to the vulva skin and makes it hydrophobic and creates basically a barrier between the body and the excess humidity and sweating. On technical performance we can see it brings consumer benefits

in terms of less irritation, less itching, less burning, less abrasion, less body odour. We really disagree with the exclusion of products with lotion in the feminine pad context. For the same reasons as P&G had, we support the inclusion of products including ink in contact with skin, because what really matters is that they are safe.

FSC: I agree with EEB/BEUC about sustainable sourcing and the possibility to be more ambitious than the 25 %. We would of course cooperate if the Commission would start a Task Force on controlled sources and controlling controlled sources.

EEB/BEUC: On lotions and fragrances for female pads, I refer to two comments we sent with scientific references stating concern about exposure of chemicals to more sensitive skin areas. I refer to the advice by the American College of Obstetricians and Gynaecologists: they recommend not using fragrance tampons, pads as well as feminine sprays and powders to help to prevent or clear up vulva disorder. On the use of lotions in diapers, children do not have skin irritation all the time; parents can act when the skin irritation arises and use cream and lotion when it is needed.

DK: To P&G and FATER S.p.A. I think you overemphasise the benefits of fragrances, especially in products for children. Children's skin is more sensitive than of adults, we take a precautionary approach. The criteria allow the use of lotions with certain constraints and restrictions. Scientific Committee on Consumer Safety (SCCS) has pointed to the fact that the use of certain Isothiazolinones in "leave on products" shall be banned. Would P&G use Methylisothiazolinone in their products for lotion?

P&G: We don't use Isothiazolinones as a preservative in lotions specifically.

FATER S.p.A: Lotions are allowed in baby care at the moment but not for feminine care. It is about giving consumer choice as long as it is marked on the packaging.

EEB/BEUC: I refer to our comments also based on the advice by the SCCS regarding fragrances. In the opinion from June 2012 they say that the consumer should be made aware of the fragrances that are in table 13.1, 13.2 and 13.3. We think that consumers should be made aware of the use of all the substances that are in this opinion. There is scientific basis to expand the requirement 6.3 e, to cover the ones that are advised by the SCCS from table 13.1, 13.2 and 13.3.

International Paper: 90 % of the world's fluff pulp comes from U.S, where according to the World Bank 0 % illegal logging is happening. 100 % of our fluff pulp is FSC controlled wood. You can clearly specify that in the criteria 100 % is covered by FSC chain of custody and is controlled and legal wood. In terms of the share of certified fibres it is difficult to increase it above 25 %. Forest in the U.S. is privately owned, it is hard to find owners who link to certify. It is costly; customers are not willing to pay. We work towards raising 25 % level, in 4 years we could discuss a higher level. At the moment we agree with 100 % FSC controlled wood and 25 % certified PEFC, SFI or FSC.

EC: On fragrances and lotions- the argument for inclusion is not an LC argument but with reference to EU Ecolabel regulation Article 6.6 and 6.7. Fragrances and lotions have been one of the key issues for discussion on this product group and the proposal should be seen as a compromise on different views that has found a good level of agreement. What has been done is to put some layer of protection to the consumer and restrict the freedom of the producer to apply which fragrances they wish to the product; they have to follow strict requirement. Some clarification can be made on the definitions in the User Manual. On the MI, MCI in general: we are not in favour for applying last second

changes to the document; and probably not being an issue for the diapers, we could also wonder if we really need to make this clarification one day before the vote. Some clarification for table 1 and 2 is needed; I can discuss that with Italy later. The last point is on the sourcing of fluff pulp, where there was a need to clarify the wording for this requirement. During the discussion some changes have been applied to the proposal.

DK: The proposal on Isothiazolinones is not a last minute change and is based on recent knowledge provided by the Commission. Given that manufactures say they don't use these preservatives, I think it is appropriate that we take it into consideration.

EEB/BEUC: I would also argue for the exclusion of Isothiazolinones. It would exclude the potential option that other producers may use or it can be used in the future. BEUC member in France has found examples of baby wipes that contain Isothiazolinones.

P&G: You cannot compare baby wipes with baby diapers - it is completely unscientific.

EC: The feedback should be given within the deadline. We will present the criterion 5.1 and our final line on the request coming from Denmark on MI and MCI and we will ask your voting intention. We have done some changes to the criteria document that was presented this morning. In the Act the only change is to add 0 in front of 47. In the Annex document we have applied some minor modifications to criteria nr 1 with respect to the fulfilment of requirement number 5. We ask in the product description to refer not only to describe the material and additives that are used in the product but also the components. We have a new wording proposed for the sourcing of the pulp fibres with reference to chain of custody certificate and sustainable forest management of the wood. Legality of the sourcing: there should be a certification body that can be used to assess and verify this certificate. In assessment and verification part the only modification was to remove the reference to FLEGT and CITES and to add the wording controlled to the assessment and verification text. To the assessment and verification for the emissions of sulphur compounds and NOx to air, we added the possibility to have continuous measurement. The requirement 3.1 on the sourcing of manmade cellulose fibres was aligned with the requirement on fluff pulp as shown before. In the bleaching of the manmade fibres, we have added a reference to the frequency of measurement that was implemented in the requirement for fluff pulp. For requirement 5.1 for plastic, sourcing and production of synthetic polymers used in plastic materials we have set threshold for emission of GHG and for the amount of primary energy. In this case we have for the assessment and verification reference to the ISO1440/44 and the guidance provided by PlasticsEurope. Results shall be third party reviewed. From the 1/1/2016 the assessment and verification shall be based on the PEF requirements. All the plants that produce synthetic polymers and plastic materials have to implement a system for water saving, integrated waste management, system for the optimization of the energy efficiency and energy management in the production plant.

DE: I have seen that you still refer to the ISO for the LCA. After what time is it going to change – are you allowing two methods?

EC: Just to clarify, until December 2015 the use of the current practise is allowed- the ISO1440/44 with third party certification of the data asked for. As of 1st January 2016 the phase in of PEF study will come in order to check compliance with in these criteria.

Industry: In the methodology protocol procedural guidance, there is a workflow that should be followed with an ecoprofile project team, a products committee and a life-

cycle Task Force; you should have a programme operator who chooses the consultants. I can't put that on my supplier and their sub supplier. As a general rule ecoprofiles should represent a minimum of three producers - it seems to be not possible to go for one. Coming to the nature of LCA: I would say that the polymer production is one of the most complex processes, it would be very time consuming and costly way to gather this kind of data. We are talking about LCA starting from 10 -20- 30.000 Euros. After you have done the LCA, you are supposed to be lower than the average numbers shown here. I can't see how this can be a reasonable way of working for getting a license for my product. Also my supplier could change their polymer supplier during this time or with short notice. Then I will have to wait quite some time before I can get new results. One supplier said very clearly, it is only a very small fraction of the polymers suppliers production that goes to my supplier. Very small fraction, so that supplier couldn't see any possibility to really come there and ask for such an LCA. Going back to the complexity of doing such polymer LCA, as you said, some are buying raw materials for making polymers on the spot-market. Will make it even more difficult to follow and actually even more than to follow what PlasticsEurope recommends. Not having a single value, but at least three parts to get an average. And of course they need to change suppliers from time to time as well. That would take much time before we could get replies from new LCAs from that possible new sub-supplier. I can't see how it can be doable for a company who tries to get a license. I spoke with PlasticsEurope that they can't see that this is the way this guidance should be used. And this is not the way that we can approach that industry getting LCAs on their polymers. One last thing is that the thresholds that are supposed to be below averages. On a pure mathematical basis this could also be very skewed because we could have one very low value and the others just above the threshold. If you have a median number, then at least you know that half of the occurrences are below. So I sympathize with the efforts to get LCA data in there, but I can't see how this can be doable at the moment. Unfortunately I don't have any alternatives at this moment. I thought a lot about it and I would ask to get this taken out.

PlasticsEurope: remarks on 5.1, 5.2 and 6.1. There is too much on chemicals, on hazards, on plastics, on polymers, on production, numerous criteria on production; packaging is also addressed several times. On 33 different places, declarations are required from the producer. This is an unprecedented bureaucratic system and some simplifications can be done here. On 5.1 the figures published by PlasticsEurope in table 4 are averages on a series of plants. An average means that there are better and worse, but an average here cannot be taken as a threshold. We don't even have the standard deviation on these thresholds – on these values, averages to make an estimation of how many companies fulfil for example 80% of the requirement or not. We have at least three different producers, and on these three or more we can publish averages. These are not benchmarks, these are not thresholds, and it is just an average that you just can't apply on a production plant. In our view the proposal is far from being mature to be voted upon and we ask to remove criteria 5.1 as it doesn't make any sense at all. When we go to assessment and verification, it is written that results shall be third party reviewed according to ISO and summarized in a concise technical report for Competent Bodies. The figures that PlasticsEurope is producing are already verified by a third party, so you don't need an additional verification by a third party here. On 5.2 additives in plastics; a typical requirement says that content of lead, cadmium and hexavalent chrome and related compounds shall be lower than 100 ppm. These things are not used, this criterion makes no sense and we propose to take it out. On 5.2 b; additives used in plastics in concentrations above 0, 1% by weight shall not be classified - that is not important. I will go to criterion 6 for example. Criterion 6.1 mentions DIBP and DINP phthalates. DIBP is a phthalate that has been classified and excluded by table 5. And DINP is not a phthalate

that has gone through the REACH assessment and the chemicals agency has published its final results on that and DINP is not classified so shouldn't be there either. So we propose to remove these two phthalates from 6.1.

DK: I still miss comments from the Commission on the Isothiazolinones. What will be the outcome?

EC: Based on the comments that we have heard until now, I would explicitly ask that a Member State in the voting intention specifies their opinion on article 5.1. 5.1 is important because we need to have some requirements also on plastic. All the requirements discussed until now were agreed by PlasticsEurope in the meeting where it was mentioned. We had a critical review of all the additives that are used in plastic materials. For MI and MCI our orientation would be not to amend the requirement on lotions, adding also this reference to preservatives that anyway don't seem to be used in this type of product. We as a Commission would be ready to reconsider that if in the coming month there is more evidence that this is necessary. We are open to include that in the Commission statement - referring to the request on MI and MCI.

DK: The solution might be that we move the exclusion of the Isothiazolinones to 6.6 together with nanosilver particles – so it is not allowed to add Isothiazolinones to the product or any homogeneous part or material of it. Then we are not discussing cosmetics but we are discussing what we would like to have in this product. I think it is a very strong signal to send, and we are actually not quite sure that it is not used.

EC: I understand your reasoning but we have the responsibility not to accept a technical change like that without appropriate consideration by technical services. The proposal that the Commission will put forward will not include a reference to the exclusion of these two substances for the time being. I open the voting intention. The president will call the Member States, so please mention your voting intention on the overall document and a specific on criteria 5.1. – If we should keep it or delete it.

	Overall	5.1.	Notes
Austria	positive		Denmark has the vote for Austria
Belgium	abstain	not sure	Abstain because of the lotions. If 5.1. is not possible to comply with, it should not be there.
Bulgaria	positive	positive	
Croatia	positive	positive	
Cyprus	positive		France has the vote for Cyprus
Czech	positive	not sure	Rather keep 5.1 in
Denmark	negative		<p>DK: We learned that the Commission will not take in last minute comments and at the screen we see dynamic criteria. By 2015 we shall use PEF; that none of us here is quite familiar with. 5.1 is a reasonable criteria that we have on the manufacturing of plastics as we have criteria on manufacturing of other raw materials. Suddenly, there are big problems with the criteria, which call for postponing this criteria document. I am not sure about 5.1, but I am quite sure that the Isothiazolinones should be excluded. My voting intention on behalf of DK is negative.</p> <p>EC: This is not a dynamic criterion; we are not changing the threshold, we are changing the assessment and verification method. We have done that in the past, for example when the new DID-list or a new standard becomes available, it is not a novelty. There is no link between the pilot-phase and that date, as the pilot-phase is about something completely different. This is a time buffer that we are giving to industry to get more familiar with the PEF guide which is already there in the official journal.</p>
Estonia	positive	positive	
Finland	positive	positive	
France	positive	positive	<p>FR: Should keep the criteria on plastic part in, we are in favour of that. The PEF document could change during the process as it takes into account stakeholder comments?</p> <p>EC (Michele): No, the PEF guide will not change during the pilot phase. All changes to the PEF/OEF methods will be done at the end of the pilot, at the end of the assessment phase which is in 2018. This criteria will expire in 2018 – so until then the version that is currently on the official journal will be the reference version.</p>
Germany			<p>DE: We are not in favour of the sudden change for 5.1 (introduction of PEF). We are concerned by the comments made by PlasticsEurope that the figures in table 4 are average figures; it is highly questionable if these figures can be used as benchmarks.</p> <p>EC: You would be in favour of the criteria 5.1 without the new addition of reference to the PEF? You would be in favour of the old text?</p> <p>DE: Correct, but we would still ask for clarification on table 4.</p> <p>EC: The information provided by PlasticsEurope is correct in the sense that those are averages that have to</p>

			take into account three plants. If you want take a policy decision; you can take an average and decide that for you it becomes the benchmark. How correct that is? It is an average, calculated with at least three plants spread around Europe. The other fact is that we are deciding that for the sake of the criterion we will use that average as a kind of threshold.
Greece	positive	positive	
Hungary	positive	positive	
Italy	negative		Why can't lotions be used on feminine care pads as they can be used for baby diapers, where there should be the highest concern and attention to exposure to chemicals? I didn't get mandate from our ministry for 5.1, but it makes sense, I can speak for Ispra. We prefer mentioning PEF, but the concerns we heard today by producers and PlasticsEurope is something we should think of. Lotions are very important to us, but we can think of giving a positive vote if there is an answer to our question.
Latvia	positive	positive	
Lithuania	positive	not sure	Positive and for 5.1, like Belgium and Czech Republic.
Luxembourg	positive		
Malta	positive	positive	
Netherlands	negative	negative	Negative because of the reference on FSC/PEFC or equivalent.
Poland	positive	negative	5.1 is probably not workable, I suggest deleting 5.1.
Portugal	positive	positive	
Romania	positive	positive	
Slovakia	positive	positive	
Slovenia	positive	positive	
Spain	positive	positive	Maybe in criterion 5 we can change environmental threshold by environmental average and it would be more correct?
Sweden			I cannot tell you the Swedish voting intention yet. We are concerned about the workability of criterion 5.1. In criterion 11, the social requirement, we are concerned due to the large amount of sub-suppliers in this field. We are in favour of taking out 5.1, but we will be ready tomorrow.
UK	positive	negative	Prior to this meeting we had a mandate to vote positively. We have heard a couple of things today, and I would particularly emphasise Germany's comments regarding Criterion 5.1, that if this criterion is unaltered it is potentially unworkable. This is very worrying from a Competent Body perspective and something that we hadn't appreciated prior to this meeting. Also that the values therein are averages and not thresholds limits as described. I know that it doesn't affect the fact that we can choose to use them as thresholds if we want to, but unfortunately that wasn't clear to us and has important implications. We are also concerned by the reference to the use of the PEF methodology. Although the methodology is published, the test pilots are only

			now underway and important to test that methodology and to make any changes. We are therefore not in a position where we can fully understand what is being referred to in the criterion when it says there will be a change over by 31/12/ 2015 and then 1/1/2016. I am not a 100 % sure, but I think that we are in favour of probably deleting this criterion because we are not sure of what the implications are, and those that we hear of at this meeting are not good. If this criterion is deleted then we will probably vote in favour of the whole set.
Norway		negative	<p>NO: I learned a lot at this meeting. Especially that this table 4 is a random selection of three producers and the average of what they are saying.</p> <p>EC: It is not a random selection of three producers. The rule is they have to be at least three plants – and usually there is many more than that.</p> <p>NO: It is a fact that we haven't got very much information on these numbers and it is an average calculation on the information that you have. The scientific status to be used as a criterion here I find very weak. Moreover, the last information that you put on today, the change in assessment and verification, from January 2016 it must be a PEF study, and you said that this is no other thing than change of standards. PEF study is not a standard, it hasn't been developed within the standardization regime. I find it very dubious that we would be able to force the applicants to do it after the PEF study regime and not after the agreed ISO standards. We got information from the industry that this will not be workable and be very costly. Without the deletion of criterion 5.1. Norway cannot accept this criteria document.</p>
EEB/BEUC	abstain		Our voting intention was to abstain because we recognize improvements in the criteria. We have concerns over lotions and it would have been a positive for the abstention to have the exclusion of Isothiazolinones. The Commission says that they want to wait for more time to have more evidence. We don't know what kind of evidence we would be able to provide if already the SCCS reach the conclusion that justify the exclusion of Isothiazolinones in lotions. So in this respect we would vote negative if it is not excluded. Criteria 5.1: we have sympathy for keeping a criterion on plastics, but here the concerns from industry and also introducing PEF methodology at the last moment. This has to be consulted with the membership. We don't have yet the conclusion of this process, it is too early to link it to the EU Ecolabel.
EuroCommerce	abstain		It seems to be premature to include the PEF in the Ecolabel. We have concerns about the costs for the producers. That could mean that we don't have any EU Ecolabel goods to sell in the shops. We will abstain from the voting.
FATER S.p.A.	negative	positive	We are negative on the reasons mentioned this morning. We provided technical data on the lotions and I don't think we received an answer from the Commission on this. On the 5.1, we think this is workable.

Second day: **EC:**The most important update is that after having heard the comments and some concerns raised by industry and some member states the Commission has decided to remove part of the article 5.1. In the final proposal there will be no 5.1 a; it remains 5.1 b.

4. DISCUSSION ON FINAL CRITERIA DOCUMENT: RINSE-OFF COSMETICS; *EUROPEAN COMMISSION*

EC (Pavel Misiga, Head of Eco-Innovation and Circular Economy Unit). You may recall, from our discussion in June last year that there was a dispute in the Commission about this criteria – especially concerning fragrances and substances with sensitizing properties. The discussion continued since last regulatory committee meeting and is focused on the relationship between the EU Ecolabel and the Cosmetics regulations when it comes to the issue of regulating substances with sensitizing properties. There is still disagreement between these two services within the Commission. One view is to propose that substances with sensitizing properties as identified by the SCCS should be excluded from EU Ecolabel products. There are three substances Atranol, Chloroatranol and HICC that should be excluded at any concentration and other substances could be allowed in very low concentrations, at the proposed threshold of 100 ppm. The opposing position within the Commission is that this proposal contradicts the Cosmetics regulation, which already foresees that cosmetics products placed on the EU market are safe for human health. Such an exclusion of substances could lead to the situation where EU Ecolabel cosmetics could be conceived by consumers as safer for human health than non-ecolabelled cosmetics. This could bring confusion to consumers while failing to meet the objective of the EU Ecolabel which is to identify cosmetics which has a reduced environmental impact throughout lifecycle. This is not an easy dilemma; we are not in the position to propose these draft criteria for vote tomorrow. It is very important that we discuss the proposal today. We will bring the information from our discussion to the negotiations within the Commission. I would like to ask you to express your opinion and I would suggest that we consider three alternative solutions:

1. 0- proposal. No criteria on substances with sensitizing substances, no exclusion except of 3 substances Atranol, Chloroatranol and HICC.
2. The option two is the original proposal that we submitted to you a year ago, which lists 20 substances as identified by the SCCS as substances with sensitizing properties of high concern. We would exclude the three previously mentioned at any concentration and the other 17 at concentration above 100 ppm.
3. It is the proposal you had a month ago and that has been circulated before this EUEB. We don't list substances but refer to the Cosmetics regulation. All substances with sensitizing properties that has to be labelled according to the Cosmetics regulation and substances identified by the SCCS as sensitizers of special concern would be excluded from EU Ecolabel cosmetics, if the concentration is higher than 100 ppm.

I would like to emphasise that this is a normal way how the Commission works. There are always some disagreements, and we usually manage to find an agreement before the vote. In this case we have not been able to find a solution in time. We have very good, intensive dialogue with colleagues in other services, and we believe that we can find a solution. Your opinion expressed today will feed into this discussion. I don't want to influence you in any way and just want to take your opinion to this discussion that is now at a political level; and simply to inform about the perspective of member states and stakeholders. Please be clear about your opinion on this issue. Don't assume that we already heard you before. If you have something to say, please repeat it very clearly now.

DE: We understand that this issue is very complicated that has been going on for quite some time; we had this discussion back home as well, between the ministries. The option two and option three: is there a difference? I thought it was only that they were named and now it is referring to the Cosmetic regulation. But was it a different list or is it just a difference in reference? What happens to the list of hazardous substances, because the sensitizing hazards are still in the list, are they going to be taken out? And if they are going to stay in the list, have you checked whether these fragrances which we have banned above 100 ppm are actually H phrase?

EC: Options 2 and 3 are not identical. Option 3 has the reference to the SCCS-opinion, and we have the references to Annex 3 of Cosmetics regulation. Annex 3 obliges the manufactures to follow for substances which are already being determined, and there are six additional ones, from the ones below, to be labelled on the packaging. It is a broader list of substances and it avoids that an EU Ecolabel product will have a substance that is demanded from the Cosmetics regulations to be labelled because it has sensitizing properties. It has a direct link to the Cosmetics regulation. And therefore it was also given a generic form how it stands in the regulation. It is not identical. Other Commission service is consulting the concerned parties about the review of this Annex; and this process might result in inclusion of about 84 substances. So that if these 84 substances are included on that list, then our ban, or exclusion in EU Ecolabel products would be much broader than the list of 20 substances as we proposed originally.

DK: EU Ecolabel is also a marketing tool, if the criteria don't take into consideration newcomers in Annex 3, it will be difficult to promote what the EU Ecolabel is about, when it comes to rinse off cosmetics. If we have a static list of substances that are excluded in 2014 and Annex 3 is updated a year later, it is difficult to communicate and to promote what the ecolabel is about. Then there will be some fragrances that are excluded because they are sensitizing and there are others that are sensitizing but allowed. Denmark would go for option 3. It is favourable to have a dynamic list when it comes to sensitizing fragrances. It works fine in the Nordic Ecolabel. If it is also about, should we remove the reference to the opinion on fragrances and stick to Annex 3, I think that Denmark would be happy with that. We will of course have an opinion on the Isothiazolinones.

L'oreal – Cosmetics Europe: Already the criterion on hazards is removing 80 to 90 % of the fragrances. If you select option 2 or 3: it means that the Ecolabel products will be fragrance free.

NO: I support Denmark for the option 3. In the Nordic Swan we are in the process of accepting the last opinion of the SCCS where they are abandoning the next fragrances and we do not want an ecolabel product where the producer has to list all the allergenic fragrances that have been added to the product. The limit of 100 ppm is what we want to have. With the information we got from Cosmetics Europe, we would need a lot more documentation and background in order to accept what was now said.

UK: I don't think we would agree with option 3. We have a dynamic link, if we link it to the Cosmetics regulation – we don't know what substances are going to be added in the future. The EU Ecolabel is supposed to be based on scientific evidence, we would want to know exactly what the risk of the environment or the health impact were before we would sort of give a *carte blanche* to any substance that would be added to that Annex. Option 2, we could live with that. I don't think we would automatically object to option 1 either. If we can still maintain the restricted substances hazard statements and risk

phrases already in criterion 3. That can deal with a lot of these issues R42 and R43, and then perhaps we can live with that as a compromise. We want good relationship between the DGs, but we also want criteria for this product group. It is demanded by license holders. If we can come to a compromise that means option 1, then we are prepared to accept that.

EEB/BEUC: We want this product to be fragrance free for different reasons- health, environmental and marketing arguments. We are very satisfied that there was the requirement that products that are marketed for children shall be fragrance free and in this basis we felt that the document that was proposed to us could be a compromise between the wish to exclude fragrances and the wish to use them. We sent a letter to DG SANCO telling them that we wanted to have a complete restriction of all the substances that are in the SCCS opinion. It is even lowering our first wish that fragrances should not be used. We restricted it to only targeting those that are in the SCCS under complete restriction. Now we are only looking at table 13.1 which are the established allergens for humans and we are not having a complete restriction, we have a threshold of 0.01 %, and we are willing to compromise to that. For us option 3 is the compromise. I think that also in our comments we refer to the fact that we strongly disagree with derogations that have been given to fragrances that are classified as H412 and H413. These are hazard statements that are relevant for the environment, these are endpoints which affect toxicity in the aquatic system, and this is an indication that there is an environmental impact of fragrances and the ecolabel has the right to address this kind of chemicals. CDV values are too high, which is another environmental concern. I think DG ENV is not really without elements to fight for option 3. And we would really like to keep it as a compromise. We checked that many of the substances in table 13.1 of SCCS may be labelled with the hazards of sensitizers but they are not harmonized classifications, they are self-classified, they are not really addressed by the criterion and this is important. It will not be really excluded, so we do need to keep this requirement. A strong call on the Commission to keep it. We can compromise to vote positive on the basis of option 3 even though we have other concerns.

IT: We are sorry that there could be something that could stop or compromise the possibility to vote on the criteria once again. Should the criterion on fragrances be changed according to DG SANCO? I mean for that one nothing will change – it is only on the first part on the allergens. Regarding the allergens, the feedback that we got from our producer is very similar to the one that our colleague made before, that in this formulation we are having right now, they are practically not able to use at all allergens, it is really stringent. If this is the position that the Commission is taking, they can agree on this. We have to try to keep a harmonized approach for different product groups when it comes to substances that can have allergenic properties.

PL: Option 3 has certain disadvantage as the list of substances is dynamic and will be changed over time. As I understand EU Ecolabel products will not be comparable, after 2 years they might have different compositions and different characteristics – so I would be against option 3. I consider option 1 and 2 – but will make decision later.

EC: The procedure for DG SANCO is public consultation for the extension of the list of allergens. At the moment there is a list of 82 substances (based on the findings of SCCS) which are given to the public consultation, whether they should be included in the Annex 3 of the Cosmetics regulation, which means that above 100 ppm in rinse-off cosmetic products they will have to be named on the label. If this proposal is accepted, partially or entirely, there will be a regulatory proposal made, which might be adopted not earlier

than within one year, with a three year transition period for manufactures to adjust their product. In principle no real change will be enforced before 2018. Regarding the comment from Germany: it is correct that with criterion 3b we do already exclude, we will not make a change, we will keep the hazard statement H417 in, but as it was also mentioned by EEB, the majority of those substances do not have harmonized classifications. There are notifications, but there are just a few harmonized classifications. It doesn't immediately mean exclusion, and in addition this is not a ban, this criterion is a limitation above the concentration of 100ppm. There is an overlap with both of these criteria, but this is also for the safety to ensure that if there is no harmonized classifications but these substances are known for years to be sensitizing that we exclude them. I would have a question to L'oreal: at the moment we have 32 substances including 6 natural extracts included in our proposal. 3 of them should be completely banned and the rest of them should be restricted above 100 ppm. How did you come to the number of 90% of fragrances would not be allowed to be used anymore?

L'oreal: It is because you are doing it in combination. Already with the criterion of environmental hazards you eliminate between 80 to 90 % of the fragrances. Only with this criteria you are almost removing all fragrances. If you add an additional constraint you will end up with maybe not 0 but very few fragrances which would be available for this type of product. If you multiply all the constraints that are on fragrances you nearly eliminate fragrances. Consumers request more and more to have fragrances in these types of products. By adding so many constraints on fragrances more or less the 10 or 20 % of the products on the market would be virtual.

EC: In order to have scientific evidence we would like to ask you to send me the list of perfumes which would be excluded to see if it is really 90 %. We do not exclude substances completely; there is a proposed ban only on 3 of them. We know that fragrances are used in mixtures of many substances (20 to 200). We have a restriction of 100 ppm per single ingredient. According to the information we have received from the experts and also from some industry representatives, it is possible. They use them below the concentration 100 ppm, so it is feasible and in order to confront it we would welcome more detailed information regarding this. On the view of UK about the Annex 3- it is amended after public consultation. The basis of releasing the public consultation is SCCS. The SCCS was asked to conduct analysis, they made their conclusions, comments and now there is a public consultation. If there is any additional amendment, the same procedure will happen. In Annex 3 of the Cosmetic regulation the substances are added based on scientific evidence. We would like to get your opinion based on the information you have, your voting intention tomorrow before closing the meeting. We will send the table with the options by e-mail.

UK: What happens after we have given our opinion on the options?

EC: We couldn't reach agreement at technical level so this dispute is now elevated to a political level. We were asked by cabinet members to discuss what is the opinion of member states and stakeholders on different options. When we have this opinion expressed by you, we will summarize it, evaluate and provide this information to cabinet members who will schedule a meeting very soon and consider many other things but including this information. How much it will influence decision I cannot tell you

Second day: **EC:** The idea was to have a vote and also to check the comments received in the meanwhile after releasing the last proposal. In order to save time and as we will not

have a vote, I suggest that we give you a 3 weeks deadline for submitting written comments from the EUEB level, just for the changes we implemented in the text.

Rinse off will not be voted. We ask your opinion on the 3 options.

	Opinion
AT (DK has mandate)	Prefer 3
BE	1- negative; 2- can agree; 3- positive
BG	1,2 –negative; 3- positive
HR	Support 2
CY	No mandate
CZ	1- negative; probably agree with 2; prefer 3
DK	1- negative; 2- not considered yet; 3- positive
EE	2, 3- positive
FI	1- negative; 3 - positive
FR	Can accept all, prefer 3
DE	no indication at this time
GR	3- positive
HU	2- positive
IE	No mandate
IT (Ispra)	1- do not like it but might accept if alternative is no criteria; 2,3- can agree
LV	1- negative; 2,3- positive
LT	1- negative; 2,3- positive
MT	Prefer 2; others acceptable
NL	1-negative; can accept 2; prefer 3
PL	Support 2
PT	1- negative; 2,3- positive
RO	1- negative; 2,3- positive
SK	1- negative; 2,3- positive
SI	No mandate
ES	1,2 - negative; 3- positive
SE	1- negative; 2- acceptable; 3- positive
UK	no indication at this time
NO	1- negative; 2- maybe; 3- positive
EEB/BEUC	1,2- negative; 3 positive
Eurocommerce	1- negative; 2,3- positive

5. UPDATE ON THE CRITERIA DEVELOPMENT PROCESS: LIGHT SOURCES; CHIARA BRIATORE, LIGHTINGEUROPE

Chair: The old criteria last until the end of 2014 and at the moment we cannot say that we will have new criteria. How will we proceed in the meantime?

DK: You focus on criteria on substance of very high concern that cannot be derogated. In REACH regulation we have to differ between substances of very high concern according to article 57 and those in article 59 that end up on the candidate list. It is only those around 150 substances on the candidate list that cannot be derogated. It is mentioned on the graph on the life cycle of lamp "- 2%" environmental impacts in the disposal phase. How did you come to that result?

LightingEurope: The graph is taken from our report. You can go through the report and see if the graph matches your expectations or conclusions.

DK: If you are incinerating these products, you might have some energy out of it, but that is not the correct scenario with the product belonging to the regulation of Waste Electrical and Electronic Equipment, as those products are supposed to be collected. LCA should reflect what is meant to be done in the disposal phase and not what is actually going on not according to regulation in the EU. Denmark has proposed several options to come through the difficulties with the chemicals. Denmark has proposed to exclude mercury at least from compact fluorescent lamps (CFL) as it is very difficult to derogate mercury from the EU Ecolabel regulation criteria.

LightingEurope: What do you mean with excluding mercury? Excluding the technology?

DK: Yes; of course you can write 0 mg. We have technology that can go instead.

LightingEurope: We have left the scope definition very opened. There was discussion to narrow it from technology and to widen it from the sector point of view (not only domestic but also some professional). We saw that member states and stakeholders were in favour of having the criteria only for LED. If we go to the discussion on efficiency classes, A+ or A++, some arguments are that with A++ no CFL-s will be there, just LED-s. We really had to count the votes in order to know if to have this criterion for one or more than one technology.

DK: It is also about the communication of the criteria, it is much easier to communicate that mercury is not allowed to use, if you actually have that criteria, instead of trying to communicate that mercury is almost not allowed to be used in this product group. That has nothing to do with the technical matter of the criteria but more about how to communicate and penetrate the market with this product. The success rate will be higher if you are clear in your communication. We propose to derogate from article 6.6 and 6.7 based on a gram and focus (we also have RoHS directive on chemicals in this product group) on no mercury, we also suggest excluding brominated flame retardants. That might be very efficient communication to the market. You had 2 options on how to deal with derogation and you had a table, but it would be better to have a figure, draw a figure what is the implication of option 1 or 2. It's difficult to understand the exact implication of choosing either option 1 or 2, a figure could help.

EC: I will come back on the issue of scope. General principle of the EU Ecolabel is that all the criteria should be to the extent possible technology neutral. That should be kept in mind when developing criteria. Once the scope is decided, we don't want to change it after some months. Commission standpoint is that we will oppose any change in scope.

PlasticsEurope: Background document is clearly saying that packaging and the end-of-life is negligible in the total life cycle perspective of energy-using devices like lamps. Criterion 4.8 (Packaging) says: Laminates and composite plastics shall not be used. It is a persistent criterion being in place since 1995 and it is of no use as laminates and composite plastics are not used for the packaging of lighting. We asked to remove this criterion as it serves no purpose. We need more flexibility in this area as in the last 20 years there is no single lamp in Europe that has the EU Ecolabel due to some other criterion. Criterion 5.4 regarding information on flow on substances: word "plasticizer" is used. In the whole document there is overemphasis of chemicals in lamps. Hazardous substances are mentioned 45 times in 39 pages in the background document. Where are plasticizers used in lamps, what is the real exposure? I am not aware that they are used. Where does this come from? EU GPP criteria for Indoor lighting also contain some

criteria that should be removed. I informed Mr Kaukevitsch to review GPP criteria and put it in line with the criteria we are now dealing with.

Cefic: I support PlasticsEurope. Regarding the question of Denmark, what makes the LCA come up with -2% in the disposal phase- probably it is the recycling of the glass. You cannot make CFL lamp without mercury, it would be broken.

FR: I repeat the position of ADEME from the last AHWG- we cannot support Denmark's comment to exclude mercury because that would also exclude the CFL technology. Even if we know that LED technology is promising, it is too early to exclude CFL technology from the scope of the criteria document. EU Ecolabel must promote lamps with lower environmental impacts. Efficiency of best LED lamps is better than efficiency of average CFL lamps. The LCA shows that the overall environmental impacts of LED lamps are not lower than CFL, even slightly higher because of manufacturing. From consumer perspective- LED is still very expensive compared to CFL and consumer should get to choose between those 2 technologies. Only few lamps or no lamps have EU Ecolabel, excluding CFL will not increase the uptake of EU Ecolabel in this product category. We propose to define 2 different thresholds for luminous efficiencies: A++ (LED) and A (CFL). During last AHWG some stakeholders raised concern about the possibility to define ambitious criteria for CFL lamps to ensure we can identify the best 10-20% from an environmental perspective in the market. According to our expert it is possible to define a set of criteria specific to CFL technology. For example we can set a threshold on lifetime, threshold on mercury content, which can be set to 2 mg. We can also have something on colour rendering index.

NO: I find it interesting that France has found LCA showing that there is no difference in the total environmental impact of these 2 technologies. I am sure that LED technology will go forward. I can understand that the Commission cannot have criteria that are not neutral towards technologies, but we can do it by setting the energy efficiency to A++ and ban the mercury. We can do that for environmental reasons. The big problem with CFL, even if the light is ok, is that we are spreading mercury around and lamps are not always recycled as they should be. I agree with Denmark that we should ban mercury and have an energy efficiency of A++. Question: Life time of a led lamp- you were telling about testing for 1000 and 6000 hours, but the life time of a LED lamp is 25 000 hours up to 45 000 hours. Is it then relevant to have a test on 1000 hours or is it possible to have a test that actually shows the benefit? What the point for testing for 1000 hours?

DK: Question to the Commission- where is it written that EU Ecolabel should be technology neutral? I can't recall that we have discussed that before, it might be a wish from some members of the EC, but I don't see it in our regulation. I agree with Norway.

FR: Norway was surprised by results of LCA we presented. It was a comparative study carried out on the 2 technologies. It shows that the main problem with LED is during the manufacturing phase. France sends the report to Norway.

LightingEurope: I am sorry if I apparently chose the wrong graph to the presentation. You will find better graphs in our preliminary report, where LCAs are explained and compared.

EEB/BEUC: We communicated at AHWG that we feel that articles 6.6 and 6.7 give you more flexibility to interpret how to address hazardous substances in a way you have been addressing the problem. In regards of the work that has been done by the task force we see room for you to define a list of parts that you are going to address and at least see that

the candidate list substances, that are in this parts, would comply. We don't have information that this is a concrete problem; so far it seems it is not. It would good for you to make investigation and explain it to EUEB and also find a group of problematic chemicals that are in these parts. We would very much support criterion for plasticizers and flame retardants. Energy aspect might be more relevant for products but it's well covered by energy label and ecodesign, we have to find additional value for the EU Ecolabel, if this is going to give any information to consumer. We would have some problems in having class A, CFLs are 100% class A, and we have to find differentiation. It's not going to be very ambitious.

FR: What I tried to explain on last AHWG is that when you set the threshold on A+ then you will not have any CFL lamps on the market with EU Ecolabel. We have to define complementary criterion on the efficiency. The expert at ADEME proposed some criteria on lifetime, colour rendering index and so on, to try to identify best 10 - 20% on market for the CFL technology. We cannot use the luminous efficiency if you set the threshold to A+ or A++, then you exclude the CFL technology anyway. We have to find another way to identify the best CFL on the market.

EC: 10-20% shall be considered on the totality of the criterion not per criterion, otherwise we would always end up in the same discussion that we have no EU Ecolabel products. How we move forward with this Product Group (PG)? You have 3 weeks to comment on what you heard today (until 4th of April) and also on the documents available on the website. Based on the comments that we will receive from you and that will be dealt by Chiara and her team, the decision what to do needs be taken for this PG. We are not close to a document that can be put to a vote. There are number of open issues that need to be closed. There are 2 directions on how to close them: we find more evidence and more consensuses and I don't see that coming unless we might have a third AHWG. It cannot happen only through email or telephone exchanges. If we see that there is room for agreement, then we might call for a 3rd AHWG. If we see that there is no room for agreement and the positions are too divergent, we might consider stopping the work on this product group. We encourage the project team on lighting sources to align their proposed criteria on hazardous substances with the approach as provided by the EU Ecolabel horizontal task force on hazardous substances. The presented paper by the task force shall be consulted.

6. PRESENTATION OF THE NEW VERSION OF THE HARMONISED DETERGENT INGREDIENT DATABASE (DID-LIST); *MARIANNE B. ESKELAND, ECOLABELLING NORWAY*

Unilever: The value for fragrances in the DID list- the value that we have now is linked to a toxicity for the environment of fragrances, where the fragrance itself would not be allowed. In all the EU Ecolabel criteria for detergents and rinse-off cosmetics, only H412 classified fragrances are allowed. The lowest toxicity limit of them is 5 times higher than that is currently in the DID list. Even though you work with a fragrance that is less toxic, you need to calculate with a CDV value that is 5 times as toxic. We need adjust the DID list to the jurisdiction we already have.

NO: We spoke about it; it is a problem for everybody. We did not receive any exact information on toxicity from fragrance producers and because of that we have no choice but to use the same value on fragrances that we used earlier. It is also explained that if the

applicant has got information from the producer of the fragrances actual toxicity, then he can use that value.

Unilever: Does that mean that if you have classification of the fragrance, you can use that lowest threshold linked to the classification?

NO: If you have a perfume/mixture/fragrance that is not classified and you got information on the exact toxicity of it, then you can use this CDV value. But in many product groups, there are bans on some fragrances or perfume; it is not always that we have derogation for the use of perfume. The EU Ecolabel criteria in some case say that we do not want perfume in that product, e.g. dishwashing detergents.

EEB/BEUC: We need to discuss how DID list will be implemented.

EC: We will implement the new DID list from 1st of October 2014. For all the new applications that will be introduced after that date, the calculation will be done according to the new DID list.

EEB: If we apply the new DID list to CDV values that were developed based on the information from the 2007 DID list, we have the risk that we end up with more toxic and less biodegradable substances, because the CDV values were set according to other information. Our recommendation is that as long as we have old CDV values, we use the DID list from 2007. Otherwise we need to revise these values. For detergents the situation may be better if we have timely revision but for soaps and shampoos it's not the case. It is relevant to have the discussion as we criticized in June that the criteria set for CDV values for soaps and shampoos were not ambitious, the average was calculated between ~7000 and ~19000, average was 14 000 and the final figure was set up at 18 000; at the Nordic Swan it is 15 000. The values from 2007 DID list were not very ambitious but now the values of the new DID list seems to be worse. The result now is that in the last CDV calculation there is more room to allow high toxic and less degradable substances. In terms of transparency, the applicants will be treated differently. Competent bodies should set reference. We ask the Commission to allocate more resources to update the DID list as we see a benefit in it but we have to keep the reference link to the update of the CDV values. It would not be a problem if we would use requirements for toxicity and for degradability in a separate manner. Then updates would not have the same impact as with the CDV formula.

EC: It is clear that we cannot apply backwards any re-calculation to the existing licences. The revision of detergents family is not that close, according to the planning we have it by the end of 2016. We agreed clearly with the competent bodies that it's up to them which list to use but they will have a time pressure. Regarding the next revision of detergents we must keep open the option of moving from CDV values to other approaches, for example USEtox.

NO: For some product groups the 2014 DID list might seem less stringent. The differences are not that big, we have to accept it. Soap and shampoo and rinse-off cosmetics, I would absolutely recommend to look at the CDV values again while having 2014 DID list in mind.

EC: Intention is not to have a never-ending story like on rinse-off criteria, reconsidering the CDV values we would definitely need AHWG and at least one more EUEB discussions. That would mean that we would have to prolong the existing criteria further, but no one wants that. In case we have an agreement between the cabinet, we might not

wait until June to get the vote through, but we might go to a written procedure in that case. I am afraid we will not have time to reconsider the CDV values, unless there is a clash at political level.

Chair: What are the next steps?

EC: All stakeholders who have specific comments on final report, send them by 4th of April for finalising the DID list report. The final report will be published on EU Ecolabel webpage as soon as possible.

7. UPDATE ON THE COMMUNICATION 'BUILDING THE SINGLE MARKET FOR GREEN PRODUCTS'; MICHELE GALATOLA, DG ENVIRONMENT (EC)

Slides will be circulated. Any further questions can be referred to Michele Galatola.

– Closed session – EUEB Members only¹

8. ELECTION OF THE NEW PRESIDENT OF THE EUEB AND APPOINTMENT OF A NEW VICE-PRESIDENT

EC: Call to elect new president by Michele Galatola (EC). The presidency and vice presidency period is 2 years. One person expressed wish to continue: Mr Henning Scholtz. Unless there is a strong opposition I suggest skipping the formal voting procedure. EUEB welcomes back its president for the next 2 years.

Mr Scholtz: Thank you! I am happy to continue. We need two new vice presidents. Daniel Hajek is happy to continue. He has done a good job and has been with us for quite a long time. Second one was a bit more difficult as our Portuguese colleague has left us. The second vice president is Emilie Machefaux. Is there anyone else who would like to do this job or has some opposition? If not, I welcome the vice presidents.

9. PLANNING EUEB MEETINGS FOR 2015; DG ENVIRONMENT (EC)

EC: Here are the proposals the Commission would like to forward:

2015	CB Forum	EUEB	Regulatory Committee
April	13-14	15-16	17
June	15-16	17-18 (<i>political meeting</i>)	-
November	23-24	25-26	27

We still have 3 meetings in 2015; until things change we will have Regulatory Committee. We do not plan to have Regulatory Committee in June, which means there are no technical documents to be analysed between April and June. This timing fits better with the revision timing of the JRC for the current product group.

DK suggests a different timeframe for one of the meetings, early September (August 30-September 2), as there is a Life Cycle Management conference in Porto, which normally

¹ This presentation is going to be delivered in "close session" mode, meaning that only full members of the EUEB can attend it. All the other stakeholders will be invited to leave the room.

has a session on EU Ecolabel. If we could have our meeting back-to-back with that, we could present some good examples of our ecolabelling work. One of the danish colleagues will chair this session and he will ask Mr Galatola to co-chair.

EC (Mr Galatola): It is an interesting conference; I was already co-chairing the ecolabelling session last year in Gothenburg, it was very well attended. The problem I see is that we cannot go for 4 meetings; we should either replace the June or November one. We cannot replace the November one, because we have some voting planned for that time. Only option is to replace the June meeting. The reason I was not proposing it myself is because of the REFIT exercise and the report the Commission has to make to the Council and the Parliament about the implementation of the EU Ecolabel. Last report has to be done on 19/2/2015 which probably will be postponed to June/July. There could be political discussion at the EUEB level- before or around the time we present the report to the Parliament. Having a meeting in August might be too late in relation to that. We will not know the exact timing of this report until later this year. I would like to accept the invitation but I am a bit hesitant for that reason.

DK can send some material from the conference.

EC: I will update the EU Ecolabel webpage for 2015 meetings.

10. PRESENTATION OF A SHORT EVALUATION OF 'HEATING FLUID TO BE USED IN WATER CLOSED HEATING SYSTEMS'; *DG ENVIRONMENT (EC)*

BusinessEurope: It's not the first time to see this kind of proposal, where I have the impression that companies are promoting and branding their own product. Probably they do not understand how EU Ecolabel scheme works or what it is. If we have heat transfer fluid product group, I cannot see how consumers can use this product, it's more B2B, in the end it comes to consumers as a machine that is using heat transfer fluid. There is a point, which is never taken up by these organisations in general. They want EU Ecolabel to promote their products but they don't understand that EU Ecolabel is there for several products to come up with a level which is an upgrade compared to the majority of products of similar kind. We have seen from previous experience with industry proposals, that they are facing difficulties (lamp industry). It is difficult for one company to develop criteria. Organisation representing heat transfer fluids, producers, could do it. I'm astonished that it is proposed to us at this point. The companies do not understand all the work needed to have these criteria. They want an EU Ecolabel product, but they need to understand that the criteria definition is much broader than just their product.

EuroCommerce: I agree with former speaker. We cannot value this proposal as this is very premature. I would suggest that business organisations dealing with heat carriers or transferring heat or similar, could apply.

DE: We have received similar requests from industry and always said no due to technical reasons. We have some information of what it might be a mixture of, which most certainly is labelled as hazardous. I remember in draft it is said that the product is protected by patent. In our ecolabel we don't follow products, which have patent (because of market share). Do you have the same rule? Then it would be easy to decline.

NO: I would like to support BusinessEurope. Is it of any use to have this form where they can put in products on the website? If we are obliged, then we should change the questionnaire, to make it clear that we are not asking for single products.

DK: Commission could give the comment (if it is suitable or not) to the proposed product group and if the criteria could be developed, then we could discuss it here. We have had requests added to the list that we shall develop EU Ecolabel criteria for. We should only discuss these requests here in this forum.

EC: We have a standard text explaining how difficult, time consuming and costly is the development of EU Ecolabel criteria, but this person did not understand it and it was difficult to explain. Even if they are developing criteria; a criteria development has to be made in a consortium. It will not be for their specific product, that's why we need market data. But we are obliged by the regulation to have this kind of possibility. It would be better to have thorough information on the website explaining how difficult, time consuming it is to develop criteria together with the proposal file. Then they would understand before what is expected. The assessment criteria is on Ragnar's paper. Now I need to get back to them and explain that we were obliged to present it at the EUEB level. I agree with all the comments.

EC: Do I understand correctly that there is no interest by EUEB to include this product group?

BusinessEurope: If they are insisting on having this discussion, then we propose them to include these kinds of fluids in specific products. We have other products, which have heat transfer fluids in their criteria. This could be for fridges, heat pumps; maybe we can integrate these fluids there, if this is their use, but they seem to be very specific.

EC: First I needed to understand what this product is, what kind of substances is it made of, as this kind of information was not provided. But I agree that this can be a way to answer to this proposal in a very polite manner.

11. PRESENTATION OF THE EUEB HORIZONTAL TASK FORCE ON CHEMICALS PAPER AND EUEB OPINION OF THE PROPOSED APPROACH FOR HORIZONTAL IMPLEMENTATION IN THE CRITERIA DEVELOPMENT FOR HAZARDOUS SUBSTANCES; EUROPEAN COMMISSION

Chair: Translation of the paper is not in the high priority list, it can be translated but it might take some time. We should have a voting, but I can't see us having a deep discussion on certain ingredients, it is not the task right now. In a years' time there will be a check-up. We should quickly move to a vote unless someone wants to say something.

BE: We need clarification if positive or negative vote would be the implications of accepting this paper? We would change the standard text; what about the open issues?

EC: The vote will be on the question: Do you agree to implement what is concluded in the Task Force? If yes, then we will implement it in the next product groups from now on and have a horizontal approach on what is within the scope of this paper. We consider that this paper summarises the common ground of the different Task Force Members on how to implement article 6.6 and 6.7 in EU Ecolabel. Moreover, certain aspects that either do not fall (it is not about materials with H/R phrases) or could not be covered by this horizontal task force were circulated and presented by Nick in a separate note. If you

feel that this note is not complete please provide us with other issues that we can consider to work in the future.

EuroCommerce: It is a logical paper and good to read. Congratulations for the good work. Can we send some small questions or comments in order to have minor clarifications?

DK: The paper is thorough and we might not agree with everything but we have reached a compromise for many aspects that hopefully can solve some problems that we have.

EEB/BEUC: The process has been constructive, we have provided our views, and many of them have been taken into account. We would like to improve some parts, we will see from fitness check of this document, how this can be considered. Clarification: paragraph on transformation products, that's something that will have to be changed before editing or publishing the paper, it's not consistent with the message of the document. It is very positive that the paper keeps the focus that EU Ecolabel has precautionary approach that we want to avoid hazards as a starting point and only consider risk assessment when substitution is not possible.

Chair: We cannot discuss it now, it is a good way forward, it is not 100% perfect but we have something that we can work with. I would like to ask your opinions on this paper.

All EUEB members voted positively expect for Belgium, who abstained due to time constraints (they did not have enough time to consult their committee). Germany's opinion is positive with the change BEUC/EEB proposed.

12. AOB – PRESIDENT

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13. ADOPTION OF THE AGENDA OF 13 MARCH – *PRESIDENT*

Agenda was adopted.

14. UPDATE ON THE CRITERIA DEVELOPMENT PROCESS FOR THE FOLLOWING PRODUCT GROUPS: 'FOOTWEAR', 'FURNITURE', 'SOIL IMPROVERS AND GROWING MEDIA', 'COMPUTERS' AND 'TELEVISIONS'; *JOINT RESEARCH CENTRE (EC)*

'Footwear'

EEB/BEUC: NGO-s will not support the criteria if PVC is not excluded; there are good reasons in the background document developed by the JRC before the 1st AHWG to exclude PVC.

DK: Any final treatment with biocides will not be allowed in this criterion, is that correct? Otherwise Denmark will very much propose it. The use of recycled material: it might be relevant to have focus on this in parallel with the criteria development. At least we should not discard the possibility of reusing the materials in these criteria documents. With regards to PVC: we have had this discussion before, we are not very much focusing at the end of life phase as we know that shoes, which cannot be worn anymore, will be

dumped as household waste and are not properly discarded. Denmark would like to have more focus on the use of PVC in this criterion.

JRC: AHWG will be on 14th of May in Brussels. Documentation and the criteria proposal will be sent out four weeks in advance of that meeting.

'Furniture'

UK: One important point from our perspective- we want to see the encouragement to the reuse of furniture. We need to make a distinction between recycling and reuse. When we talk about disassembly, or ease of disassembly, it is not just to break it down into its component parts or materials, so that you can then go through recycling. It is also so that the furniture could be repaired, reconditioned, additional components added or some replaced so that it can be repurposed as a piece of furniture and have a longer life. That needs to come into the definition as well.

FR: I support UK's comment. For the sake of resource efficiency we should encourage the manufacturer to use recycled materials they use in their product into their own channel. We support the way as you are writing the criteria as it is, but you have to keep in mind that the use of recycled materials shall not disrupt the recycling of the product at the end of life. The use of recycled material should not contribute to indoor air emissions and damage the indoor air quality. There can be some problems with use of the recycled wood. Regarding indoor air quality: does JRC plan to have criterion on this issue? If yes, then is it only for wood products or for all materials?

Regarding the end of life and easy disassembly, in France we have 2 channels: if you are working with professional furniture or domestic one. When you define this criterion, you have to take into account the way the furniture is treated at the end of life.

EuroCommerce: We have to take into account that the reuse of products is of very great interest. How that could get into criteria for EU Ecolabel products? Could be that you have an ecolabel for services, reparation and handling of old furniture. In the waste directive the waste at the production site, the scrap, that is also important. An ecolabel should encourage the industries to take care of their own waste. It is also important to have the pre-consumer waste in the scope of the criteria.

DK: We support comments on how to encourage reuse and reparability of products. It needs to be taken into consideration in the design phase. It is difficult to put into criteria, but it should be possible to repair/replace parts of furniture. It is important not to bring in contaminants in the recycling content. We should have some criterion on the recycling content of the contaminant: products from earlier times contained contaminants (led, cadmium, etc). For this product group it might be important to have special surface criterion assessing skin contact – that the surface doesn't have a risk to sensitize people using it. It is becoming modern to add antimicrobial products to everything, Denmark would like to prohibit treatment with antimicrobial agents in this criteria.

NL: I would like to ask your attention to the verification for the recycled process in metals because in the past we have experienced that it is hard to make clear that recycled content is available there.

Eurofer: I speak on behalf of metals. It is very hard to verify recycled content in metals. I submitted documents on recycling but the key message is that every metal that is re-collected will be recycled. The problem is not the recycling itself but the collection. That is for almost all metals. You cannot make whole steel out of recycled materials, there is

not so much scrap and the gap has to be made out of virgin materials. For steel we don't like to propose any recycled content, the important issue is that you recollect all the metals out of the furniture and then they will be available for recycling. There are 12% metals in furniture.

PlasticsEurope: The same thing as for metals is true for plastics: we don't have enough recycled content. The previous subject suggested that only 10% of the material is virgin material, which means that we need 90% of recycled content and that is not possible. The concerns of Denmark: the use of Cadmium in plastics has been stopped since 1992.

DK: I agree with PlasticsEurope that in the production of new PVC, the use of Cadmium has been stopped, but a problem exists when recycling materials. We should not down cycle old products into new ones as the new products might then be contaminated.

PlasticsEurope: There are no plasticizers in hard plastics.

FR: Do you plan to have indoor air quality criterion in the next revision?

JRC: Yes, we do. We are thinking of a two way option. One would be to show the emissions of components and use caught in chemicals with low VOC, so no requirement for final product testing. Or simply test the final product for compliance.

FR: Would it be for all kind of materials or just for wood?

EC: Now just for wood. If you think that other materials should be included, we can discuss it further.

'Soil Improvers and Growing Media'

EuroCommerce: I didn't see any reference to the end of waste criteria for bio-waste which was one of the key issues from the beginning. Why did you not mention that?

EC: End of waste criteria for biodegradable waste is a key issue in this product group but these criteria is going to be implemented by mean of the Fertilizer Regulation that is now under development. We will align to this revision of the Fertilizer Regulation.

EPAGMA: Are all mulch materials included in this definition (you refer to organic materials specifically)? There are mineral and synthetic organic mulch materials on the market. Are they included? The revision of the criteria under organic ingredients: is peat included in the new definition? I quote, as an example, the footwear expert from morning: "It should be made out of at least 75% recycled material and for wood at least 70% sustainably sourced material". Why can't we have such definition for peat as it is the material used as a carrier to use other material, such as compost? In a growing medium you cannot use 100% compost. In Germany we have limited value of 40% max. compost, same with other materials. Peat should be seen as a positive material that can be used to use other materials. That should be the focus. What about plant response and quality? We talk about different quality criteria for soil improvers and growing media. Some products on the market are not worth the EU Ecolabel as they don't function. I propose in general to use a plant response test for EU Ecolabel growing media.

EEB/BEUC: I support the criterion peat free. Comments by the Royal Society for Protection of Birds (RSPB) and BirdLife call for keeping the exclusion of peat. RSPB has 25 years of experience working with the issue of peat, they work with manufacturers

in the UK who produce peat free compost; they have won award for the quality of their products.

Question: The environmental NGOs in the UK have been recognized through Defra (UK national government board for producing standards for responsibly sourced growing media). They have recognized that peat should be included or not excluded specifically when talking about responsibly sourced growing media. They have moved from phasing out of peat to including peat as well as other materials in growing media. Phasing out peat is actually not an issue anymore in the UK. The white paper in the UK still says that, but Defra is considering total revision of that.

PL: I would like to support to include peat because of the reasons presented and also I would like to attract your attention that due to exclusion of peat we have zero customers.

UK: We are dealing with environmental label of excellence; we are not talking about the overall policy in respect of the retailer or the professional sector in respect of growing media. As far as the EU Ecolabel is concerned, the UK position is that we should maintain the current peat free status of this set of criteria.

ISPRA: We are against the inclusion of peat because as far as we understood the peat extraction process has very high environmental burdens and impacts, especially CO₂. Since there is no third party environmental certification for sustainable peat extraction, at the moment, we think it's better not to include it.

EC: Peat-free criterion is clearly controversial. I would like to keep focus on other issues because at the end we have many arguments against and in favour of peat. Just to reply some doubts regarding mulch: our definition would exclude the synthetic and mineral mulches as it was agreed that they would be out considering the stakeholder feedback. The plant response test: we are exploring this issue but it's relevant to say that the plant response test in CEN/TC 223 standard uses peat as part of the method to measure the plant response. Here we might have some conflict with the peat free criterion.

15. PRESENTATION OF NEW PRODUCT GROUPS UNDER REVISION/DEVELOPMENT: 'WOODEN FLOOR COVERINGS', 'TOURIST ACCOMMODATIONS + CAMPSITES', 'DETERGENTS' AND 'CLEANING SERVICES'; JOINT RESEARCH CENTRE (EC)

'Wooden Floor Coverings': We want to have first AHWG on the 1st or 2nd of October 2014 and second AHWG early next year. Intention is to come to a vote in November 2015. Our website is up and running, we have functional mailbox. We have also prepared a questionnaire where we expect your feedback regarding this product group. The questionnaire, is ready and out very soon, to stakeholders and to you as EUEB.

DK: When is the deadline to answer to your questions? Shall we get them in writing?

EC: Yes, the questions will be sent around and we will provide a deadline.

'Tourist Accommodations + Campsites': We have prepared a questionnaire to get your feedback (until 28 March) which will be sent to Competent Bodies and EUEB members.

FR supports shortened procedure but wants to have social aspects and quality in. Agree with the idea of combining 2 criteria. Ask for at least one AHWG.

'Detergents', 'Cleaning Services': Project webpages and functional mailboxes are up and running.

Project webpages and functional mailboxes are up and running.

EC: Regarding team composition, usually the product group revision is followed by someone from EU Ecolabel team; in this case she is Ms Stefania Minestrini, from the EC GPP team. She will also follow this product group in the EU Ecolabel side.

FR: We mentioned several times during the last revision of the criteria document on detergents a study carried out by the French water agency, which has shown that the CDV does not reflect the real eco-toxicity of the wash water of detergents. According to them the CDV method does not allow a realistic evaluation of the chemical load in rivers due to product ingredients. In the French environmental labelling system we had extensive discussions with the stakeholder when we developed PCR on the detergent about the method that should be used to characterize the eco-toxicity of this product. Three methods were proposed among them the CDV method (used in Ecolabel in the last years) and the USEtox which is a life cycle impact assessment based method developed under the request of UNEP/SETAC. Finally USEtox was adopted. For the next revision we would like that JRC evaluates the possibility to use USEtox instead of CDV method. We would also encourage JRC to follow the development of the PEFCR which is under the development within European pilot project and also to take into account the French PCR which was developed on laundry detergents.

DE: We have procurement guidelines for sustainable cleaning services from the Federal Government. I can send it to JRC. All-purpose cleaners and hand dishwashing detergents- are you considering merging the criteria together? It could be useful. Regarding laundry detergents, we are definitely not in favour to include the softeners.

EuroCommerce: In cleaning service it's a pity you exclude carpet service as carpet service is very common and frequent and I think it should be included in the scope. When talking about services, it is also very important to take ethical aspects into consideration as some of the companies do not have full staff set but they buy their services from other companies. In Sweden we have discovered that there are individuals which are not fully representative for the labour stock in Sweden as it should be.

DK: We gave our comments for cleaning services. I point out one important comment we gave: the use of fragrances for cleaning services for public service should be excluded and for private cleaning services fragrance free cleaning should be actively offered for customers that would like that. We haven't given comments for detergents yet but we do have strong opinions on the use of fragrances in the products for professional use.

EC: Germany, yes please send what you have. The idea to merge all-purpose cleaners and hand dishwashing detergents is certainly not excluded, but we have not made any decision yet. It's open for discussion. EuroCommerce: we have already heard from number of stakeholders that social criteria should be included in the cleaning services and I don't see a way around that, it will be there. USEtox is not excluded for discussion.

FR: Will send several documents as they had extensive discussions on the methods.

16. UPDATES ON OTHER ISSUES RELATED TO THE EU ECOLABEL (AMENDMENTS, CORRIGENDA); CARLA PINTO, DG ENVIRONMENT (EC)

DE: You said there were no prolongations planned until what date? If we have a vote on absorbent hygiene products, how would the scrutiny period be in relation to the election of the European Parliament?

EC: During the elections there is a period when the Commission cannot send documents to scrutiny and this period will start this Friday until July or August. We will not be able to send the documents before the stopping time ends. The document will be sent when the period reopens, which means that the adoption by the college and the publication at the official journal is expected around end of November or mid-December this year. Between now and the next EUEB meeting we will not send any written votes procedures in respect of prolongation. It might happen that if an agreement is found on rinse off cosmetics we might decide to go for a written procedure.

UK: I have a question regarding the possible removal of Regulatory Committee, which might result from the Commissions current work on bringing regulations into line with the Lisbon treaty. Could the Commission provide an update on the possibility of removing former voting powers from the EU Ecolabel scheme and therefore moving certain articles within regulation to delegated acts?

EC: I will come back in writing to this question as soon as I have the brief.

UK: The proposals to carry out the review of regulatory fitness of the EU Ecolabel scheme (REFIT exercise): any update on that process?

EC: On the REFIT exercise: before starting we need to finalise the mandate and then publish it on our website. We are fine-tuning the mandate with the Secretary General but we are very close to finalizing it and then work will start. In terms of timing, the idea is to carry the work out in parallel with the work we are doing for the study on the possible future revision of the EU Ecolabel regulation. Probably it will take one year before we can come back with a conclusion on REFIT exercise.

UK: Can this particular group feed in to the work of the REFIT exercise?

EC: One of the things we are still discussing on the mandate is on how the consultation will have to be organized. There will be some forms of consultations and a parallel study where consultations are foreseen. We are thinking of having one consultation to cover both, in order to optimize the consultations.

17. INTRODUCTION TO THE PROJECT 'SUPPORTING THE EVALUATION OF THE IMPLEMENTATION OF THE EU ECOLABEL REGULATION'; FABIO IRALDO, RICARDO –AEA

Chair: In the presentation, stakeholder meeting for November was mentioned. This is a meeting for us as well and it would be very helpful to know the date as quick as possible.

EC: I want to clarify that this is not an impact assessment or a study preparing the impact assessment. The article 14 of the regulation asks the Commission to prepare a report to the Council and the Parliament on the status of the implementation of the EU Ecolabel. This report might include hints for the possible review and we asked Fabio and the team

to look at the possible scenario. This is not an impact assessment method as there is no plan from the Commission to table a new regulation by next year. This is only preliminary.

UK: If there is any feedback available that you get and you are able to present it, we should have it on the June meeting. There might be issues or items that we could do something about very quickly, if they become apparent. That could be very useful as an incidental output. The REFIT exercise- one outcome could be not having the EU Ecolabel regulation. How would that work fit in with the scenarios you presented, "the worst scenario". How would the two come together as they will be happening simultaneously?

EC: The REFIT exercise is not done by external people, DG Environment has to self-evaluate the scheme. We try not to be biased as we do not want to give those who want to close the scheme an excuse to say that our analysis was biased. We will rely as much as possible on impartial information. This study will feed in to the REFIT exercise together with other evaluations that we will do internally.

FSC: We are interested in tissue paper, which is the only still existing criteria related to wood products which does not specifically mention FSC and PEFC as an evidence of sustainable harvesting. How does that impact the actual approval of products? The tissue paper criteria are from 2009 and it was originally expiring last year but was extended to mid next year (2015). I haven't heard about starting the revision process, how would that research impact on that revision process?

EC: When we were considering what product group to take into account, we were jumping from tissue paper to copying and graphic paper. Copying and graphic paper is approved under the new regulation where we started to have different way of dealing with fibres and that was our favourite option in the beginning. When looking at the licences in the countries that will be looked at, tissue paper has much more licences. That moved the balance back to tissue paper. The issue of how to deal with sustainable fibres will be taken to consideration when looking at the product group. We are starting to gather information on how to deal with that. We have experience from other product groups (copying and graphic paper, printed paper, converted paper, newsprint paper) where we are systematically referring to that. In the work-plan the revision was supposed to start next year for those product groups. Huge budget cuts are obligating us to postpone number of revisions. It's practically sure that there will be further prolongation of all the paper family. After the detergent family the next family will be paper family. That means work will start 1 or 1,5 year in delay. All those issues will be discussed in the June EUEB meeting where we usually talk about the future planning. The idea of the Commission is to devote the largest part of the June meeting to discuss the future of the EU Ecolabel. We always have the June meeting devoted to policy discussion; the idea is to structure the agenda to the benefit of the project: to have brainstorming where we want to go and how is the EU Ecolabel we want to see in the future.

Question: Why is there no industry among the stakeholders (trade association)?

Ricardo – AEA: There has been a misunderstanding in the terminology: when we say 'licence adopters' we mean companies that adopted the EU Ecolabel. When we say 'non-adopters' we mean companies that for example are operating in one of the product groups

but never chose to adopt the EU Ecolabel. I can assure you that the most important trade associations will be present for the product groups we chose in those 6 countries.

Question: Do you have deadline for the survey?

Ricardo – AEA: Online questionnaire is open until June. Information about the other stakeholder opportunities including the workshop: it has not been decided yet if all the EUEB meeting representatives are going to be part of the stakeholder workshop as you are so many. Part of the stakeholder consultation might take place in the EUEB meeting. We commit ourselves to plan the dates as soon as we can.