



MINUTES

Meeting of the European Union Ecolabelling Board (EUEB)

20, 21 and 22 January 2016

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20 January 2016

1. ADOPTION OF THE AGENDA AND OF THE MINUTES – *PRESIDENT*

The agenda and minutes of the June 2015 EUEB meeting were adopted.

2. PRESENTATION OF THE FINAL DRAFT OF THE CRITERIA FOR 'FURNITURE' PRODUCT GROUP - *JOINT RESEARCH CENTRE (EC)*

EC (DG ENV) - informed that in order to clarify some doubts raised at the June 2015 EUEB meeting on the new text concerning accreditation of laboratories and the fact that the reference number to harmonised standards are not included anymore in the text, DG GROW was invited to provide further clarifications.

The EC (IPTS) - presented the final draft criteria highlighting and explaining the changes made after the June 2015 EUEB meeting.

PEF- asked if this legal framework only applies to conformity assessment of the EU Ecolabel or to SFM private schemes too.

EC (DG GROW) – explained that harmonised standards referenced were applied by the certification bodies to ensure that the internal process of the conformity assessment body is appropriate, so that it creates a condition that there is a mutual recognition of the results of the conformity assessment. The standards don't apply to the products but to the process of the service provider, who is a certification body. In this case, these are harmonised standards dealing with quality criteria for conformity assessment services. In the product legislation, most harmonised standards relate to the properties of the product and are applied by the manufacturer.

EEB/BEUC – asked if this text opened the possibility to use other standards that are less reliable, as there could be problems concerning a harmonised implementation in different MS.

EC (DG GROW) – referred that those references are not product related requirements. Those standards only establish quality requirements for the organisations that are performing conformity assessments services.

NO – referred that both BE and NO would like a harmonised approach on textiles in Furniture, Footwear and in the amendment on Textiles. NO supports the reference to FSC and PEFC, but mentioned that sometimes it is not enough to have a FSC or PEFC certificate and that the CBs should be able to investigate further, in the particular case of certificates concerning tropical wood and when the origin of the wood is from countries where illegal wood is an issue. NO referred that they would like to have exclusion of PVC and of all phthalates. In criteria 2.2a, NO assumed that the verification is based on the classification given in the Material Safety Data Sheet (MSDS). In table 2, pesticides should not be allowed in textiles for outdoor furniture. In the Nordic Ecolabel, electroplating operations with Chromium III are only allowed in restricted operations, which should also be the case in the EU Ecolabel. There should be a stricter requirement on fluorinated compounds used in stain repellents.

DK – PVC material should be excluded, as DK requested several times, together with several MS. In case PVC is kept in, further restrictions should be established in respect of its manufacturing, as in some production sites, its production is more polluting. The use of

secondary materials should be encouraged, but higher amounts of pollutants should not be allowed in recycled materials, as the purpose of the EU Ecolabel is not to become the sink for heavily polluted recycled materials. At least, safety measures on recycled materials should be established, e.g. not to be in contact with the skin. The use of brominated and halogenated flame retardants should be further limited, as there are alternatives in the market. The presence of pollutants will become a problem in recycling at the end of life. Packaging is an important issue in the CE package, it is the first thing that the consumer sees when buying a piece of furniture and it is not considered in this draft criteria.

AT – referred that AT has the mandate to vote from DE, and that both will vote negative for Furniture because there is no exclusion of PVC, even if there are some ambitious aspects in the draft criteria. AT supports DK on recycled materials, which is a very serious problem. On wood preservatives, it should only be allowed in durability class 1 or 2.

SE – referred that they strongly supports DE on the exclusion of halogenated organic compounds in the coating of the wood material and the exclusion of PVC. SE supports NO on the exclusion of Chromium III. SE recommends also the ban of bisphenol A.

HU – support all comments on the exclusion of PVC.

FR – PVC should only be allowed in EU Ecolabel furniture if there are no real effective alternatives and JRC should identify these cases. FR proposed to maintain the ban of GMO wood and supported DK on packaging.

EEB/BEUC – referred that the EU Ecolabel should be communicated to consumers in a credible way, which means that criteria should be stricter. Concerning sustainable use of wood, 100% certified wood should be requested. The ban of GMO wood should be clearly referred to, as the criteria of private schemes can change during the EU Ecolabel criteria validity. There should be a strong restriction of the use of Chromium III, similar to the level considered under the Blue Angel. All perfluorinated chemicals should be excluded, as alternatives exist. On hazardous substances, the provision concerning parts not in direct contact with the skin should not be kept. EEB/BEUC do not support the proposed derogation for formaldehyde. Flame retardants should not be allowed under the EU Ecolabel, as fire safety can also be achieved through product design and educational aspects. At least, halogenated flame retardants should not be allowed. In particular, the derogation on antimony trioxide should be deleted, as alternatives exist. EEB/BEUC supports AT that the use of biocidal products should be reduced as much as possible, and biocidal substances under assessment but not approved should not be allowed. A higher restriction on the use of phthalates was requested, as well a proposal not to follow a risk approach on this. EEB/BEUC do not support the inclusion of PVC, as it was proposed in earlier drafts due to the environmental impacts described comprehensively. All the referred aspects are important for communication activities.

IT – supports all previous comments on the ban of PVC and DK comments on packaging. IT referred that there is not a correct balance between renewable and not renewable raw materials (e.g. plastics). IT mentioned that they would not vote on favour.

PEFC – On sustainable wood criterion, PEFC does not see any problem on adding legality of wood in the text, as it is a legal obligation. Despite the request from different stakeholders for competent authorities to consider FSC and PEFC certificates as proof of legality control of wood in the EU Timber Regulation and if EU Ecolabel Competent Bodies (CB) wish to carry

out a complementary control, in a practical point of view, this will be difficult, costly and an additional burden for companies to demonstrate it.

CEFIC – pointed out that maybe in one year, at the time the upcoming Task Force on hazardous substances will have had delivered its report, all debates on hazardous substances will disappear from the EUEB discussions.

The President – referred that the main critical issue seems to be PVC and that the EC needs to know the position of MS concerning the inclusion/exclusion of PVC from the scope.

A tour de table took place to find out the position of all EUEB members in respect of the proposal shared with the EUEB members before the meeting, i.e., including PVC in the scope. BE, BG, CZ, DK, DE, EE, GR, FR, HR, IT, CY, LV, LT, HU, NL, AT, PO, PT, RO, SK, FI, SE, UK, NO, EEB/BEUC and CEFIC expressed their position to the referred proposal. Calculations were made based on the opinions expressed by the MS present and mandates given. Later, BE informed about their mandate for proxy vote from LU and informed what is their position on the proposed exclusion of PVC.

EC (DG ENV) – informed that, for the document as it stands, with PVC in the scope, there will not be a positive opinion: 12 MS support the criteria, 6 MS are against, 6 MS are abstaining and 4 MS are not represented. It was proposed a new tour de table assuming that PVC is excluded from the scope of the criteria, to check if a majority with a positive opinion will be reached. The EC made clear that the reason for the second tour de table is to understand what the opinion of the EUEB is in case the current proposal had excluded PVC from the scope of the criteria. EC clarified that the proposal excluding PVC was not on the table yet, as it has to be re-discussed within the EC services, but it will be important to know the opinion of MS in case such a proposal came forward.

The President - asked the vote intentions in case the criteria on Furniture would exclude PVC.

The EUEB members provided their position.

EC (DG ENV) – EC summarised the outcome. In case PVC is excluded from the scope of the draft criteria, the picture seems to be completely different. However, the exact figures are not known, because some smaller MS are absent. The EC referred that it took note that a proposal that would exclude PVC has a different answer from the EUEB and that at a later stage the EC would come back to this issue.

EC (IPTS) - provided feedback on the points raised by the EUEB. EC (IPTS) referred that the list of pesticides restricted in cotton was aligned within the different product groups, but corrections needed to be made (e.g. deletion of synonyms). On investigating further FSC and PEFC certificates, there is a clause on assessment and verification requirements referring that, if appropriate, CBs may require supporting documentation and carry out independent verifications, which allows a further investigation, if needed. On the request to exclude all phthalates, it was pointed out that the EC approach is to follow the REACH approach, i.e. look at the individual substances and their toxicological profile, which can be applied to a group, but not in the case of phthalates (same rationale in respect of the request to ban all halogenated compounds). EC (IPTS) clarified that the verification of the criterion on hazardous substances is intended to be done based on the information provided in the MSDS. EC (IPTS) mentioned that biocidal products are already banned for indoor furniture, but that for outdoor furniture, from a life cycle assessment perspective, the durability of the products

is more important than the non-use of biocidal products. On the electroplating restrictions, cadmium and chromium 6 are banned and nickel can be used if not released from the electroplating article. Zinc and chromium 3 are less toxic electroplating alternatives with specific technical niches and the main aim is to have EU Ecolabel furniture that will meet good durability requirements. The use of fluorinated compounds is already not possible (table 13), but there is a derogation for H413 classification for water, dirt and stain repellents under specific biodegradable and bioaccumulation conditions. The distinction of the limits for contaminants in virgin and recycled PVC is based on life cycle considerations and to promote recycled content, but can be changed. Halogenated flame retardants are only allowed to meet fire safety standards. A criterion on packaging was initially considered, but has been removed to simplify the document and it was not environmentally relevant based on life cycle assessment studies. The idea of only allowing preservatives in wood meeting a certain durability class is good, but maybe to be implemented at a point when there is a certain number of EU Ecolabel licences awarded to wooden furniture, which is not the current situation. IPTS questioned how bisphenol A should be banned. If referred to plasticizers, they are already excluded, but it is not the case of monomers used to make polymers. EC (IPTS) mentioned that furniture was not a product of concern in this respect. EC (IPTS) referred that furniture is not a major market for PVC producers and that there are always alternatives for PVC in furniture. A minor change in the text of the criteria will be done to prevent the use of GMO wood. 70% of certified wood was agreed and even if the goal of 100% seems nice, in practical terms, PEFC and FSC Mix certificates will not be accepted as proof of compliance. The exemption of 25g in criterion 2.2b is only allowed when the parts do not come into direct contact with users during normal use. Fire resistance through design could be possible, but it doesn't seem possible to ban flame retardants, as there is a lack of knowledge on how those fire safety standards work across the EU and those standards are not harmonised at the European level. EC (IPTS) clarified that the requirement on antimony tin oxide is aligned with the wording in the Textiles' criteria. The list of biocidal products approved is very short and the ones under evaluation were already scrutinised and are waiting to be re-authorised under the new regulation. The risk-based approach for phthalates was taken from the Bed Mattresses criteria.

EC (DG ENV) – informed the EUEB that the Commission will work the criteria documents for Furniture and Footwear, taking into account the opinions received, in particular on PVC and cotton (*this took place after discussing point 4 of the agenda*) and evaluate whether revised proposals can be considered for the Regulatory Committee meeting on Friday. The EC (DG ENV) referred that it was clear to everyone that the vote is very close and that there are a couple of absent colleagues, whose vote might change the result one way or the other. The EC (DG ENV) noted that there will not be a majority in favour of allowing PVC in ecolabelled products and there may not be a majority for excluding PVC. Based on the request of voting intentions, the Commission will decide if it will risk a vote at the Regulatory Committee or not. In the past, proposals were withdrawn from vote when it was clear that there was a clear majority against, but in this case, the vote is close. Therefore, it will not be impossible that the Commission will put the documents for vote even if it is not sure if there will be a majority of MS supporting them. After the vote, the procedure is that it will move to the Council and to the European Parliament. The EC (DG ENV) mentioned that in the beginning of the Regulatory Committee meeting on Friday, the EC will do a quick check on MS, before proposing the vote of the documents. On the comment on the desirability of recycling from a life cycle perspective, the EC mentioned that in the context of the discussion of the Circular Economy package, it was clear that there are two approaches to recycling,

maximise recycling no matter the quality of the recyclates or go for a clean recycling, i.e. get "dirty" recyclates out of the circle, which improves the quality of the secondary raw materials.

On the next day, 21 January 2016, the EC presented the draft criteria document for Furniture. The minutes of the discussions are reported in the section below.

All changes made in the act and in the annex were presented by the EC (IPTS) to the EUEB.

EC (DG ENV) – It was clarified that on organic cotton, the Commission has no agreement with other services to propose a criterion without a clause on GMO. However, it was pointed out that the screening text proposed was feasible and that the wording reflected the needs, limiting the scope of having the verification, in order to make application processes easier, including the annual basis verification. The proposal that the Commission can offer is either the proposed text or exactly the text adopted for the EU Ecolabel for Textiles.

EEB/BEUC – with regards the wood criterion, asked why the text on the exclusion of GMO was only related to the uncertified wood and not to the certified part.

EC (IPTS) – referred that will check how this request can be addressed in the proposed text.

DK – added that this requirement should not impact on the use of recycled material, as it would not be possible to check recycled wood-based materials.

EC (DG ENV) – explained that the texts on Furniture and Footwear will be sent to the EUEB and Regulatory Committee members as they were presented. On the requirement on organic cotton, the Commission has no other alternative than the text presented or the Textile's text.

NO – referred that there will be a problem if the EU Ecolabel application concerns a yarn and not a fabric. Therefore, NO proposed to delete the GMO clause in cases where the application is requesting the EU Ecolabel to be awarded to a yarn.

EC (DG ENV) – replied to NO that in this case, the discussion is about Textiles EU Ecolabel and not on Furniture EU Ecolabel.

3. PRESENTATION OF THE FINAL DRAFT OF THE CRITERIA FOR 'FOOTWEAR' PRODUCT GROUP - JOINT RESEARCH CENTRE (EC)

EC (IPTS) - presented the draft criteria proposal. The discussion on the criterion for the use of organic cotton could be discussed in the next agenda point and therefore was left out from the first discussion round.

Members of the EUEB were asked if regarding the PVC in the EU Ecolabel, their position was different between Furniture and Footwear (note: Before, the vote intention on Furniture Ecolabel found support only if the criteria excluded PVC). The Members that would have a different opinion on their vote intention in case of a potential exclusion of PVC in Footwear were asked to inform the EC.

BE – In Footwear, in a criteria set proposal excluding the use of PVC, BE is changing its position from abstain to positive. The reason is that footwear are items that are often exported to third countries in which no proper facilities for treatment and disposal exist.

SE - In this case, SE intends to abstain in the vote for the criteria on Footwear.

Other points of discussion were the following:

BE - asked clarification on table 4 for auxiliaries. BE commented that there was no clear definition on dust free dyes.

AT - does not support the 8 years validity period. Moreover, in the Austrian footwear ecolabel, there is a ban on using Cr tanned leather. AT considers that the use of Cr in leather tanning shall be discussed again. There is progress that Cr tanned leather is banned for babies for 3 years, but due to the progress of industry, we can also exclude chrome for all children. Chromium free tanned leather is feasible with having only one exception among the different shoes types. For volatile organic compounds (VOC), AT has a different experience. Moreover, this criterion may be a problem for SMEs.

NO – Main concern is the criterion on cotton. Chromium free tanning is possible, and NO supports this. Fluorinated membranes shall also be excluded.

SE – The overall quality of criteria is good. The restriction on Perfluorinated hydrocarbons (PFCs) is not sufficient. In criterion 3.1, SE proposed to change the unit similar to criterion 3.2 in Textiles.

EEB/BEUC - thanked the JRC and EC for all the work done in this process. Good results are present in the document. EEB/BEUC consider that the 8 years validity period is not appropriate as there is a phase-in of chromium free tanned leather. EEB/BEUC also supports the point made by AT to increase the age above 3 years and to cover all children in the criterion restriction on the use of chromium free tanned leather. This shall also be applied whenever the leather is in contact with the skin. In Criterion 5.2 and Criterion 6 on hazardous substances, there is an exception for allowing it up to 3%. Criterion 5.2 has been aligned with Blue angel. But in the restricted substance part, the 3% limitation is problematic. It is inconsistent as there is nothing for direct contact with skin. Regarding PFCs, EEB/BEUC asked for a total exclusion and not allow the ones using these membranes. A wrong signal is given to the companies that try to substitute them. This is important to change. On Phthalates, EEB/BEUC asked for a higher ban and not only for shoes for children under 3 years. The limits on formaldehyde and heavy metals are a risk based approach but EEB/BEUC do not support it in this case as the technology is available.

DK –in the preamble, there are parts where it is explicitly given how the CBs shall assess the licences. DK suggests deleting these parts as it adds confusion or is misleading. CBs assess the licences anyhow based on the rules in place. Clarification on the validity period of the Decision is needed in order to take a decision.

FR – does not support the 8 years validity period. Why to ask in Footwear the use of organic cotton differently than in Textiles?

PL – asked clarification on the validity period. PL has same comments than the ones on Furniture criteria.

EC (DG ENV) – explained why a long validity period was proposed. The main reason is to make efficient use of personnel resources for both EC and MS. In practice, the criteria are prolonged and therefore finally valid for the double time than the one stated on the voted Decision. There is a need to be practical and not theoretical. In case of longer validity

periods, amendments could be used if needed in order to reflect changes regarding the non-use of Cr tanned leather.

DK – indicated that 10 years of validity is too long. DK could support the integration of a more “automatic” way of prolonging the validity period. Moreover, DK would be more in favour of having a smoother and easier amending procedure.

EEB/BEUC – commented on the validity period. EEB/BEUC supports DK. EEB/BEUC understands that the EC may reduce the capacity and resources for criteria development. EEB/BEUC considers that the resource savings is made in the wrong place. Other Ecolabels have a much shorter validity period. It is preferable to find a more suitable solution.

AT – acknowledged the practical problems for the administration. A 5 years validity period could be envisaged. Moreover, AT proposed a fast track procedure for the amendments. AT asked whether the following could be an option for the wording: “.... Validity period of 10 years with a positive position of EUEB in 4 years”?

FR – supported the AT proposal.

EEB/BEUC – the validity period shall be discussed in the REFIT exercise. This issue should be investigated first, and then be implemented as a rule.

EC (IPTS) – replied to the comments received. Chromium tanned leathers is a technology that currently needs to be allowed. On water repellents, the use has only been limited on protective equipment and on this part of the products, this is needed. With regards criteria 5 and 6 on the 3 % material limit, both criteria shall be fulfilled. The clause for the 3 years (and not another number) was introduced from the Toys directive. Regarding the auxiliaries, the issue will be reviewed and IPTS will come back on it. Regarding the chemical oxygen demand (COD) units, the problem is that if the text is changed from "lt" to "mg", this will be a complication, as the COD units are used in the BREFs and there are small discrepancies if we change it (different fat densities).

On next day, 21 January 2016, the EC presented the draft criteria document for Footwear. The minutes of the discussions are reported in the section below.

After taking into account the discussion held with MS on 20 January, JRC presented the final draft criteria version. The presentation showed the points in which the criteria text has been changed compared to the draft criteria that was shared with the Members before the EUEB meeting.

The President - asked MS for their intention for vote on this set of criteria.

The majority of MS was in favour of the criteria with the exception of NL and UK. NL said that they will abstain or vote negative due to the wording used on sustainable wood and UK did the same but due to the provisions introducing a restriction in the use of PVC. Some other MS had to contact their Ministry to check their position.

4. PRESENTATION OF THE PROPOSED CRITERION FOR COTTON IN 'FURNITURE', 'FOOTWEAR' AND THE EVENTUAL UPCOMING AMENDMENT ON 'TEXTILES' PRODUCT GROUPS – JIANNIS KOUGOULIS, DG ENVIRONMENT (EC)

NO – referred that after starting assessing applications, it had become critical on the requirement on cotton and amendments to this criterion have been proposed. NO mentioned that they would like to have 100% organic cotton in all textile products, including what is used in Furniture and Footwear, but after several years trying to have it under the Nordic Ecolabel, it was found that it was extremely difficult, as it only works for small scale production. That is why, NO would like to see the criteria coherent in all three product groups, a limited amount of organic and the possibility to use the cotton from the spot market. On Textiles, it was requested to align the criterion on pesticides with Oekotext. NO proposed to delete the requirement on GMO, as DNA testing is possible but seldom done on cotton and because it will be difficult to make the criteria stricter through an amendment. NO is aware that environmental organisations are against mixing GMO and organic and proposed to continue the system used with the previous set of criteria, where the check was done on annual basis in order not to mix GMO and organic. NO referred that requiring 20% IPM or 100% organic was incoherent and that all three sets of criteria should be aligned. Finally, NO referred that the different percentage of organic in different kind of textiles was never understood, as those percentages are not based on scientific arguments and ideally should be deleted too.

EEB/BEUC – mentioned that the intention in the long term was to promote the use of organic cotton, which explains the different required percentages and this is in line with what medium and large companies are doing for marketing. EEB/BEUC referred that some members of the EUEB stated that there was not enough cotton on the market and that this rationale was wrong, as there is unsold organic cotton on the market. An OECD report on the production of cotton in Tanzania refers to the amount of organic cotton produced in 2014, which would have been enough to produce 900.000 t-shirts, based on calculations done by EEB/BEUC experts. The presentation of figures when discussing this topic is relevant. On the other hand, the EU Ecolabel should be a pooling instrument sending signals to the market. EEB/BEUC referred that there are laboratories in most of the EU countries, performing DNA testing, with costs varying from 5 Euros (for seeds) to 200 Euros. Based on this, EEB/BEUC would like to support the Footwear proposal, which does not allow mixing GMO with organic cotton and requests the same approach as for Textiles, i.e., requesting 100% of organic cotton to be used in children's footwear, as IMP is the minimum standard.

DK – questioned why it was not allowed to mix GMO and organic cotton in textiles, as the rationale given refers to the Regulation on organic food and feed and this does not apply to cotton. With regards to Footwear and Furniture, DK has a mandate to vote positive based on the current draft, but is strongly against strengthening the criteria on organic cotton for textiles, as licence holders have already ordered books. Considering the BE and NO proposal, DK does not have an opinion for the time being.

FR – regarding the content of IPM and organic cotton, requested the same approach for all three criteria.

AT – on behalf of DE, they recommended for Footwear 10% organic cotton and 40% IPM, which reflects better the hierarchy between IPM and organic. AT is not happy to delete traceability and requirements for GMO cotton, because it was a compromise for Textiles. Maybe the proposal from NO would be a good solution, to separate at the production. AT

doesn't support the amendment of Textiles, as the current criteria is already very challenging. AT supports 100% cotton for children's footwear and would like to see 40% for IPM and 100% for organic cotton.

BE – referred that it was against strengthening the criteria on organic cotton for Textiles, because application dossiers were already presented to the CB. BE mentioned that it disagrees with the raise of the percentage of IPM required from 20% to 40%, because licence holders already bought their stocks of IPM cotton. Since the beginning, BE was against the option on IPM, as well as other MS, but as it was adopted, it has been chosen by some licence holders. BE noted that the deletion of the GMO clause will make the option on organic cotton more attractive to potential licence holders. Currently, it is cheaper to use 20% IPM than 10% organic cotton. In case applicants need to additionally verify the non-presence of GMO, they will go for the IPM scheme or 100% organic (which is much more expensive). Therefore, BE requested the deletion of the GMO requirement. BE does not have an opinion on the 95% of organic cotton for certain textiles. Finally, BE referred that EU Ecolabel Textiles criteria should be able to feed into Furniture and Footwear EU Ecolabel products. If 100% organic is mandatory in Footwear, EU Ecolabel textiles will not be usable in EU Ecolabel Footwear.

IT – mentioned that the criterion on cotton should be coherent in the 3 Decisions. IT referred that according to information received, big quantities of organic cotton are not available, so 10% is fine. IT said that if organic cotton is available (based on reliable data), IT agrees on its increase. IT requested the deletion of the GMO requirement, because it was very difficult to demonstrate it.

EC (IPTS) – On availability of organic cotton, IPTS referred that it is very limited in the world market, i.e., below 1% and it is declining after having reached a peak 4 years ago. IPTS referred that maybe there is hidden organic cotton on the market, but 5.000 tonnes is not a lot in terms of availability in the global market. IPTS mentioned also that the available organic cotton was monopolised by a small number of large retailers.

EEB/BEUC – clarified that the figures mentioned previously of 4.000 tonnes are not intended to cover all the needs, but just evidence that there is unsold organic cotton on the market. EEB/BEUC questioned how much the EU Ecolabel was represented in 1% of the global market. From conversations with EUEB members, the majority seems to wish to promote organic cotton. The option of IPM cotton was given because there was a concern that there was not enough organic cotton available on the market. EEB/BEUC supports the existence of the options of 100% organic cotton and IPM. EEB/BEUC questioned what was foreseen in the amendment of EU Ecolabel Textiles.

NO – clarified that the need to have an amendment on the requirement on cotton for Textiles started when CBs started assessing applications and realised that it was impossible to comply with the current criterion. NO wants to promote organic cotton and does not see any added value in promoting IPM schemes. NO mentioned that it is important to have the requirement on cotton aligned in the three product groups, i.e., be able to use EU Ecolabel Textiles in Footwear. The current criterion is not promoting the use of organic cotton.

EC (DG ENV) – summed up the interventions of the EUEB referring that who has expressed wishes to have similar requirement on cotton in all three product groups, that existing criteria should not be tightened, that given the availability of organic cotton, raising the percentage would not work and that the majority of comments were against the GMO verification clause. There is a need for a good indication if the EUEB wishes to align the criterion based on the

text proposed for Furniture or for Footwear, even if there will not be a conclusive answer, as the PVC issue is still open. The EC proposed to have a tour de table to find out the opinion of the EUEB in respect of the alignment of the requirement on cotton and about the proposed GMO verification.

BE – indicated to be in favour of the alignment of Furniture and Footwear with Textiles, had no stronger opinion in respect of a higher threshold for baby products, t-shirts, etc. and was in favour of deleting the GMO clause.

BG – indicated to be in favour of aligning the requirement on cotton amongst the three product groups.

CZ – supported the opinion of BE.

DK – indicated it had no strong position on GMO. DK supports the current text of Footwear and Furniture, is against strengthening of criterion for Textiles and supports to keep different percentages for children.

DE – indicated it supported 40% of IPM for Footwear and Furniture, but this position will not impact on the voting intention.

EE – indicated to be in favour of the alignment, agrees with BE and does not have strong position on the GMO.

GR – did not expressed an opinion

FR – indicated to be in favour of an alignment and does not have comments on the percentages and on GMO.

HR – indicated it did not have an opinion.

IT – indicated to be in favour of an alignment, supported the increase of the percentages of organic cotton and requested the deletion of the GMO requirement.

PO – Indicated to be in favour of an alignment, supports the deletion of the GMO requirement and is against tightening the Textiles' criteria.

AT – requested to keep the current text of the Textiles' criteria and did not support the deletion of the GMO requirement.

NL – indicated to be in favour of an alignment, the deletion of the GMO requirement and would like to have lower thresholds, as the market availability seems to be low.

HU – did not have an opinion.

LV and LT – indicated to be in favour of an alignment and supported NO and BE on the difficulty of having a provision on not mixing organic and GMO cotton.

PT – Indicated to be in favour of an alignment, the deletion of the GMO requirement and did not have an opinion on the percentages.

RO – was in favour of an alignment and the deletion of the GMO requirement.

SK – was in favour of an alignment and supported BE.

FI – supported the opinion of BE.

SE – indicated to be in favour of an alignment towards Furniture, due to the market situation of organic cotton, the deletion of the GMO verification and was against making the Textiles' criteria stricter. Considerations from CBs involved in the assessment of Textiles' applications (NO, DK and BE) should be taken into account.

UK – supports NO and BE, was in favour of the alignment with Furniture and the deletion of the GMO requirement.

NO – indicated to be in favour of an alignment with Textiles or Furniture, because the criteria cannot become stricter, without withdrawing licences already awarded and having new consultations. NO supported the deletion of the GMO requirement.

EEB/BEUC – referred that it did not see the need for an alignment, as two options are being offered, IPM and organic. In case of an alignment, EEB/BEUC requested to go for 95% or 100% organic cotton for children's footwear, to have a real promotion of organic cotton.

On next day, 21 January 2016, the EC presented the proposal of the cotton criterion for both Footwear and Furniture. The minutes of the discussions are reported in the section below.

EC (ENV and IPTS) – Following the discussion held on 20 January, the proposal for the requirements on cotton is as follows:

- a) to have aligned criteria on cotton in the product groups of Footwear and Furniture;
- b) to require for cotton either to be 20% IPM certified or to be 10% organic cotton. However, in the case of children shoes, the criterion shall require 95% organic cotton.

In addition, for the option of organic cotton, a clause that prevents the use of GMO cotton together with organic cotton was introduced. Based on the organic Regulation, in general, as a principle, organic substances/products shall be avoided to be processed together with GM varieties of the same product.

The text will prevent this mix and this processing. As explained in the case of Textiles, for verifying the use of non-GMO cotton, it is proposed to have the possibility to use specific screening tests. A relevant text is therefore also introduced to explicitly reflect it in the case of Footwear and Furniture.

IT – asked for further explanations on blending the GMO with organic cotton.

BE – underlined that the issue of blending was not solved. The criterion is not workable, cannot be implemented in the form that it is written now, because it is hard to distinguish which batches are GMO free and which ones are organic. These textiles will be later used in Footwear.

EC (DG ENV) – indicated that the issue is identified when a product contains organic fibers. In such a situation, the consolidated view of the EC services is that mixing genetically modified varieties with organic cotton should be avoided. It is a matter of principle in the

organic Regulation not to use GM varieties and this is the reason. Moreover, EC clarified that blending means the physical processing of different types of fibers.

DK – asked to understand the rationale behind the non-blending (of GM cotton with organic) policy because there is no Regulation that says that this is not allowed. We could understand the argument not to allow mixing GMO with organic when organic content claims are made (e.g. organic label), but if you don't claim it, it doesn't matter if you mix them. DK considers that the proposed criteria may not work in practice.

EC (DG ENV) – Agreed on the first part and said that for making the verification (of non-GM) work, the screening test proposed was the same like in Textiles Ecolabel. Using this test is feasible and the wording reflects this. Moreover, in the verification text, a clause for an annual basis verification based on volume purchased as requested is introduced.

Furthermore, it was highlighted that removing the clause with the GMO part from the criteria was not possible (no EC agreement). The only alternative option could be not to have the vote.

5. INFORMATION ON THE STATUS OF THE EU ECOLABEL EVALUATION AND REFIT EXERCISE AND INTRODUCTION TO THE CIRCULAR ECONOMY PACKAGE – HUGO SCHALLY, DG ENVIRONMENT (EC)

EC (DG ENV) – indicated the EC was at the final stage to complete the REFIT report. Some preliminary conclusions were already presented to the EUEB on several occasions. After the presentation of the REFIT report, the EC will work with the EUEB on a better strategic orientation, streaming of the work in line with the Sustainable Product Policy. Better communication of the EU Ecolabel to producers and consumers is a priority. Following the adoption of the SCP action plan in 2008, the EC focussed its work on developing EU Ecolabel criteria but not enough on communication. Some actions need to be done in this respect. EC is hopeful that in April-May 2016, the final document would be out, and then it will be sent to the European Parliament and the Council for opinion. The delay EC has encountered so far is because of the low quality of the EU Ecolabel evaluation study, which required enormous effort from EC colleagues to restructure it. Also, the EC Better Regulation Package requires now that the REFIT has to be submitted to the Regulatory Scrutiny Board, before it is presented to the REFIT board. The EC Circular Economy Package adopted by the Commission on 2/12/2015 identifies provision information to consumer as an important task in making a transition to circular economy. There is a mention to the specific utility of the EU Ecolabel. Its uptake needs to be improved. It is a challenge for the EC and the EUEB to make the EU Ecolabel a significant element in this policy. The EC presentation (15 mn) that was planned and could not be shown due to time constraints will be circulated. The EC may receive questions by e-mail/telephone, and may come back to the EUEB in June if needed.

UK - indicated it was a shame that the presentation was truncated, because there is a high interest. What are the first results of the REFIT, which would already require some actions? Could the Commission highlight them now?

AT - said Circular Economy is a big chance for the EU Ecolabel. In terms of improving products, we should further look at software for operating systems in the Circular Economy.

NL - indicated that next Monday, Mr. Schally would speak at an event on the Circular Economy Action Plan. Will there be mention of the role and possibilities of the EU Ecolabel within this Plan, or will Mr. Schally stay at a general level?

EC (DG ENV) - confirmed there would be mention of the EU Ecolabel at this event. EC indicated that the Regulatory Scrutiny Board (new body established under the Better Regulation Package) is replacing the Impact Assessment Board, and involves external expertise. It checks the substantive quality of the documents that the EC will publish with policy relevance. One of the items of the Action Plan is a testing programme intending to check the issue of plant obsolescence. It is a testing programme to be tendered in the course of this year. The EC will see who will be the partner for it, and which cases should be looked at. Limited life span of electronic devices due to upgradability is an issue. In June last year, the EC presented preliminary conclusions from REFIT, saying what could be done without touching the EU Ecolabel Regulation, and what could be done if the EU Ecolabel Regulation was to be changed. Some of these issues will be also in the REFIT report. There is a focus on streamlined processes, focus on revision of product groups where there is potential for uptake, and focus on more communication. The EC is interested in working with the EUEB on some of the work to be done in the Task Forces. The big issue that will have to be reflected once the results of the PEF (methodology for looking at the Life Cycle impact of products) will be available, is what will be the impact of the EU Ecolabel structure. In the Circular Economy Action Plan, for 2018, there is a reference to improved coherence of product policy instruments the EC has at its disposal. Is it needed to change dramatically the way the EU Ecolabel works, or not? The EU Ecolabel has not been used at its full potential. Is there a need to restructure it to reach full potential? Discussion will take place later this year/early next year.

The President – indicated that if that June would be a potential time for this discussion

The agenda points Updates on the EU Ecolabel Workplan and Updates on other issues related to the EU Ecolabel were presented on 21 January 2016.

6. PROPOSED CONCEPT AND SCOPE OF THE FOLLOWING HORIZONTAL TASK FORCES: TASK FORCE ON HAZARDOUS CHEMICALS, TASK FORCE ON ENERGY CRITERION, TASK FORCE ON ASSESSING THE LOW UPTAKE OF SOME PRODUCT GROUPS – JOINT RESEARCH CENTRE (EC)

EC (IPTS) made a presentation of the chemicals Task Force.

NO – asked to participate in the Task Force. It also commented that the EU Ecolabel was now strict and has a long list of H phrases. It is better to be flexible and therefore it could be considered reducing the list and making it fit to the product group. E.g. avoid the H-phrases on toxic if swallowed as it is common sense that no one swallows detergents and paints etc.

AT- asked clarification whether AT was on the list of MS that participate in the Task Force on chemicals.

UK – suggested having as an outcome a draft-skeleton of the criterion template upon which it would be adapted to a criterion per product group.

EEB/BEUC – asked confirmation that the Task Force builds and continues on the results of the previous paper and do not reopens different resolved issues.

EC (IPTS) - confirmed that the previous paper of the Task Force is the basis of the development, and the current Task Force will follow up on this. The objective of this second round is to conclude on a generic template upon which the chemicals requirement will be developed and, where relevant, adapted to the needs of the product group. AT is in the list of MS that follow (as active observers) the Task Force but, similar to the previous discussions of the Task Force, there is a need to keep the number of participants in teleconferences to 2 per type. Active observers can be more and provide written comments.

EC (IPTS) – made a presentation of the Strategic Task Force on low uptake.

BE – indicated there was a need for an additional exercise to opening the scope of the Task Force and to make a priority list on what the Task Force would investigate first.

DK – DK commented that the proposed product groups to be investigated have a low uptake. Complementary to this, it would be beneficial to compare the uptake of an EU Ecolabel product group with the equivalent one in a national labelling scheme. It would then be understood more where the EU Ecolabel can be improved.

EEB/BEUC - support overall the establishment of the Task Force. It is important to identify the factors that will improve the EU Ecolabel uptake. Moreover, it is important to widen the scope of the Task Force activities and work on a priority list of the issues to be investigated. It is also important to involve in this process the manufacturers so that the uptake can be increased.

UK – the level of sales and market penetration of these product groups is important to look at, so as to understand why some are more successful than others. The market penetration issue should be mentioned in the Work Plan.

EC (IPTS) – indicated that the objective of the Task Force was also to provide general recommendations e.g. when to start a new product group or when to stop. A comparison of the uptake between EU Ecolabel and national labels is certainly important, but it would be recommended that members of the Task Force could do this comparison. IPTS would be happy to receive recommendations on which stakeholders to add as well which information to consider. The task of prioritisation that was mentioned to be taken up in this Task Force is much bigger than the current scope and would deserve a separate devotion of a Task Force.

EC (DG ENV) – indicated that a Task Force on the overall Ecolabel strategy was needed. It is anticipated that this would also come out in the REFIT report. However, the timing for a Task Force on prioritisation of product groups for the future of EU Ecolabel would be better to be after September, when the final REFIT results are available.

EC (JRC) – presented the Energy Task Force.

EEB/BEUC – asked to take part in the Energy Task Force.

EC (JRC) – replied that the EEB/BEUC was accepted to become member of the Energy Task Force.

7. AOB - PRESIDENT

21 January 2016

8. ADOPTION OF THE AGENDA—*PRESIDENT*

9. PRESENTATION OF THIRD DRAFT OF CRITERIA FOR "TOURIST ACCOMODATION SERVICES" PRODUCT GROUP - *JOINT RESEARCH CENTRE (EC)*

EC(IPTS) - made a presentation on the last version and the changes in legal text.

EEB/BEUC - supported the idea that RES should account of 100%. 50% RES use can't give any value added. There are countries where the share of RES is already higher than 50%. It was relevant several years ago, but since then, markets have evolved. EEB/BEUC would like to propose the text for those MS which are buying RES. EEB/BEUC have made some calculations and do not think that this would significantly increase the financial burden. Guaranties of origin (GOs) shouldn't be present only when there is no access to the market. On Criterion 37, EEB/BEUC committed themselves to send written comments. It was pointed out that this condition may be difficult to implement in all MS, thus making it impossible for the applicant to engage in this option. There are too many requirements. Private quality labels do not exist in all 'green electricity' markets. Moreover, some MS have made private quality labels superfluous because of ambitious national regulation. EEB/BEUC told that an assessment on markets was being run and that it showed that hotels can easily buy 100% of green energy. They can even generate they own energy. It is not a huge burden in every MS. Some MS have increased the share of RES. Cheap certificates are exported and sometimes there are misleading mix offers. For this reason, some MS like AT or DE have developed trustable certificates. GOs is a statistical tracking tool. It does not support any investments in new RES plants. Some consumers' organisations have created quality labels for these GOs, but third party labelling scheme do not exist in all countries.

DK - raised concerns that the ambition level is quite low and asked to explain it again. DK thanked for taking into account the comments taken in the previous round of discussions. The new text added in Assessment and verification chapter seemed not clear to DK. DK had doubts if there is a common understanding how the document is build up. DK understands that Assessment and verification is only informative, but in the last part, it states that the applicant shall demonstrate many documents. For this reason, DK wanted to know if CBs should verify it? To the understanding of DK, this should be mandatory. Also, the concept on social aspect should be mandatory but it's not mentioned in document anymore. Initially, DK wanted to add social aspects but now it seems dismissed, unless it is an optional criterion. As regards the 18 months transition period, DK can understand that MS have problems, but DK is not sure that it's a problem for an individual, because it doesn't take much time, just compile to the documentation and send it to CBs. On the changes in Requirements saying: "shall have point on different section", it is easy to find at least one requirement. DK suggested to delete it. On Criterion 1 - new changes in mandatory management system, DK suggests that there is cycle of 2 years. DK pointed out that, normally, there is an action plan and an audit every year in order to have focus on plan. DK proposed to have 1 year instead of 2. Especially taking into consideration criterion no 5 on data collection, in this case 1 year seems more logical. DK added that several other comments would be sent in writing.

DE - raised question regarding optional Criteria 50 and 60 on Social policy that says- "To ensure free..." there is nothing related to staff rise in mandatory section, it is absent. Requested that this should be pointed out where this prerequisite is.

EC (IPTS) – confirmed that it was a mistake; actually this is criterion 2.

DE - pointed out the section of optional criterion 59 - couldn't remember a hotel where it was allowed, so it has to go to mandatory section to be in line with health related policies. On criteria 66 Additional environmental and social actions – expressed the view that it seems unbalanced, taking into consideration that this is 4 points worth criteria. On criterion 32 Thermo-regulation, pointed out that there is no requirement for thermoregulation in common areas that this is not a mandatory requirement. Encouraged rewriting - there should be a thermoregulation in an every common area room. Question on presentation – slide on simplification process of criteria set, 5,6% for energy performance Criteria it was not clear what does it mean exactly, asked if there are any other criteria that ensures that EU Ecolabel accommodation has good energy performance?

LT - suggested that more points should be given to the tourist accommodation that has European Eco-Management and Audit Scheme (EMAS) rather than International Organization for Standardization (ISO) standards.

HU - raised a question for clarifications on alternative transport means of environmentally sustainable transport. It is not clear what does the word "provide" mean, could that be also a contracted transport service?

NL - made a remark about the guarantee of origin and additional electricity requirement, suggested to check in in the TF for energy, already had it in mind some time before.

FR - received feedback from stakeholders on green electricity, it was clear that stakeholders want 50% and 100% of RES is too high. FR had a concern that we could lose current stakeholders. On 18 months transition time is good idea in order to reconsider new decision because there is a wide range of amendments. FR warned that we have to be careful with EMAS licence holders because there are not a lot of them.

IT - raised the question about the period of criteria validity if it is 5 years. IT promised to provide the comments in following days.

FR – expressed confusion regarding validity period of the criteria the proposed 5 years validity, while in previous day there was a discussion of having 10 years long validity period.

EC (IPTS) - 5 years has not been changed from previous text, it will depend on other criteria, depending on the decision on other product group. On RES - decided to present 2 options that are convenient to all MS in order to decide which approach fits them better, majority of CBs and stakeholders agreed to have 50% as mandatory and 100% optional. IPTS tried to explore 100% as mandatory but has faced out several difficulties- the existence of not liberalised markets (15 MS of liberalised markets), the offer is growing but there prices are not competitive. Certain countries have monopoly and provisions for penalties if the customer switches to another company. For this reason it is useful to keep some flexibility. Even there is a growing market for green tariffs, the uptake of green products is still not well known in tourism sector. There is lack of information on uptake in this sector, we don't know exactly the % of hotels using RES, but we consider relevant to align the level with EMAS sectorial reference document benchmarks which is 50%.

In order to make optional criteria more attractive - took note of comments that we could score points in two different ways – 100% without certificate and extra points for certificate holders.

It was pointed out that the costs of criteria should be accounted as a whole but not separately criteria by criteria.

Ambition level has been raised for several optional and mandatory criteria; the total number of points has same approach. One of indication of increase of ambition level is that several licence holders provided info on losing a lot of points; some of them are losing 20 points.

Assessment and verification section - there were several criteria in mandatory section and proposal of social criteria in order to address legal requirements in particular to recognise legal requirement of national law to recognise social and staff rights as a legal minimum. A&V section could fit the purpose. The current criteria have no text to demonstrate the compliance to this requisite we decided to add this additional text to ask applicants to demonstrate compliance for prerequisites section. In several MS the compilation of documents on social requirements is available and can be demonstrated.

On transition period of 18 months, EC confirmed that it was a suggestion of some CB. It adding 6 months to the standard is not a big difference.

On final deletion of criterion - in 2nd AHWG it was decided to delete requirements for impacts that are not addressing environmental hotspots. Consequently 20 requirements were deleted.

On internal auditing – EC agreed to have it once in a year instead of once in 2 years, will align with EMAS requirements and will make it in line with consumption monitoring.

On criterion 59 – EC agreed that it's not relevant for environment. Some CBs reported that holders are not renewing licences and there is growing no of other environmental schemes. The idea of having simple criteria is necessary to keep the current licence holders and to attract new ones.

On additional actions - number of stakeholders - EC requested to keep it because it gives flexibility and several CBs admitted that this could give opportunity for new actions and decided to reintroduce it in future.

On criterion 9 – EC agreed to consider the suggestions to put it as a mandatory requirement.

On alternative transport - contract or partnership is considered.

EC welcomed all the comments and promised to include the suggestions in the next version of criteria set.

AT - hotel associations have been not informed of this process HOTREC and EFCO have not been informed of this process. Good to look on the list of associations and to inform them.

EC (IPTS) - confirmed that an email will be prepared and sent out.

EC intervened that not every product group should have 10 years duration period; we should look at the specificity of product.

10. PRESENTATION OF THIRD DRAFT OF CRITERIA FOR 'WOODEN FLOOR COVERINGS' PRODUCT GROUP – JOINT RESEARCH CENTRE (EC)

DK - asked whether the new text in red was the one newly introduced.

EC (IPTS) - indicated that most of the changes in red are a restructuring of the text rather than change in the criteria. They should be commented.

EEB/BEUC - indicated that the EC proposal was good, with good objectives. EEB/BEUC will send comments in writing, after the document is sent by email/put online. In the wood criterion, a banning of GMO trees is relevant as in the case of Furniture. In the criterion on hazardous substances and mixtures, the indication allowing a 0,01% of the total weight should also be applicable to components (layers), and the text needs to be aligned with other product groups, where this applies to final products but also components. In criterion 5 (on formaldehyde), the requirement should be on the core board and also to the final product, so the title needs to be modified. On criterion 6 (VOC emission from the floor covering), EEB/BEUC support the testing on the final product good, and the reintroduction of the restriction of carcinogenic substances. The May version of the criterion was more restrictive. Regarding class 22 or 32 for resistance, class 32 should be also reference for private use to expand the product lifetime. On the information to consumer, EEB/BEUC welcomed the requirement. It is relevant to include what is the share of wood in the laminate.

DK – indicated that it would like to look at the document that will be uploaded. On the criterion related to chemicals, DK would like to see a longer list of substances (like for the Nordic ecolabel). The requirement on flame retardants is now removed and this needs to be closely considered.

IT - will reply in writing. Comments were already sent underlying the main problem, which is laminated floorings. In IT, the wooden floor covering producers association refuse to participate in this work scheme because of the presence of laminates in the product group. It is misleading because laminate is different from other wood-based products. IT asked in the previous comments to define better laminates (not put away) and put them in a separate section in the document. Requirements on laminate should not be mixed with those for the wood flooring. Comments will be sent in writing.

CEFIC - does not agree with criterion on halogenated organic compounds, as it is too wide. Comments were already submitted.

EEB/BEUC - highlighted that in case the criterion on halogenated organic compounds is removed, there will be problems with PVCs and halogenated flame retardants as it is the case in the Furniture product group. There will be no support for this product group if this is changed.

EC (IPTS) - replied that a new version of the text will be uploaded. Regarding the ban on GMO species, IPTS is waiting for the final wording in the Furniture criteria in order to align. Industry informed that flame retardants were not used, and that is why they have been excluded. IPTS is open to reconsider this point with DK. Regarding the risk of misleading communication to the consumer on wood flooring vs laminate, the document was reorganised

to make the requirements clearer: now, different thresholds are applied per different type of product. Consumer information could be completed with information on wood/cork/bamboo percentage. Finally, regarding hazardous substances, IPTS will check whether the 0.01% requirement could be not only applied to the final product but also to components.

IT - indicated that it will not accept that laminate is defined as a "wood-based flooring".

11. SHORT REVIEW ON THE ON-GOING WORK FOR DETERGENTS - *JOINT RESEARCH CENTRE (EC)*

EC (IPTS) - recalled criteria revision process has started in December, the final draft and 3rd TR will be presented in June.

In October during the 2nd AWHG 15 attendees were present and many stakeholders. Minutes can be found on BATIS. 300 comments were received.

Ready to use products (RTU) – there were multiple proposals to not allow ready to use products to be awarded with licence. Diluted products have less impact on water, transportation, energy etc. In latest proposal of criteria tried to favour undiluted products and not the ready to use products, but some stakeholders believe it's not enough. Multiple licences would be lost if excluding this PG. Life cycle assessment (LCA) shows that those products have lower environmental impact. Asked if MS would be in favour of exclusion of hard surface cleaners (HSC)?

On micro-organisms - HSC products are not covered by any legislation; detergents containing them don't fall in Detergents regulation. In last criteria it was allowed. The feedback from the 2nd AWHG was mixed, some agreed and others disagreed. There were multiple requirements proposed but not considered e.g. Concentration dilution volume (CDW) values for these type of product. They are already on the market and there are claims from companies that such products have fewer chemicals and very specific cleaning purposes. Against the inclusion – recent developments and amount of research done on actual impact on health and environment are very limited. Moreover there have been problems highlighted by CB that in current criteria proper dosage is not considered. This should be somehow controlled. Asked if EU Ecolabel should allow those products? Is there is any feedback on health/environmental impacts? On biodegradability – latest proposal (also presented last time) that there is one harmonised requirement for 6 PGs on biodegradability of surfactants- all surfactants shall be readily degradable (aerobically). In addition all surfactants classified as hazardous to aquatic environment according to Regulation (EC) No 1272/2008 shall be in addition anaerobically biodegradable. Biodegradability of organic compounds aerobically non-biodegradable (aNBOD) or anaerobically non-biodegradable (anNBOD) shall not exceed specific limits proposed within each PG. A lot of stakeholders agreed on the compromise. There is one request if this approach is accepted then we would like to receive support on calculating the values for hard surface cleaning products. Are you ok with the proposal? On inclusions of phosphates – products that contain phosphates are very effective, concerns only of industrial products. Latest proposal is that phosphates are banned in industrial and institutional laundry detergents (IILD) and restriction there are restrictions for phosphorus content, but allowed in IIDD with limits on phosphorus concentrations. IPTS made an assessment of pros and cons. Asked CB that would like to receive views on this. On H412 products – due to new classification in case we allow more concentrated products we have to think of new classification. This is a trade-off – in case we want to promote concentrated products, and then we will have to classify them. Asked if MS would accept this kind of classification for EU Ecolabel. Are there

product groups that are requiring this derogation more than others? On derogation for fragrances- it's not an active ingredient but just masks the smell of other components. Generally consumers prefer to buy perfumed detergents, but there is an issue that perfumes are not degradable and they are classified. In latest criteria proposed there is a requirement for the product not to have a concentration greater than 0,010 % weight by weight and in addition the manufacturing and handling shall follow the IFRA Standards. Use of fragrances in IIDD products is not allowed at all. Should fragrances be allowed in detergents products? Should there be transition period managed for all 6 PG?

DK – on micro-organisms raised two points on fitness reduce criteria and CDV cross-checking. DK asked why the fitness criteria was modified? Suggested that we should have a requirement that reduces the use of chemicals; the product is performing better than chemical based detergents, in case we are including microorganisms. On need for final product labelling- expressed a minor reservation with regards to DK opinion recently there was a case for paints and varnishes allowing use of active biocidal product, in parliament of DK there was strong opinion that statement on product is necessary even without pictogram. For very concentrated we should see if they are relevant for private/house use. Suggested, if it could be possible to propose the classification for professional uses, but not the household products. Expressed concerns of accept this proposal for private or household products. On derogation for fragrances, DK was not very fond of including them. During last years accepted that some fragrances are allowed but derogations are granted only to the ones with lowest environmental impact. For hand dish washers (HDD) there might be stricter criteria because of direct contact with skin. In professional products there should be exclusion, they have higher rate of exposure to people who are working with those products. Should be aware of exclusion of fragrances that are obliged to be declared on product, but we should also be aware that science committee notes that there are health issues to be considered, we should go much further. People expect EU Ecolabel products considering not only environmental aspects but also health. On anNBO degradability of surfactants, DK was in favour of excluding those surfactants.

AT - was astonished that window and sanitary cleaners are proposed to be excluded. There are no concentrated window cleaners for consumers, they are all ready to use in AT. AT proposed to exclude only all-purpose cleaners in ready to use form, but not the rest. For those two products in most of the times they are not available in concentrated forms. On micro-organisms, AT confirmed that will send comments in written form. They were happy with biodegradability criteria as well as with the phosphates requirement. On final products classification – couldn't support the proposal. It's not a good sign for consumers. On fragrances- proposed to maintain derogation H412 as it was before because most of products are perfumed.

BE - agreed with AT that only all-purpose cleaners have to be excluded. On micro-organisms- were not against of inclusion, but suggested to consider practical issues on CDV values and other parameters. On biodegradability – BE agreed with the proposal. On phosphates – BE expressed the view that for some producers it is difficult to have good performance products without the inclusion. On classification - proposes to require dosing systems that makes life easier for consumers. On fragrances - derogations is not needed. Concentrations are low and those values mean that they can be used. BE agreed that we would need to differentiate transition period.

NO – on micro-organisms NO authority is sceptical to include microorganisms and couldn't support the current proposal because much more research is needed. On classification – confirmed that would be able to accept this because of new classification system.

AISE - exclusions of ready to use products are against, have already seen that the limits are already strict, e.g. CDV. The reason why there are no concentrated glass cleaners is the specific requirements, only soft water can be used. The exclusion won't favour the uptake. On microorganisms – was neutral about this. One reason to include is antimicrobial or disinfecting effects, this would be regarded as biocide. On biodegradability – expressed the opinion that surfactants classified H412 shouldn't meet requirement of anNBO. In many cases suppliers of surfactants don't have data on anNBO. NBO limits shouldn't be stricter. On phosphates agreed that it should be allowed in those products. Contribution to eutrophication is limited. For certain processes they are important, short cycle washes. On classification H412- supported the proposal. Peracetic acid it is used in professional laundry detergents that would imply classification. On fragrances – expressed the view that in small quantities they should be allowed and it is also important for I&I products. AISE agreed that we would need to differentiate transition period.

CESIO - surfactants industry doesn't agree with the proposal of anNBO because it is not in line with shared opinion issued recently.

SE – told that H412 is well known for Nordic Ecolabel. Recalled challenges with highly concentrated consumer products. For professional products might accept the derogation.

EEB/BEUC - was in favour of exclusion of ready to use products. They told that would consult with colleagues. On biodegradability- anNBO should be requested for all the surfactants. On phosphates, they suggested to have a ban on all products. EEB/BEUC Suggested that we have to think of proper labelling of H412. It's a delicate situation to be addressed in restrictive way because the image of EU Ecolabel can be harmed. On fragrances- preferred not to have any derogation. Outcome of scientific committee should be noted.

AT - raised a question on biocides – if there is a proposal on biocides after October meeting?

NL - agreed with AT about window cleaners, there are many certificate holders. Micro-organisms -agreed with DK, performance is important and not included under any regulation. Phosphates - no info that they can be replaced in all applications. On fragrance - same thing until there is no complete solution. anNBO- addressed that it is good to include, because there are alternatives available in markets.

EC (IPTS) - expected more the feedback rather than giving replies back. Responded only on question about biocides - planned to have an update, the position provided by industry was not acceptable, because it requests derogation for all hazardous substances. On fragrances- confirmed that tried to go along the proposals of rinse-off cosmetics. Told that are planning to discuss the approach with DG ENV.

BE, DK provided info on CDV values and biodegradability, but more data from other countries are needed.

It was confirmed that a reminder for H412 input will be sent out to the participants. Legal department confirmed that from legal point of view it is allowed to have EU Ecolabel product with a classification (H412) and has no pictogram or statement.

12. SHORT OVERVIEW ON THE ON-GOING WORK FOR CLEANING SERVICES – JOINT RESEARCH CENTRE (EC)

EC (ITPS) gave a presentation to update the EUEB members after the second AHWG meeting held on the 22nd of October 2015.

DE - pointed out the need to foresee on-site visits in the place where the cleaning service is provided (cleaning sites); it was also asked to reconsider the social criterion on wages which is now transferred under the general pre-conditions for the cleaning service.

AT - expressed the opinion of its national associations for cleaning services stating that the industry does not see any added value of developing EU Ecolabel criteria since they already use environmentally friendly products and have in place management measures according to ISO 14001 and ISO 9001.

BE - asked to clarify in the technical background report the differences between EMAS and ISO 14001 in order to justify a different level in the attribution of points. It was also pointed out that the timing for comments is too short considering the time needed to consult associations and their members.

IT - said that comments have been already sent to JRC and the European Commission by email and reiterated some of them; it was stated that the ambition level of the proposal was too low compared to its national GPP criteria which are becoming mandatory in the upcoming days. It was asked to eliminate all optional criteria as the number of criteria is not so high. On the scope, it was asked to clarify if the EU Ecolabel is addressed to the service or to the company. It was suggested to identify the service on a contract basis.

EEB/BEUC - stated that indeed the ambition level is not high enough, especially in the optional criteria which should be mandatory. Some criteria were listed as example: sorting waste, the use of EU Ecolabel products, energy efficiency for vacuum cleaners.

DK - stated that the difference in points between EMAS and ISO 14001 seems unbalanced compared to the differences between the two schemes and asked if other ISO type I labels are included in the draft proposal; it was also asked to take into consideration the environment of the staff performing the cleaning tasks (in terms of fragrances, sensitising substances, etc.) and asked if the criteria are in compliance with the new Public Procurement Directive.

EC (ITPS) - clarified that alignment of the developed criteria with the criteria set for product group tourism accommodation and camping sites specifically on the common criteria as the requirements (and points score) for EMAS and ISO 14001 and for the general pre-conditions is desired for the purpose of harmonisation among product groups.

It was also clarified that the characteristics of the applicant (who can apply for the EU Ecolabel) are detailed in the second version of the technical report discussed in the 2nd AHWG meeting. The EU Ecolabel aims to be applicable to a service line provided that a separate accounting is done for the purpose of assessment of verification of the proposed criteria set.

On the points of criteria division between mandatory and options, the distinction between the two aims to address the different practices on cleaning services among distinct EU members states to give flexibility to the applicant to apply for the label. The thresholds proposed for the criteria were developed to also cover differences in the service provision among member

states and to take into account the availability of the cleaning products, consumables, supplies and accessories in EU.

It was also clarified that the proposed EU GPP criteria are in compliance with the new Public Procurement Directive and that confusion should not be made between the EU Ecolabel and EU GPP criteria.

EC (DG ENV) - clarified the reasons for including optional criteria: this was due to the need to ensure a certain level of flexibility for some requirements such as for the use of EU Ecolabel products according to the market availability in the different Member States; another reason for having optional criteria was due to the fact that cleaning services can have additional services for which an environmental performance level should also be guaranteed; last but not the least, optional criteria were a strong request from two CBs during the first AHWG meeting. On the social criterion, the EC clarified that the reason for moving the requirement under the general pre-conditions for awarding the EU Ecolabel was due to difficulties in the verification for a criterion going beyond legislation; for this reason the legislation requirement was moved in the general requirements like in the tourist accommodation service criteria. On the scope, the EC clarified that the EU Ecolabel is awarded to the cleaning service on the basis of a service line and not awarded to the company. On the differences between EMAS and ISO 14001, the EC clarified that differences already highlighted and discussed in the past brought to foresee a differentiation in the tourist accommodation criteria to which cleaning service criteria would harmonise. The EC also clarified that the criteria for the EU Ecolabel indoor cleaning services are developed together with the revision of EU GPP criteria for cleaning services in order to make the most of possible synergies for the EU Ecolabel; this will also ensure consistency and compliance with the rules stated in the new Public Procurement Directive.

13. ISSUES OF RELEVANCE IN THE REVISION OF 'LUBRICANTS' – SYLVIE LUDAIN, DG ENVIRONMENT (EC)

European Waste Recycling Association – referred that it supported this revision and the enlargement of the scope of the EU Ecolabel for lubricants, in particular to include recycled used lubricants/oils, as it will have potential benefits for resource efficiency, waste prevention and CO₂ savings.

Hildo Kropp – Referred that the scope should have been entitled as "loss and lost lubricants". In case of a scope extension, it is necessary to find out what fraction is lost to the environment and in what way. In case a specific lubricant does not fit with the five different criteria, it means that a new set of criteria targeting a different category of products should be established. Based on Mr. Kropp's experience, companies are using the EU Ecolabel criteria to develop new products and its structure should not be changed. It was stressed that the criteria are scientifically sound and fully compliant with the CLP Regulation and that the CEN was developing a standard for bio-lubricants, which uses a criterion on biodegradation that is not aligned with the CLP Regulation, giving strange signals to companies. Mr. Kropp requested the Commission to address this issue with CEN, as companies usually refer to the EU Ecolabel for lubricants as bio-lubricants criteria. He requested that different organisations (e.g., OSPAR) and national ecolabels giving licences to these types of products should cooperate, in particular to use the same data and information. Mr. Kropp referred that bio-lubricants in general are high quality products and can easily compete with mineral oil market products, even if the market penetration for bio-lubricants is still low (3% to 5% in the last 10 years). He mentioned that the current low oil price impacted on the market penetration of bio-

lubricants. Parts or the full EU Ecolabel criteria have been copied in several pieces of legislation (e.g., in the US), which has stimulated US companies to add their products into the LuSC list or applied to have an EU Ecolabel licence. Also in FR and in BE, parts of the EU Ecolabel criteria were copied to their environmental taxation system. It was also referred that GPP does not increase the market of bio-lubricants. He requested EUEB to increase the use of EU Ecolabel criteria within compulsory regulations, such as exemption of environmental taxation. Noted that ECAT has improved but does not allow to find the different six categories of lubricants in the database. Mr Kropp mentioned that the EU Ecolabel criteria are difficult to interpret, but are generally accepted by companies, because they are feasible, affordable and in line with different EU regulations. He requested software to be developed (e.g., the factsheet which eases the criteria implementation). Extension of the scope (e.g., engine oils) and validity were referred as good ideas. He mentioned that companies had to provide information on the classification with no problems, including confidential information. The data to be used should be the one publicly available and this issue has to be addressed in the revision process. One other issue to be addressed is if the several models to estimate biodegradation can be used. As impurities may change the data, it is important to discuss how to deal with that. A renewability test has been developed and it should be evaluated if it should be included in the criteria or not. It should also be assessed if additional criteria are needed for palm and kern oil. Finally, he emphasised that big companies in Europe are supporting the EU Ecolabel and that its structure should be kept.

President – requested Mr. Kropp to send his ideas in writing to the EUEB members.

BSF – informed the EUEB that BSF will also provide input to the EC and referred that the list presented by Mr. Kropp was very comprehensive and provided a detailed analysis on what was going on in the lubricants industry so far. Regarding renewability content and the measurement point, BSF requested the opinion of the EC in the future on this topic.

14. THE PROMOTION OF EU ECOLABEL TOURISM ACCOMMODATION SERVICES. THE FRENCH EXAMPLE AND NEXT STEPS – *FRENCH CB + SILVIA FERRATINI, DG ENVIRONMENT (EC)*

Presentation was given by FRENCH CB. The main need of TF is to promote tourism accommodations that hold EC Ecolabel licence.

EC - added that FR has bottom up actions in order to promote EU Ecolabel, more and more interested stakeholders are involved. It's a special sector compared to other groups, has a lot of licences, for this reason the way of promoting it is different. There is interest to give visibility to the product. Everyone is busy but we want to have small actors to be involved by different stakeholders by different means. EC has action to promote tourism accommodation services and it is update of ECAT portal. Criteria are going to be revised, that's why we need a TF.

The President - asked how much effort is needed from the MS and stakeholders?

FR - suggested deciding upon the first step - to know who wants to join and what are the particular interests of MS.

EEB/BEUC – pointed out that there are several things that could be done in terms of communication. Assured that is going to be active observer and it also might be of interest to the EEB members. Mentioned about the 25th anniversary of EU Ecolabel, this could be a powerful step to launch something with more budget and put it on marketing activities.

FR – told that there are a lot of labels in the market and we need to stand out and make a promotion.

LT – confirmed that in LT there are no licence holders at all but would like to join the TF.

EEB/BEUC - suggests workshop in countries where there are no licences, hotel managers from FR could meet and motivate.

The President – stated that it might be good to discuss this during similar meetings, to find solutions and ideas how to encourage new applicants in countries that are no licences.

15. UPDATES ON THE EU ECOLABEL WORKPLAN – SILVIA FERRATINI, DG ENVIRONMENT (EC)

NO - indicated there is a need for a proper process for setting the list of product groups for the future, and to discuss it once a year. Now we have only one new product group, cleaning services. We should not take out products on the non-exhaustive list, and some of the product groups in the presented table 8 should be reconsidered carefully.

President - proposed that once a year, we could check new product groups. This could be done at the November EUEB for example, with a new point on 'New product groups'.

FR - supports the comment of NO on table 8.

EC (DG ENV) - indicated that there are 2 issues: shall keep the table of non-exhaustive list of product groups for which EU Ecolabel criteria can be developed using the results of the studies (from JRC and stakeholders) be kept, and another one is shall the table with the list of products proposed by stakeholders that were evaluated negatively be kept?

DK - indicated that table 8 should not be deleted, because it is based on knowledge that needs to be kept. In the table, there are some of the best areas where we should go for the EU Ecolabel. It should be discussed once a year what should be considered from this list.

EEB/BEUC - indicated that there was a need for a process for the EU Ecolabel for the identification of products that require our attention. The table should be kept as it gives an overview what are the products that we did not consider yet.

BE - said that the table could be deleted, as there is no relevance. A proper process for the development of new product groups should be developed, on the basis of the Uptake Task Force and on the REFIT. There is already some work done that we could use.

EC (IPTS) - clarified that the table was derived from a study conducted by the JRC. It was not initially aimed at the EU Ecolabel. Producing this table was not a trivial exercise. There was some analytical work, and the studies are available.

IT - asked what was the meaning of the second column of the table "Environmental priority order"?

EC (IPTS) - indicated that there are environmental indicators to the specific sector to make them comparable. The difficulty was to split the list out to fit the EU Ecolabel. IPTS would be happy to provide more details on this bilaterally.

IT - said that the table could be kept for historical record, and delete the column about "Environmental priority order".

EC (DG ENV) - indicates that the table could be kept as a reference, and the lines that come from the EUEB decision. But there is a need for a strategy regarding future products.

FR - agreed to deleting table 8, but there is a need for history when proposing new product groups. It was proposed to keep this history in an annex to the Workplan.

NO - indicated that the Workplan was covering 3 years, but nothing was said about the new product groups that will be developed during that period. It should be included. We can delete table 8, but we have to replace it with something else. NO agrees that the discussions at the EUEB should be focussed, as it was the case of the detergents presentation today. The document circulated for preparation to meeting should not be changed just before the meetings, as this is very frustrating. Is it possible to set the dates of the AHWGs for 2016?

EC (ENV) - replied that on the product groups, the Workplan has a rolling function. For the moment, there is no plan to develop new product groups. We have limited resources and have to focus on revisions. With the new Task Force on Uptake, we can better focus priority revisions, and drop non relevant product groups. We have to discussed again it in June.

UK - welcomed, page 23 "harmonized systems". JS1 made a presentation some time ago on European number code on products. EU Ecolabel licence numbers is not a good indicator. There is a need to have information on representation of the EU Ecolabel products on the market. How to tackle this gap?

EC (ENV) - indicated that this was an outcome of the evaluation study that we need to consider. How to do it is still not known, it needs to be discussed again. The Workplan will be revised and send/upload a new version after the meeting. It can be updated annually.

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

PL - indicated that the current TV criteria should be maintained until the new revised criteria are ready to be used. Otherwise, our credibility and customers will be lost. If the criteria expire, the producer will not come back with a new application.

The President - indicated that as discussed at the CB Forum, the opinion was to prolong the criteria to keep the licences.

DK - asked the EC to tell a bit more about the amendment of the Textiles criteria and other amendments that will come out.

EC (ENV) - indicated that the Textiles amendment would be prepared soon. The proposal needs to be finalised through ISC, and by March, the Member States should be informed.

DK - said that there is a need for justification why to amend the Textile criteria. As regards the proposed validity periods of 10 years, could we have more automatic extension of the validity included in the criteria?

EC (ENV) - indicated that we need to discuss with the Legal Service, for instance a clause saying that the validity is "up to..." unless the criteria are revised in advance.

The President - indicated that legally, it is possible. If the criteria are not changed until a certain date, then they are automatically prolonged. There you don't need to go through prolongation. It is a very good idea, it will save work and will increase credibility.

EC (ENV) - indicated that a proposal will be discussed with the Legal Service and check if it is feasible and legal under the EU Ecolabel Regulation.

LT - asked about the new EU Ecolabel videos. Does the EC have plans to put subtitles in other languages?

EC (ENV) - replied that, due to limited resources, additional languages are not foreseen, but the matrix can be shared or the EC can give the contacts of the company who did the translation.

IT - asked clarification about the proposal for extension of validity of criteria. If the EC forgets to revise, the validity will be endless.

EC (ENV) - indicated that there were limited resources. Currently, the criteria are not revised on time. This was to avoid prolongations.

The President - proposed to include the possibility to extend criteria validity by 1 year, only once. A wording should be prepared.

17. AOB – PRESIDENT

Close session

18. ELECTION OF THE NEW PRESIDENT AND VICE-PRESIDENTS OF THE EUEB

- (1) A new President – Henning Scholtz
- (2) Vice-Presidents – Ineke Vlot
- (3) Vice-Presidents – Daniel Hajek

19. PLANNING OF THE 2017 MEETINGS

It was agreed to have following schedule:

- 22-23 Mar: EUEB and 23 Mar: Reg Comm (tbc)
- 21-22 June: EUEB and 23 June: Reg Comm (tbc)
- 22-23 Nov: EUEB and 24 Nov: Reg Comm (tbc)

22 January 2016

Open session

20. THE POSSIBILITY TO DEVELOP EU ECOLABEL CRITERIA FOR PV PANELS/ SYSTEMS

- **INTRODUCTION – *HUGO SCHALLY, DG ENVIRONMENT (EC)***

There were discussions previously in EUEB, there were several questions on process, substance and stakeholder involvement in possible criteria development.

It is useful to have presentations in the open session: presentation from the consortium, the PEF pilot leader, on the Ecodesign Working Plan what may be happening regarding the inclusion of PV systems. This will enable the EUEB to take an informed view in closed session.

- **PRESENTATION – *PHILIPPE MALBRANCHE, FRENCH NATIONAL SOLAR ENERGY INSTITUTE ; INES DUERR, FRAUNHOFER INSTITUTE FOR SOLAR ENERGY SYSTEMS; FRANÇOISE BURGUN, FRENCH ALTERNATIVE ENERGIES AND ATOMIC ENERGY COMMISSION;***

The consortium proposing the development of EU Ecolabel criteria for PV systems presented the objectives, issues, challenges, scope, results of the first study regarding compliance with Articles 6(6) and (7) and how the project would interact with PEF and Ecodesign developments.

Growing penetration of PV systems worldwide – there is a need to ensure reliable information to consumers.

Compliance with Articles 6(6) and (7): the study performed aimed at demonstrating that hazardous substances can be substituted in PV systems.

ISE and INES committed to assist in developing scientific, technology-neutral and unbiased criteria in order to be able to reward the most ecofriendly PV product with an Ecolabel.

PV Manufacturers and Solar Power Europe also support the launch of the PV Ecolabel initiative and sent corresponding letters.

If the decision of the EUEB is positive: the consortium is looking forward to an inclusive and fruitful cooperation with all competent interested parties.

The consortium would need more data and input on e.g. life cycle impacts, for which the relevant PEF project would be extremely useful. The Ecodesign initiative would also be closely relevant by setting minimum requirements. Still, an instrument to reward the best performers would still be very relevant.

The EU Ecolabel is feasible and jointly needed by all stakeholders: consumers, investors, producers to support the best quality products.

- **PRESENTATION – *ANDREAS WADE, FIRSTSOLAR EUROPE, PEF PILOT PV ELECTRICITY GENERATION***

The leader of the secretariat of the PEF pilot project presented the PEF process, the PV pilot, its participants and progress up-to-date and next steps of the project.

A screening study is being carried out and presented, which has been approved by the PEF Steering Committee recently. The inverter was not included as a result of sensitivity analyses, so the final PEFCR will focus on PV panels. The results of the screening study show that the product and construction stages are very important for most indicators, while end-of-life stage is less important. The operation stage is only relevant for renewable cumulative energy demand.

Regarding next steps, supporting studies are currently undertaken by members, once done, another revision of the PEFCR will be undertaken then the communication of the results will be tested, Ecolabel is very relevant for this as a label is one of the vehicles to be potentially used to communicate PEF.

The EC added that once the supporting studies are done, they will be subject to check of 3rd verification bodies that will be useful to inform the Ecolabel process.

The Commission provided an update on Ecodesign work:

- the preparatory study for the next Ecodesign Working Plan has been concluded, it shows potential to deal with PV systems under Ecodesign and/or the Energy label
- Technical assessment has been completed, the draft Working Plan is with the political level for validation
- The issue is that if we consider going forward under EU Ecolabel, we have to ensure maximum synergy and that the processes work together
- One good example is where it was done is taps and showers
- The Commission would intend to ensure that future workstreams are coordinated to ensure that decision can be taken in integrated way
- Involvement of industry is crucial, the key questions is: are producers able and willing to produce according to potential Ecolabel criteria?

The floor was then open for discussion:

NL - noted that market interest from industry and willingness to apply for the EU Ecolabel is crucial. Experience shows that labelling cannot promote breakthroughs. Standardisation/benchmarks do not mean that stakeholders would support differentiation, which can have adverse impacts on PVs: consumers thinking that there are 'bad' PVs. Maximum synergies should be aimed at. Would EU Ecolabel criteria be linked to GPP criteria?

Solar Power - asked if RoHS under EU Ecolabel would still be applicable.

SolarVolt - commented that the average lifetime of solar modules is decreasing, because lot of low quality products are coming on the market. RoHS exemption is there, but recycling rates are very low in spite of WEEE. This situation is not promoting good performance. EU

Ecolabel and Ecodesign should stimulate higher standards on the market. The manufacturing industry broadly supports the initiative.

EC (ENV) - noted that the proposal was technologically neutral, opened to everyone. Based on today's discussion, GPP Advisory Board will be consulted to discuss. EC (DG ENV) commented that regardless of RoHS exemption, the EU Ecolabel criteria would take precedence.

Solar Power - commented that, in that case, a derogation process would be needed.

DK – indicated that it was interested in criteria development. It has been a long time that there was such a strong interest for a new product group from a wide range of stakeholders. Criteria should focus on quality to differentiate between panels. DK was not sure that a RoHS derogation would be needed. Difficult chemical aspects should probably not be considered in the first version of criteria but when revising them. Take back system should be considered for criteria to ensure closed loop. In his view, 30 years assumed in PEF might be exaggerated as in DK experience is closer to 20 years.

BE - expressed the concern about EU Ecolabel not being the right instrument. The sector is still in evolution and Ecolabel criteria should be quickly revised to keep up. The Ecolabel lacks resources and validity periods are increasing. There is a risk that the frontrunners are not labelled, e.g. TVs. The energy label might be much more suitable than the EU Ecolabel, it would also give information on the energy efficiency ranking. The energy label could provide information on other parameters too. BE doubts that the EU Ecolabel can tackle issues, such as the systems installation, which influences its performance. It is unclear how PEF results will be communicated. Strategic Task Force on Ecolabel's focus will be started, BE doubts that it is the right time to decide. For the visibility of Ecolabel, PV criteria would not be positive. There might be other priorities to focus on.

The President - reminded participants that a closed session will also take place and such remarks should be made there.

Total – the industry is supportive and believes that all tools can be useful, including Ecodesign and EU Ecolabel. They are complementary. Breakthroughs can be incentivised and innovations rewarded. There are already negative comments on solar, have to make sure that quality is generally good. Investors are already developing own criteria, need harmonisation.

EEB/BEUC - asked how the criteria would take into account different performance under different climatic conditions. Regarding durability, how can this be addressed in criteria, since their members have difficulties in making a solid assessment of longevity. To ensure quality, audits should be performed in manufacturing process.

The Consortium replied that durability is important, there is a standard on quality, it is possible to develop durability testing. Installers are making their best to ensure optimal position. Inverters can also be included in the scope. Visibility is important, for the time being often the cheapest products are bought, quality is not taken into account. It is probable that in the future, much more consumers will get in touch with PV panels, thus EU Ecolabel is very relevant. Lifetime is the key, since they should have a guaranteed lifetime. Companies often gone bankrupt, so the only thing to rely on is testing to have assurance of long performance. Industry's evolution is going in the wrong direction for the time being, the EU Ecolabel would be needed to change the trend.

The President - closed the open session.

Close session

21. EUEB DISCUSSIONS ON THE SUITABILITY TO DEVELOP EU ECOLABEL CRITERIA FOR PV PANELS/ SYSTEMS

The President opened the closed session.

UK - commented that the discussion reminded of the discussion on lighting products criteria development proposal. The industry partners were not fully aware of Article 6, thus no revision took place. UK is doubtful that there's a real appreciation of effects of Article 6 by the PV consortium. The presentation showed there's no availability of PVs on the market that would use substitutes for lead or PVC and they see the EU Ecolabel as driver for innovation. There is no evidence that would show that 10-20% of market would be aimed at since products are still under development. This is a significant issue. The differentiation appears to be the problem, it is about quality and longevity. Ecodesign would be the appropriate instrument to set minimum requirements. If it works, we may be able to move on to the EU Ecolabel. UK agrees with BE on prioritisation and resources. Not sure that this product group is so important, given limited resources. UK suggests not going ahead until we have better idea of REFIT and general policy direction.

DK - expressed overall support to start criteria development. On PVC, does not see that we would exclude PVCs from all products in the future automatically.

PL - agreed with BE and UK on prioritisation. PVs are rather niche products, visibility of the label would be low. Focus should be on more successful product groups.

SE - was positive about the visibility of the product and thinks that the EU Ecolabel needs a positive project. SE will vote in favour.

NL - was satisfied that industry is supportive, but sees lot of hurdles. It is important to know if industry would co-finance criteria development.

EEB/BEUC - asked if the interested manufacturers cover a significant share of relevant PV technologies. The consortium seems biased towards specific technologies. A potential effect is giving the impression that other technologies are not sustainable, preventing future R&D. It is not clear how durability will be addressed. How would the initiative be combined with the Ecodesign process? EEB/BEUC abstains from expressing opinion, due to doubts.

IT - shared BE and UK's concerns. IT is not entirely sure that the EU Ecolabel is the most appropriate tool. PVs are part of a larger system. GPP could better address these aspects.

EC (DG ENV) - noted that the presentation and proposal should be looked at in a broader picture, including the Circular Economy Package that encourages innovation and more synergies between product policy instruments. Thus, the work on Ecodesign, energy label, EU Ecolabel and PEF will have to be looked at in parallel. The Commission would be ready to embark on work with an open option what would be the best instrument to address PV systems. Many of the questions can only be addressed during criteria development process. Need to look at a main question: do you want to take out or include EU Ecolabel option in

future work on PV systems? In EC's view, neutral approach should be guaranteed, thus JRC would take part in the work. The work would take time and look at questions raised. In Commission's view, a positive reply should be given to industry's readiness and would be ready to invest resources.

EC (IPTS) - commented that first an evidence-based study would be done, which would report back on suitability of instruments. This approach has been used in a number of Ecodesign preparatory studies. IPTS is ready to work on the product group. To ensure synergies, IPTS would be involved in all processes and would act as coordinating body.

FR - explained that Ademe supports the project. PVs are key to ensure energy transition to renewables. For FR, the EU Ecolabel seems more interesting than energy label, since it looks at all lifecycle phases. The consortium showed that it is possible to avoid PVC. There is room for improvement, possible technically and the consortium is ready to do the work.

EC (DG ENV) stressed that it was important to integrate the EU Ecolabel in overall work on PVs. The process could look at all options available and we would take conclusions on the basis of that. Preparatory process should be coordinated by JRC and they would certainly accept contribution from consortium, but would keep the control, monitoring and coordination of the process.

EEB/BEUC - asked who will be involved in the process. How will the Working Groups be organised. There are two options: in parallel or jointly in Ecodesign Consultation Forum and EUEB?

EC (DG ENV) indicated that it was not possible to answer specific questions before the Ecodesign Working Plan is adopted. The JRC added that it is too early to discuss organisational issues. The research to be done as a first step can be used for all instruments. When the study is ready, we could then discuss with stakeholders in the EU Ecolabel, Ecodesign and GPP. It was done to some extent with taps and showers.

UK - asked if the EUEB would re-discuss the issue at the next meeting?

EC (DG ENV) - indicated that the EUEB can decide today whether EU Ecolabel should be included or excluded from future work on PV systems. When initial research would be concluded, we would come back to the EUEB.

The President - commented that this research work would be done anyway. If the decision to exclude the EU Ecolabel would be taken, an opportunity would be missed. In June or November 2016, the EUEB could take a more informed decision and the EU Ecolabel could be part of the process.

EC (DG ENV) - added that this approach works if the Ecodesign Working Plan includes PV systems. If not, it would have to be discussed again in June's EUEB and decide whether to carry on the work individually on EU Ecolabel. If yes, EU Ecolabel option would be included in the policy tools to evaluate. Once the options are identified, and the conclusion is to go for the EU Ecolabel, this would be discussed in the EUEB. This can take quite some time, even more than a year.

EEB/BEUC - agreed to include PV systems, taking into account the concerns expressed. Not all elements are available to take a final decision today. This could be a good example of exploiting synergies between tools.

FR - asked what the consortium's role would be in the preparatory work.

EC (IPTTS) - replied that it is essential to have manufacturers on board to provide data, information on technologies. The consortium looks very constructive.

The President - concluded that it looked like a promising option, but a final decision cannot be taken today. If the EUEB excluded this product group, we would lose an opportunity. Decision can be taken when more information will be available later this year. It depends largely on the Ecodesign Working Plan. The EUEB agreed on this way forward.

The President closed the meeting.