



**MINUTES of the  
Meeting of the European Union Ecolabelling Board (EUEB)  
Albert Borschette Centre, Rue Froissart 36, B-1030 Brussels, Room AB-2B**

**10 February 2011**

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**1. Discussion on final criteria document - All-purpose cleaners & Hand dishwashing detergents - Torben Madsen and Rugile Balzekaite**

**1.1. Presentation of the modifications to the criteria on All-purpose cleaners and Hand dishwashing detergents**

COM presented the final draft of the two product groups. 3 ad-hoc working groups and 4 EUEB discussions were held throughout the revision of these product groups. This is the last discussion on this product group. COM reminded that the existing criteria will expire in June 2011.

Final draft was sent out a month ago. Comments from Finland, Spain, EEB/BEUC, Austria, The Netherlands, France and CEFIC and extensive comments from AISE were received.

Any changes due to the comments received since the document was sent out were presented.

**1.2. General Comments and questions**

Cefic: Article 1 - Formulations should be Mixtures. Only mixtures are defined, formulations are not defined in the following article.

In criterion 3 e – the reference values for bioaccumulation potential are not aligned with the CLP. COM responded that this was intentionally stated requirement that was discussed throughout the revision and it does not relate to CLP.

EEB/BEUC proposed to reintroduce the deleted text in criterion 3 as "meeting the criteria for classification" is different than "being classified".

NO commented on the minor specification proposed by the Competent Body Forum in regards to references to substances and mixtures.

The text in Packing requirement relating to refill system was improved as proposed by BE and UK.

### Discussion on Fragrances

A discussion on requirement to exclude fragrances in professional all-purpose cleaners took place. Member States argued for and against this requirement.

### Discussion of Ready to use products

A discussion on whether ready-to-use all-purpose cleaners should be kept within the scope or not.

DE did not support such inclusion as these products have a higher CDV value. But a majority of Member States would want to include these products then DE suggested adding a sentence on packaging that "this product is not intended for large scale cleaning".

The Competent Body Forum gave its recommendation to include ready-to-use APCs in the scope.

COM concluded that the sentence will be added as suggested by Germany.

### Discussion on exceptions and derogations

EEB/BEUC: it is proposed to exempt surfactants. In my written comments I refer to Ecolabel regulation, which says that we can only do this if it is not possible to substitute. According to information received by EEB/BEUC, a Belgian producer Ecover does not use them, so it is technically possible, so we don't have a mandate to exempt them.

DE: supported EEB/BEUC: Derogations have to be justified.

AISE: there already is a requirement that all surfactants have to be readily biodegradable.

EEB/BEUC: I read the AISE position. It is not the point that surfactants will be classified with hazard statement, but if we can substitute them we should not derogate.

COM presented the background for this derogation as it was coming from the laundry detergents criteria.

Torben Madsen presented a reasoning why it is understandable to derogate for such surfactants.

COM: this issue will be analysed in the future. It has to be noted that these are transitional product groups, developed under the old regulation and adopted under the new.

### Presentation of the formulations of the criteria concerning "nano" substances

COM presented the issue of nano forms and the background for the current text.

EEB/BEUC expressed concerns that that the EUEB decided to exclude nano materials from Ecolabelled detergents and then the Commission intervened in a non transparent way. They agree now that nano materials have different properties than when in bulk, and they have properties that are not known yet. REACH is not prepared to deal with nano materials. The effect of nano materials is not well assessed. A precautionary approach should be applied, not just for the Ecolabel but in general.

AT expressed a view that nano should be excluded in general. They want to be sure that nano silver will be excluded.

COM responded that silver itself is classified as very toxic for the environment. Because of R50 nano silver will be excluded.

CEFIC explained how the registration works. All substances have to be registered under REACH and the information you have to submit are in annex 7. Nano are registered together with the bulk forms. Bulk forms are imported in thousands of tonnes. Then you have to register the uses of your substance, one of the uses is a nano form. Nano silver is registered as biocide for more than 60 years now, so it is already excluded because of the biocides requirements.

EEB/BEUC: I would like to know how will Competent Bodies interpret the criteria regarding nano. They will have a data safety sheet but, what if some nano materials are not registered, they not appear on the sheet, so there will not be a way to verify them. There might not be even test methods developed for some of the new substances.

I'm not sure that Competent Bodies will interpret this requirement in a way that all the substances will have to be registered in REACH.

COM advised not to go into a discussion on the definition of substance and how to identify it. It is a complex discussion that still continues beyond EU Ecolabel, and has not yet been concluded. The focus should be on granting an Ecolabel to a product that meets the requirements set up in the Commission Decision. The text that the COM is offering allows to say that if a substance is not classified with the hazard statements on the basis of no data, request for more data proving that the substance is safe can be asked. As a minimum the data provided must meet the requirements in Annex VII of REACH.

The requirements go beyond Annex VII and lack data is not an excuse and that is a crucial aspect to the whole nano discussion. COM believes that this formulation allows for generating and submitting new data.

This will be described in the user manual using a step by step approach on what to do to receive the information.

NO: we really have to have it very clear and give this message to the industry. As long as we say that they have to prove us that all the substances in a product are not classified with hazardous statements or risk phrases we can accept this compromise.

BG: Less than a year ago we were told that in lubricants there are no nano materials. We are missing a lot of information; we do not have right methods to assess the impact of nano materials. I believe we should implement the precautionary principle and exclude nano. We are a label of excellence. There is regulation of cosmetics and food directive which take measures regarding nano materials. I believe we have to give the right message to the consumers. The cautious approach to nano in our criteria is not in the actual criterion, but in the assessment and verification, so it is not a clear message for the consumer. Even if we accept that fulfilling requirement of annex VII of REACH is good evidence, of which I am not sure, this is not a clear text for me. Consumers who are looking for Ecolabel products are concerned about their health, and what we put in the criteria is not good enough.

NL: supports Bulgaria and the EEB/BEUC – because of the precautionary principle and the fact that the definition of nano materials is not yet clear we cannot accept the criteria as they are now. The explanation on the formulation made by the chemical experts is much clearer, but it is not enough for us.

DK: Firstly, if there is no data on nano form there can be no label, regardless of the level of concentration of a substance. Secondly, according to the Annex VII it is not only acute ecotoxicology test that should be provided but also sensitivity of the substance. Is that correct?

COM: We talk about all acute health hazards that are covered by Annex VII - we have skin irritation, eyes irritation, acute toxicity etc. and two tests related to the environment. If any of the data is missing you cannot give the Ecolabel to a product.

FR: French Environmental Agency published a report where one of the conclusions was that it is sometimes difficult to identify product with nano materials, as producers do not declare them because they do not come under the definition of substance in the ISO standard, so this can lead to an absence of declaration and as a consequence evaluation as CBs will have no means to verify whether a product contain a nano material. Do you think there is a risk that the manufacturer will not declare all the substances?

COM: This issue is linked to the safety data sheet. In safety data sheet the producers are obliged to present physical and chemical properties of the substance and based on this information, as soon as the definition is available, you will be able to assess if the substance is a nano or non-nano material. At the moment there is no definition, so this is the situation that we have today.

The text, as it is presently formulated, contains some redundant wording but we left it for the sake of clarity – it reads for the form of the substance, including the nano form, nano form is redundant because nano it is also a substance. So it is possible to enforce the provision, as it is in CLP regulation. We felt it would be useful to include wording 'nano-forms', but even if we didn't say that it would also include nano-forms.

CEFIC: It seems there are two concerns in this room – firstly, no data on nano, secondly, nano may escape the provisions. However, there are two safety clauses. Firstly, you have to generate the information on nano forms, otherwise you cannot get an Ecolabel, secondly, the

nano forms have to comply with the information requirement no matter in which quantities. So I think this text captures it.

EEB/BEUC: Nano materials might have properties which are not classifiable with the current system. When we talk about nano forms it depends how CB interprets it, I agree you gave the CBs good text – but you leave it up to CB and applicants to decide what is best. I don't think this is the approach that we should take in the Ecolabel.

NO: when we prepare the documents, we can easily ask the question to the producers – does this product contain intentionally added substances in the nano forms, and get a yes or no answer. If we get yes, we refer to REACH annex. Also ask the producer do you have any information why your substance should not be classified with H or R phrases

COM: No data means no classification, so they cannot put the substance to the product. Yes, you can ask this question.

EEB/BEUC/BEUC: it would be difficult to exclude nano, but could we say, as we do it for biocides, that the product cannot claim to have an effect related to the nano materials.

COM: this is unfortunately not possible.

#### **COM presented the following conclusions:**

**Ready to use products** – we do want these products to be included; therefore we keep it as it is. Germany's suggestion was accepted.

Derogations - we leave it as it is, in the future provide more information.

Fragrances – the exclusion of fragrances in all purpose cleaners for professional use will be removed.

Nano issue - We cannot at this point exclude nano materials. I invite you to accept our proposal as it is.

Member States, Norway, SMEs, environmental and consumer organisations and industry representatives expressed their positions during tour de table round.

## **2. Discussion on final criteria document: Lubricants - Michele Galatola**

### **2.1. Presentation of the most recent changes**

COM: Since October there were some drafting changes, comments from CB aimed to clarify the text.

Article 3 - for the sake of consistency 'must' was changed to 'shall'.

Annex/ Requirements - changes in point B "Measurement thresholds" – we now refer to 'applied lubricant' to make sure that the criteria is used to for the very final applied product, as oppose to a product that needs additional substances to work properly.

It was also necessary to clarify to which criteria the different thresholds apply. Now it is precisely stated in the criteria.

There were some typos in the H statements and Risk phrases, also changed the layout of the phrases section.

It was pointed out by several Competent Bodies that the link was not clear between the text and the final table. This link was made clear.

We introduced link to the OSPAR list and we did that - to the most updated version 2009

Criteria 3.1 and 3.2 – a sentence was added: In addition, demonstration of the absence of toxicity...

We decided to split criterion 4 to two components, we now have component 1 biodegradation and 2 bioaccumulation.

## **2.2. Discussion**

CEFIC commented that they did not see the word "sustainable" in the criteria - criterion 5 renewable raw materials as in the past we discussed sustainability, this reference is now gone.

Hildo Krop: In the past we looked at several issues. Firstly CO2 phrase that was related to the carbon footprint, but it was deleted because it could not be proven that CO2 emission occurs because of different origins of the renewable materials. We also tried to find other verifiable criteria on sustainability but it was very difficult to define verifiable criteria, so we decided to use phrase 'renewable raw materials' and request the supplier to state the origin of the material. I agree we should look into this issue further at the next revision.

IT: I would like ask if in definition of this product group in category 3 – were rust preventive oils were excluded on purpose?

Hildo: We have not discussed rust preventive oils; it didn't come up at AHWG, survey, so we didn't include it. In the next revision we should probably do it.

### **Summary:**

We need to look at the sustainability issue as well as include the rust preventive oils in the scope during the next revision.

Member States, Norway, SMEs, environmental and consumer organisations and industry representatives expressed their positions during tour de table round.

## **3. Presentation of the new EU Ecolabel laundry detergents test protocol - Miguel Osset and Rugile Balzekaite**

COM presented the background for the revision of the EU Ecolabel laundry detergents test protocol. The project manager responsible for the test protocol revision gave a detailed presentation about the revision and about the results of the new test protocol.

Questions were answered after the presentation.

It was concluded that the new EU Ecolabel laundry detergents test protocol is accepted. It will be linked to the new Laundry detergents criteria document and will be made available on the Ecolabel website as soon as the criteria are published in the Official Journal. It will not have a legal status.

The old criteria will be linked to the old test as it provides fair and equal conditions to all applicants.

BE: Would it be possible to put the labs that can do the test in this user manual? There are not that many labs in Europe that can do such test.

COM: In CB forum Karen Jensen said we should not promote labs through the Commission website. The guidelines on test labs should be followed.