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Delegations will find attached document D047977/02.

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EUROPEAN
COMMISSION

Brussels, **XXX**
D047977/02
[...](2017) **XXX** draft

COMMISSION DECISION

of **XXX**

amending Decision **2014/350/EU** establishing the ecological criteria for the award of the
EU Ecolabel for textile products

(Text with EEA relevance)

COMMISSION DECISION

of **XXX**

amending Decision 2014/350/EU establishing the ecological criteria for the award of the EU Ecolabel for textile products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel¹, and in particular Article 8(2) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

- (1) After notification by technical experts to the Commission and some Member States that a clarification is needed in point 1 of Article 1 of Commission Decision 2014/350/EU² it is necessary to further specify to which textiles fibres the ecological criteria apply and to support the potential for labelling intermediate textiles products.
- (2) It is necessary to improve the wording in section 1 on Textile fibre criteria and in criterion 1 of Annex to Decision 2014/350/EU in order to clarify the exceptions applying when recycled fibres or organic cotton fibres are used and how the calculation of the percentage of cotton required in criteria 1(a) and 1(b) is to be conducted. Based on discussions held at the January 2016 European Union Ecolabelling Board (EUEB) and Competent Body (CB) Forum meetings, it is necessary to harmonise the wording used in the organic cotton, IPM cotton and pesticides restriction requirements across the Textiles, Footwear and Furniture product groups, taking as a reference the revised criteria laid down in Commission Decision (EU) 2016/1332³ and in Commission Decision (EU) 2016/1349. Based on discussions held at the EUEB meeting of November 2016 it is necessary to limit the requirement of non-blending of organic and GMO cotton to those products for which a claim of organic cotton content is made in accordance with criterion 28 of Decision 2014/350/EU. Furthermore, it should be considered to allow an additional claim regarding the use of GMO free cotton in criterion 28 of Decision 2014/350/EU.

¹ OJ L 27, 30.1.2010, p. 1.

² Commission Decision 2014/350/EU of 5 June 2014 establishing the ecological criteria for the award of the EU Ecolabel for textile products (OJ L 174, 13.6.2014, p. 45).

³ Commission Decision (EU) 2016/1332 of 28 July 2016 establishing the ecological criteria for the award of the EU Ecolabel for furniture (OJ L 210, 4.8.2016, p. 100).

- (3) After notification by technical experts to the Commission and some Member States a clarification is necessary as to the composite sampling instructions in the assessment and verification of criterion 3(a).
- (4) For reasons of clarity, it is necessary to improve the wording in Criterion 13(b) of section 3 on Chemicals and process criteria, for reasons of consistency with the process regarding identification and establishment of the candidate list for Substances of Very High Concern (SVHC) set out in Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁴ and for consistency with Article 6(7) of Regulation (EC) No 66/2010. The wording in criterion 14 also should be made consistent with Article 6(6) of Regulation (EC) No 66/2010. After a notification by technical experts to the Commission a clarification is necessary in criterion 14 of Decision 2014/350/EU as to when to use the hazardous classification rules that apply to substances and when the ones that apply to mixtures. Furthermore, based on discussions held at the CB Forum meetings, it is necessary to harmonise the restrictions in criterion 14(b) on table entry (iv) concerning water, dirt and stain repellents and the requirements in Appendix 1 with the respective criterion and requirements used in the Footwear and Furniture product groups, taking as reference for the latter the revised criteria for furniture in Decision (EU) 2016/1332 and respectively for footwear in Decision (EU) 2016/1349 as these were voted in January 2016 Ecolabel Regulatory Committee⁵. Concerning table entry (v) on *Auxiliaries*, it is necessary to amend and clarify the scope of the derogation and to allow calculations of residuals under the part on assessment and verification. It is also necessary to change the wording in Appendix 1 to the Annex to Decision 2014/350/EU so as to make it consistent with Regulation (EU) No 528/2012 of the European Parliament and of the Council⁶.
- (5) After notification by members of the EUEB to the Commission and discussions held at the CB Forum meetings in 2016, it is necessary to amend, in section (f) of Appendix 1 to the Annex to Decision 2014/350/ EU, the restrictions applying to all production stages so as to introduce detergents into the coverage of the restriction, to correct the test reference for anaerobic biodegradability and to narrow the coverage of the restriction of non-ionic and cationic detergents and surfactants to those that are classified as hazardous to the aquatic environment in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council⁷.
- (6) After notification by members of the EUEB to the Commission and discussions held at the CB Forum meetings in 2016, it is necessary to amend criteria 20 and 21 in

⁴ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

⁵ Regulation (EC) No 66/2010, Art.16.

⁶ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁷ Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1)

section 4. Fitness for use criteria, so as to reflect the new technical findings of the experts of the Member States.

- (7) Based on discussions held at the CB forum meetings in 2015 and 2016, and for reasons of consistency with Directive 2010/75/EU of the European Parliament and of the Council⁸ it is necessary to allow calculations of emissions to air of organic compounds under the part of criterion 16 (b) on assessment and verification of Decision 2014/350/EU.
- (8) Based on discussions held at the EUEB and CB Forum meetings in 2015 and 2016, it is necessary to harmonise the wording of the part on assessment and verification used in Criterion 26 on Fundamental principles and rights at work in Decision 2014/350/EU with the wording used in the Personal, notebook and tablet computers product group, taking as reference Commission Decision (EU) 2016/1371⁹.
- (9) After discussion with members of the EUEB in 2016, it is necessary to prolong the validity of Decision 2014/350/EU, because the environmental ambition level of the Ecolabel criteria set in Decision 2014/350/EU is anticipated to remain high in comparison to other labelling schemes. Besides, maintaining a stable set of criteria over a longer period of time will enable an increased number of applicants to make the necessary improvements and technical investments along the innovation cycle in order to apply for the Ecolabel, and the market to respond in turn with new specifications of raw materials and intermediate textiles products.
- (10) Decision 2014/350/EU should therefore be amended accordingly.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/350/EU is amended as follows:

- (1) Recital 6 is deleted.
- (2) in Article 1, paragraph 1, points (c), (d), and (e) are replaced by the following:
 - '(c) textile fibres, yarn, fabric and knitted panels: intermediate products intended for use in textile clothing and accessories and interior textiles, including upholstery fabric and mattress ticking prior to the application of backings and treatments associated with the final product;
 - (d) non-fibre elements: intermediate products that are incorporated into textile clothing and accessories and interior textiles, including zips,

⁸ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

⁹ Commission Decision (EU) 2016/1371 of 10 August 2016 establishing the ecological criteria for the award of the EU Ecolabel for personal, notebook and tablet computers (OJ L 217, 12.8.2016, p. 9).

buttons and other accessories, as well as membranes, coatings and laminates;

(e) cleaning products: woven or non-woven products made from textile fibres and intended for the wet or dry cleaning of surfaces and the drying of kitchenware;' ;

(3) Article 6 is replaced by the following:

'The criteria and the related assessment requirements set out in the Annex shall be valid for 78 months from the date of adoption of this Decision.'

(4) the Annex is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
Karmenu VELLA
Member of the Commission