



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 16 January 2014
(OR. en)**

5362/14

ENV 36

COVER NOTE

From:	European Commission
date of receipt:	13 January 2014
To:	General Secretariat of the Council
No. Cion doc.:	D029991/02
Subject:	Commission Decision of XXX establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes

Delegations will find attached document D029991/02.

Encl.: D029991/02



Brussels, **XXX**
D029991/02
[...](2013) **XXX** draft

COMMISSION DECISION

of **XXX**

establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes

(Text with EEA relevance)

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establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes

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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 Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to products which have a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) In order to better reflect the state of the art of the market for this product group and take into account the innovation of the last years, it is considered appropriate to modify the scope of the product group and establish a revised set of ecological criteria.
- (4) Commission Decision 2009/543/EC² and Commission Decision 2009/544/EC³ addressed separately indoor and outdoor paints. These have been amalgamated into one criteria document in order to reduce the administrative burden for competent bodies and applicants. Moreover, the revised criteria reflect new requirements on hazardous substances that were introduced subsequent to the previous decisions by Regulation (EC) No 66/2010.
- (5) The criteria aim, in particular, at promoting products that have a lower environmental impact along their life cycle, are of high quality, have good performance and long

¹ OJ L 27, 30.1.2010, p. 1.

² Commission Decision 2009/543/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to outdoor paints and varnishes (OJ L 181, 14.7.2009, p. 27).

³ Commission Decision 2009/544/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to indoor paints and varnishes (OJ L 181, 14.7.2009, p. 39).

durability, products which contain a limited amount of hazardous substances⁴ and a limited amount of volatile organic compounds. Products with improved performance in relation to these aspects should be promoted via the Ecolabel. It is therefore appropriate to establish EU Ecolabel criteria for the product group 'paints and varnishes'.

- (6) The revised criteria, as well as the related assessment and verification requirements should be valid for four years from the date of adoption of this Decision, taking into account the innovation cycle for this product group.
- (7) Commission Decision 2009/543/EC⁵ and Commission Decision 2009/544/EC⁶ should therefore be replaced by this Decision.
- (8) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for indoor and outdoor paints and varnishes on the basis of the criteria set out in Decisions 2009/543/EC and 2009/544/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements.
- (9) 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

1. The product group of 'indoor and outdoor paints and varnishes' shall comprise indoor and outdoor decorative paints and varnishes, woodstains and related products intended for use by consumers and professional users falling under the scope of Directive 2004/42/CE of the European Parliament and of the Council⁷.
2. The product group of 'indoor and outdoor paints and varnishes' shall comprise: floor coatings and floor paints; paint products which are tinted by distributors at the request of consumer (non-professional) or professional decorators, tinting systems, decorative paints in liquid or paste formulas which may have been pre-conditioned, tinted or prepared by the manufacturer to meet consumer's needs, including wood paints, wood and decking stains, masonry coatings and metal finishes primers and undercoats of such product systems as defined in Annex I to Directive 2004/42/CE.
3. The product group shall not comprise the following products:
 - (a) anti-fouling coatings;

⁴ Substances with hazard classifications established under Regulation (EC) No 1272/2008 of the European Parliament and of the Council (the CLP Regulation).

⁵ Commission Decision 2009/543/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to outdoor paints and varnishes (OJ L 181, 14.7.2009, p. 27).

⁶ Commission Decision 2009/544/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to indoor paints and varnishes (OJ L 181, 14.7.2009, p. 39).

⁷ Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.4.2004, p. 87).

- (b) preservation products for wood impregnation;
- (c) coatings for particular industrial and professional uses, including heavy-duty coatings;
- (d) powder coatings;
- (e) UV curable paint systems;
- (f) paints primarily intended for vehicles;
- (g) product which primary function is not to form a film over the substrate, e.g. oils and waxes;
- (h) fillers as defined by EN ISO 4618;
- (i) road-marking paints.

Article 2

For the purpose of this Decision, the following definitions shall apply:

- (1) ‘Paint’ means a pigmented coating material, supplied in a liquid paste or powder form, which, when applied to a substrate, forms an opaque film having protective, decorative or specific technical properties and after application dries to a solid, adherent and protective coating;
- (2) ‘Varnish’ means a clear coating material which, when applied to a substrate forms a solid transparent film having protective, decorative or specific technical properties and after application dries to a solid, adherent and protective coating;
- (3) ‘Decorative paints and varnishes’ means paints and varnishes that are applied in-situ to buildings, their trim and fittings, for decorative and protective purposes.;
- (4) ‘Woodstain’ means coatings producing a transparent or semi-transparent film for decoration and protection of wood against weathering, which enables maintenance to be carried out easily;
- (5) ‘Tinting system’ means a method for preparing coloured paints by mixing a ‘base’ with coloured tints;
- (6) ‘Masonry coating’ means a coating that produce a decorative and protective film for use on concrete, paintable brickwork, blockwork, rendering, calcium silicate or fibre-reinforced cement. .
- (7) ‘Binding primers’ means coatings designed to stabilise loose substrate particles or impact hydrophobic properties;
- (8) ‘UV curable paint system’ means the hardening of coating materials by exposure to artificial ultra-violet radiation.
- (9) ‘Powder coating’ means protective or decorative coating formed by the application of a coating powder to a substrate and fusion to give a continuous film.

- (10) 'In-can preservatives' are products used for the preservation of manufactured products during storage by the control of microbial deterioration to ensure their shelf life;
- (11) 'Dry-film preservatives' are products used for the preservation of films or coatings by the control of microbial deterioration or algal growth in order to protect the initial properties of the surface of materials or objects;
- (12) 'Anti-skinning substances' are additives that are added to the coating materials to prevent skinning during production or storage of the coating material;
- (13) 'Volatile organic compounds' (VOC) means any organic compounds having an initial boiling point less than or equal to 250 °C measured at a standard pressure of 101,3 kPa as defined in Directive 2004/42/EC and which, in a capillary column, are eluting up to and including Tetradecane (C₁₄H₃₀) for non-polar systems or Diethyl adipate (C₁₀H₁₈O₄) for polar systems;
- (14) 'Semi volatile organic compounds' (SVOCs) means any organic compound having a boiling point of greater than 250 °C and which, in a capillary column⁸ are eluting with a retention range between Tetradecane (C₁₄H₃₀) and n-Docosane (C₂₂H₄₆)n- for non-polar systems and diethyl adipate (C₁₀H₁₈O₄) and methyl palmitate (C₁₇H₃₄O₂) for polar systems.
- (15) 'White and light coloured' paints are those with a tri-stimulus (Y-value) >70%
- (16) 'Gloss paints' are those which at an angle of incidence of 60° show a reflectance of ≥60
- (17) 'Mid sheen paints ' (also referred to as semi gloss, satin, semi matt) are those which at an angle of incidence of 60° or at 85° show a reflectance of <60 and ≥10
- (18) 'Matt paints' are those which at an angle of incidence of 85° show a reflectance of <10
- (19) 'Dead matt paints' are those which at an angle of incidence of 85° show a reflectance of <5
- (20) 'Transparent' and 'semi-transparent' means a film with a contrast ratio of < 98% at 120μ wet film thickness,
- (21) 'Opaque' means a film with a contrast ratio of >98% at 120μ wet film thickness,

Article 3

The criteria for awarding the EU Ecolabel under Regulation (EC) No 66/2010, for a product falling within the product group "paints and varnishes" defined in Article 1 of this Decision as well as the related assessment and verification requirements are set out in the Annex.

Article 4

The criteria and the related assessment requirements set out in the Annex, shall be valid for four years from the date of adoption of this Decision.

⁸ As specified in 8.2.2 of FprCEN/TS 16516.

Article 5

For administrative purposes, the code number assigned to the product group ' indoor and outdoor paints and varnishes' shall be "44".

Article 6

Decisions 2009/543/EC and 2009/544/EC are repealed.

Article 7

1. This Decision shall apply two months after its adoption date. However applications for the EU Ecolabel for products falling within the product group 'paints and varnishes' submitted within two months from the date of adoption of this Decision may be based either on the criteria set out in Decision 2009/543/EC or 2009/544/EC, or on the criteria set out in this Decision. Applications shall be evaluated in accordance with the criteria on which they are based.
2. Ecolabels awarded in accordance with the criteria set out in Decision 2009/543/EC or 2009/544/EC may be used for 12 months from the date of adoption of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission
Janez POTOČNIK
Member of the Commission