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Brussels, **XXX**
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[...](2016) **XXX** draft

COMMISSION DECISION

of **XXX**

establishing the ecological criteria for the award of the EU Ecolabel for footwear

(Text with EEA relevance)

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of **XXX**

establishing the ecological criteria for the award of the EU Ecolabel for footwear

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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 Articles 6(7) and 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) Commission Decision 2009/563/EC² established the ecological criteria and the related assessment and verification requirements for footwear. In order to better reflect the state of the art of the market for this product group and take into account the innovation that has taken place during the intervening period, it is appropriate to establish a revised set of ecological criteria.
- (4) The revised ecological criteria aim, in particular, at promoting products that have a lower environmental impact mainly in terms of depletion of natural resources, emissions to water, air and soil from manufacturing processes and which contribute to the environmental dimension of sustainable development along their life cycle, are durable, and restrict the presence of hazardous substances.
- (5) The revised criteria also promote the social dimension of sustainable development by introducing requirements regarding labour conditions at the final assembly site, with reference to the International Labour Organisation's (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the UN Global Compact, the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multi-National Enterprises.

¹ OJ L 27, 30.1.2010, p.1.

² Commission Decision 2009/563/EC of 9 July 2009 on establishing the ecological criteria for the award of the Community eco-label for footwear (OJ L 196, 28.7.2009, p.27).

- (6) The revised ecological criteria, along with the related assessment and verification requirements, should be valid for six years from the date of adoption of this Decision, taking into account the innovation cycle for this product group.
- (7) Decision 2009/563/EC should therefore be replaced.
- (8) It is appropriate to allow a transitional period for producers whose products have been awarded the EU Ecolabel for footwear on the basis of the ecological criteria set out in Decision 2009/563/EC, to ensure that they have sufficient time to adapt their products to comply with the revised ecological criteria and requirements. Producers should also be allowed to submit applications based on the ecological criteria set out in Decision 2009/563/EC or on the revised ecological criteria set out in this Decision for a sufficient period of time.
- (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 DECIDED AS FOLLOWS:

Article 1

1. The product group 'footwear' shall comprise all articles designed to protect or cover the foot, with an applied sole which comes into contact with the ground. Subject to the exemptions set out in paragraph 3, footwear covered by Annex II to Directive 94/11/EC of the European Parliament and of the Council³ and protective footwear covered by Council Directive 89/686/EEC⁴ are included in the scope.
2. Footwear may be composed of various natural and/or synthetic materials in line with Directive 94/11/EC.
3. The product group shall not comprise following products:
 - (a) footwear containing any electric or electronic components;
 - (b) footwear that is disposed of after a single use;
 - (c) socks with an applied sole;
 - (d) toy footwear.

Article 2

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

³ Directive 94/11/EC of the European Parliament and of the Council of 23 March 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to labelling of the materials used in the main components of footwear for sale to the consumer (OJ L 100, 19.4.1994, p. 37).

⁴ Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States relating to personal protective equipment (OJ L 399, 30.12.1989, p. 18).

- (1) 'Shoe upper' means the upper structural element, composed of one or more materials, which is attached to the shoe outer sole. The shoe upper includes lining and socks.
- (2) 'Lining and socks' mean the lining of the shoe upper and the insole, constituting the inside of the footwear article.
- (3) 'Shoe outer sole' means the bottom part of the footwear article which is attached to the shoe upper.
- (4) 'Footwear assembly' means a series of operations that aim at joining together the shoe upper and shoe sole to form a final product. Final product packaging is included.
- (5) 'Footwear assembly site' means the site where the final stages of the production (from material cutting or forming (for injection moulding production) to product packaging) that pertain to the licensed product and remain under management control of the applicant take place.
- (6) 'Volatile organic compounds (VOCs)' are organic compounds that have, at 293,15 K, a vapour pressure of 0,01 KPa or more, or that have a corresponding volatility under the particular conditions of use, as defined in EN 14602.
- (7) 'Inherently biodegradable substance' means a substance that shows 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: ISO 14593, OECD 302 A, ISO 9887, OECD 302 B, ISO 9888, OECD 302 C.
- (8) 'Readily biodegradable substance' means a substance that shows 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: OECD 301 A, ISO 7827, OECD 301 B, ISO 9439, OECD 301 C, OECD 301 D, ISO 10708, OECD 301 E, OECD 301 F, ISO 9408.

Article 3

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a product shall fall within the product group 'footwear' as defined in Article 1 of this Decision and shall comply with the ecological criteria and the related assessment and verification requirements set out in the Annex to this Decision.

Article 4

The ecological criteria for the product group 'footwear' and the related assessment and verification requirements shall be valid for six years from the date of adoption of this Decision.

Article 5

For administrative purposes, the code number assigned to the product group 'footwear' shall be '017'.

Article 6

Decision 2009/563/EC is repealed.

Article 7

- (1) By derogation from Article 6, applications for the EU Ecolabel for products falling within the product group 'footwear' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2009/563/EC.
- (2) Applications for the EU Ecolabel for products falling within the product group 'footwear' submitted within two months of the date of adoption of this Decision may be based either on the criteria set out in Decision 2009/563/EC or on the criteria set out in this Decision. Applications shall be evaluated in accordance with the criteria on which they are based.
- (3) EU Ecolabel licences awarded in accordance with the criteria set out in Decision 2009/563/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
Karmenu VELLA

Member of the Commission