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From:	European Commission
date of receipt:	23 November 2015
To:	General Secretariat of the Council
Subject:	Annex to the 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 D042300/03 - Annex.

Encl.: D042300/03 - Annex

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ANNEX

The Annex to Decision 2014/312/EU is amended as follows:

(1) in criterion 3(a) 'Spreading rate', the fifth paragraph is replaced by the following: ‘'Opaque primers and undercoats shall have a spreading rate of at least 8 m^2 per litre of product. Opaque primers with specific blocking/sealing, penetrating/binding properties and primers with special adhesion properties shall have a spreading rate of at least 6 m2 per litre of product.'’

(2) in criterion 3 (Efficiency in use), Table 2, in the eighth and ninth columns referring to ‘Primer (g)’ and ‘Undercoat and primer (h)’, the text ‘6 m2/L (without opacity)’ is replaced in both columns by the following: ‘6 m2/L (without having specific properties)’.

(3) The Appendix is amended as follows:

(a) in the Hazardous Substance Restriction and Derogation List the entry "1. Preservatives added to colourants, binders and the final product" the section "(i) Rules relating to biocide authorisation status" is replaced by the following:

(i) Rules relating to the approval status of preservatives The paint formulation shall only contain active substances (*within the meaning of Article 3(1)(c) of* Regulation (EU) No 528/2012 (*) that meet the requirements of 1a, 1b and 1c (as applicable) and are approved in accordance with Article 9(2) of Regulation (EC) No 528/2012 for use in product-type 6 in the case of 1a and 1b or product–type 7 in the case of 1c, or are included in Annex I to that Regulation. Furthermore, a risk assessment for professional and consumer (non-professional) use shall have been provided in the Assessment Report. *Applicants should consult the most current approved active substance list of the EU(**) and Annex I to that Regulation.* Paint formulations may contain preservatives for which a dossier has been submitted and which are under examination pending a decision on approval in the interim period up until the adoption of a positive decision to approve the active substance or to include it in Annex I to that Regulation.

(*) 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)

(**) ECHA, Biocidal active substances – list of approved active substances, http://www.echa.europa.eu/web/guest/information-on-chemicals/biocidal-active-substances

(b) in the Hazardous Substance Restriction and Derogation List the entries "1.(a) In-can preservatives" and "1.(b) Tinting (colourant) machine preservatives" are replaced by the following:

(a) In-can preservatives *Applicability:* All products unless specified otherwise	In-can preservatives classified with the following derogated hazard classifications may be used in ecolabelled products: *Derogated classifications:* H331 (R23), H400 (R50), H410 (R50/53), H411 (R51/53), H412 (R52/53), H317 (R43) In-can preservatives classified with these derogated classifications shall also meet the following derogation conditions: o The sum total concentration shall not exceed 0.060% w/w o Substances classified with H400 (R50) and/or H410 (R50/53) shall be non-bioaccumulative. Non-bioaccumulative substances shall have a Log Kow ≤ 3.2 or a Bioconcentration Factor (BCF) ≤ 100. o For those substances that are approved for use or are included in Annex I to Regulation (EU) No 528/2012 evidence shall be provided that the approval conditions are respected for the paint product. o Where preservatives that are formaldehyde donors are used then formaldehyde content and emissions from the final product must meet the requirements in substance restriction 7(a) Specific concentration limits applies to the following preservatives: (i) Zinc pyrithione (ii) N-(3-aminopropyl)-N-dodecylpropane-1, 3-diamine	*In-can preservatives* *Sum total in the final product:* 0.060% w/w *Concentration limit* *0.050%* *0.050%*	*Verification:* Declaration by the applicant and their binder supplier supported by CAS numbers and classifications for the active substance in the final product and its binder. This shall include calculation by the applicant of the concentration of the active substance in the final product. All manufactured active substances for which 50 % or more of the particles in the number size distribution have one or more external dimensions in the size range 1 nm-100 nm shall be identified.
(b) Tinting (colourant) machine preservatives	The derogated hazard classifications and the derogation conditions listed under 1(a) shall apply also to preservatives used to protect colour tints whilst stored in machines prior to mixing with base paints. Preservatives added to protect tints that will be dispensed from machines shall not exceed a sum total of 0.20% w/w. The following preservatives are subject to specific maximum concentration limits contributing to the sum total of preservatives in the colourant:	*Sum total preservatives in the colourant:* 0.20% w/w	*Verification:* Declaration by the applicant and/or their tint supplier supported by CAS numbers and classifications for the active substance in the final product and its binder. This shall include calculation of the concentration of the active substance in the final tint product.

	(i) 3-iodo-2-propynyl butylcarbamate (IPBC) (ii) Zinc pyrithione (iii) N-(3-aminopropyl)-N-dodecylpropane-1, 3-diamine	0.10% 0.050% 0.050%	All manufactured active substances for which 50 % or more of the particles in the number size distribution have one or more external dimensions in the size range 1 nm-100 nm shall be identified.

(c) in the Hazardous Substance Restriction and Derogation List the entry "1.(c) Dry film preservatives" is replaced by the following:

(c) Dry film preservatives *Applicability:* Outdoor paints, indoor paints for specific applications	Dry film preservatives and their stabilisers classified with the following derogated hazard classifications may be used in all outdoor products and only specific indoor products: *Derogated classifications:* H400 (R50), H410 (R50/53), H411 (R51/53), H412 (R52/53), H317 (R43) Dry film preservatives classified with these derogated classifications must also meet the following derogation conditions: - The sum total concentration shall not exceed 0.10% w/w or 0.30% w/w (as relevant) - Substances classified with H400 (R50) and/or H410 (R50/53) shall be non-bioaccumulative. Non-bioaccumulative substances shall have a Log Kow ≤ 3.2 or a Bioconcentration Factor (BCF) ≤ 100. - For those substances that are approved for use or are included in Annex I of the Regulation (EU) No 528/2012 evidence shall be provided that the approval conditions are respected for the paint product. A higher sum total and a derogation from the requirements in criterion 5a which shall allow for the final product to become classified as hazardous for the aquatic environment (Chronic Category 3) and to carry the hazard statement H412 applies to the use of the following dry film preservative for the specified applications only: (i) 3-iodo-2-propynyl butylcarbamate (IPBC) combinations - Outdoor paints and varnishes Specific concentration limits applies to the following	*Dry film preservatives* *Sum total in the final product:* Indoor paints intended for use in areas with high humidity, including kitchens and bathrooms 0.10% w/w All outdoor paint applications 0.30% w/w *Outdoor paints sum total* *for IPBC combinations:* 0.650% 0.050%	*Verification:* Declaration by the applicant and their binder supplier supported by CAS numbers and classifications for the active substances in the final product and its binder. This shall include calculation by the applicant of the concentration of the active substances in the final product. All manufactured active substances for which 50 % or more of the particles in the number size distribution have one or more external dimensions in the size range 1 nm-100 nm shall be identified.

	preservative: (i) Zinc pyrithione		

(d) in the Hazardous Substance Restriction and Derogation List an entry "8. Substances in binders and polymer dispersions" is added as follows:

8. Substances in binders and polymer dispersions			
(a) Binders and cross linking agents *Applicability:* -Interior/ exterior trim -Decoration, protection and coating of wood -Metal coatings -Floor coating -High gloss coating -Architectural and decorative coating	Adipic acid dihydrazide (ADH) used as adhesion promoter or as a cross linking agent	1.0 % w/w	*Verification:* A declaration shall be provided by the applicant and their raw material suppliers supported by calculations or by an analytical test report.
(b) Reaction products and residues *Applicability:* Products with polymer binder systems	The presence of residual methanol is restricted depending on the content of binder in the final product. - more than 10 % and up to 20 % binder content in the final product - more than 20 % and up to 40% binder content in the final product - more than 40 % binder content in the final product	 0.02 % w/w 0.03 % w/w 0.05 %w/w	*Verification:* A declaration shall be provided by the applicant and their raw material suppliers supported by calculations or by an analytical test report.