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To:	General Secretariat of the Council
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Subject:	Commission Decision of XXX amending Decision 2014/312/EU establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes

Delegations will find attached document D038234/02.

Encl.: D038234/02



EUROPEAN
COMMISSION

Brussels, **XXX**
D038234/02
[...](2015) **XXX** draft

COMMISSION DECISION

of **XXX**

**amending Decision 2014/312/EU establishing the ecological criteria for the award of the
EU Ecolabel for indoor and outdoor paints and varnishes**

(Text with EEA relevance)

COMMISSION DECISION

of **XXX**

amending Decision 2014/312/EU establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes

(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) Commission Decision 2014/312/EU² provides for a transitional period for producers whose products have been awarded the EU Ecolabel for indoor and outdoor paints and varnishes, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements. However, Member States have informed the Commission that they would not be able to verify within the allotted 12 months the Ecolabelled products due to the high number of products and the additional requirements. An additional period is needed in order to ensure a smooth transition.
- (2) Technical experts notified the Commission and some Member States that the current wording of point 14 of Article 2 is not clear. The provided definition allows misinterpretation regarding the reference to "polar systems". The term "polar system" that refers to the analytical system and not to the coating system needs to be clarified. Moreover, it was recommended to specify within the definition an additional technical parameter, the vapour pressure. Any change in the wording of point 14 of Article 2 shall be reflected for the sake of consistency and clarity also in the wording of point 13 of Article 2 regarding VOCs.
- (3) Based on discussions held at the November 2014 European Union Ecolabelling Board and Competent Body Forum meetings it is necessary to clarify that criterion 3(a) and the associated reference in table 2 apply to semi-transparent but do not apply to adhesion primers and any other coatings that are transparent.

¹ OJ L 27, 30.1.2010, p. 1.

² Commission Decision of 28 May 2014 establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes (2014/312/EU) (OJ L 164, 03.06.2014, p. 46 and 48).

- (4) For reasons of consistency in criterion 3 (Efficiency in use), Table 2 - fifth column ("Thick decorative coating indoor and outdoor (I)") in the second line (referring to the spreading rate criteria 3(a)) of Decision 2014/312/EU, the unit of measurement ($1 \text{ m}^2/\text{L}$) should be replaced by the following " $1 \text{ m}^2/\text{kg}$ ".
- (5) Criterion 5(a)(i) of Decision 2014/312/EU provides a list of groups of substances which are explicitly indicated as a subject of the assessment and verification of criterion 5(a). However, it was proven that this list of substances is not complete and an additional group of substances needs to be added, namely "8. Substances in binders and polymer dispersions 8a. Binders and cross linking agents, 8b. Reaction products and residues ". Moreover, for reasons of clarity, the list of groups of substances should be moved to the assessment and verification text of the criterion since that list is used for the assessment and verification.
- (6) In Appendix of Decision 2014/312/EU, point 7(a) sets concentration limits for the presence of formaldehyde in the final product, but the concentration limits in the table are misplaced. That table should show clearly that the concentration limits for all products are 0,0010%, unless derogations apply.
- (7) 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.
- (8) Decision 2014/312/EU should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/312/EU is amended as follows:

- (1) In Article 2, point 13 is replaced by the following:

'13. Volatile organic compounds' (VOC) means any organic compounds having an initial boiling point less than or equal to $250 \text{ }^\circ\text{C}$ measured at a standard pressure of $101,3 \text{ kPa}$ as defined in Directive 2004/42/EC and which, in a capillary column, are eluting up to and including n-Tetradecane ($\text{C}_{14}\text{H}_{30}$);

- (2) in Article 2, point 14 is replaced by the following:

'14. Semi volatile organic compounds' (SVOCs) means any organic compound having a boiling point greater than $250 \text{ }^\circ\text{C}$ and less than 370°C measured at a standard pressure of $101,3 \text{ kPa}$ and which, in a capillary column are eluting with a retention range after n-Tetradecane ($\text{C}_{14}\text{H}_{30}$) and up to and including n-Docosane ($\text{C}_{22}\text{H}_{46}$); '

- (3) in Article 7, paragraph 2 is replaced by the following:

'2. EU Ecolabel licences awarded in accordance with the criteria set out in Decision 2009/543/EC or 2009/544/EC may be used for 21 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