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Delegations will find attached document D079976/01.

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Brussels, **XXX**
D079976/01
[...](2022) **XXX** draft

COMMISSION DECISION

of **XXX**

establishing the EU Ecolabel criteria for growing media and soil improvers

(Text with EEA relevance)

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of **XXX**

establishing the EU Ecolabel criteria for growing media and soil improvers

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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 Ecolabelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with 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 (EU) 2015/2099² established EU Ecolabel criteria and related assessment and verification requirements for the product group 'growing media, soil improvers and mulch'. The period of validity of those criteria and requirements has been extended to 30 June 2022 by Commission Decision (EU) 2019/1134³.
- (4) In order to better reflect best practice in the market for the product group and to take account of policy developments, potential future windows of opportunity for increased uptake and the market's demand for sustainable products, it is appropriate to establish a new set of criteria for growing media and soil improvers.
- (5) The EU Ecolabel Fitness check Report⁴ of 30 June 2017, reviewing the implementation of Regulation (EC) No 66/2010, concluded on the need to develop a more strategic approach for the EU Ecolabel, including the bundling of closely related product groups where appropriate.

¹ Regulation (EC) 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

² Commission Decision (EU) 2015/2099 of 18 November 2015 establishing the ecological criteria for the award of the EU Ecolabel for growing media, soil improvers and mulch (OJ L 303, 20.11.2015, p. 75).

³ Commission Decision (EU) 2019/1134 of 1 July 2019 amending Decision 2009/300/EC and Decision (EU) 2015/2099, as regards the period of validity of the ecological criteria for the award of the EU Ecolabel to certain products, and of the related assessment and verification requirements (OJ L 179, 3.7.2019, p. 25).

⁴ Report from the Commission to the European Parliament and the Council on the review of implementation of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and the Regulation (EC) No 66/2010 of the parliament and of the Council of 25 November 2009 on the EU Ecolabel (COM(2017) 355 final).

- (6) In line with those conclusions, it is appropriate to revise the criteria for the product group ‘growing media, soil improvers and mulch’, and to ensure harmonisation with Regulation (EU) 2019/1009⁵.
- (7) In line with Regulation (EU) 2019/1009, point (6) of the preamble and Part I of Annex I to that Regulation, the product group name should be modified to ‘growing media and soil improvers’ to better reflect product functionality, since ‘mulch’ is considered to be a type of soil improver.
- (8) Harmonisation with Regulation (EU) 2019/1009 should also increase the market visibility of the EU Ecolabel for growing media and soil improvers products and reduce the administrative burden for national authorities. Additionally, certain modifications should be made to the definitions within the product group ‘growing media and soil improvers’, notably to harmonise terminology with Regulation (EU) 2019/1009.
- (9) The New Circular Economy Action Plan for a cleaner and more competitive Europe⁶ adopted on 11 March 2020 stipulates that the durability, recyclability and recycled content requirements are to be more systematically included in the EU Ecolabel criteria.
- (10) The revised EU Ecolabel criteria for growing media and soil improvers should aim, in particular, to promote products that have limited environmental impact along their life cycle, and that are produced using material-efficient and energy-efficient processes. In order to contribute towards the transition to a more circular economy, the criteria should promote the inclusion, in growing media and soil improvers, of recycled organic matter and nutrients, and they should encourage the recovery of mineral growing media at their end-of-life phase. The revised criteria should guarantee the products’ safety for human, animals or plant health and/or for the environment by setting limits on the presence of hazardous substances, such as heavy metals and organic pollutants, and by ensuring controlled sourcing of minerals. Considering efforts towards climate neutrality and the decarbonisation of European industry, the criteria should set mandatory requirements on CO₂ emissions and energy consumption for expanded minerals and mineral wool manufacturing and should incentivise the incorporation of recycled/recovered material content in growing media.
- (11) The new criteria and related assessment and verification requirements should remain valid until 30 June 2030, taking into account the innovation cycle for the product group.
- (12) For reasons of legal certainty, Decision (EU) 2015/2099 should be repealed.
- (13) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for growing media, soil improvers and mulch on the basis of the criteria set out in Decision (EU) 2015/2099, so that they have sufficient time to adapt their products to comply with the new criteria and requirements. For a limited period after adoption of this Decision, producers should also be allowed to submit

⁵ Regulation (EU) 2019/1009 of the European Parliament and of the Council of 5 June 2019 laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (OJ L 170, 25.6.2019, p. 1).

⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A new Circular Economy Action Plan for a cleaner and more competitive Europe (COM(2020) 98 final).

applications based either on the criteria established by Decision (EU) 2015/2099 or on the new criteria established by this Decision. EU Ecolabel licences awarded in accordance with the criteria set out in Decision (EU) 2015/2099 should be allowed to be used for twelve months from the date of adoption of this Decision.

- (14) 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 'growing media and soil improvers' shall comprise growing media and soil improvers.

Article 2

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

- (1) 'growing medium' means a product other than soil in situ, the function of which is for plants, including algae, or mushrooms to grow in;
- (2) 'soil improver' means a product, including mulch, the function of which is to maintain, improve or protect the physical or chemical properties, the structure or the biological activity of the soil to which it is added;
- (3) 'mulch' means a type of soil improver used as protective covering placed around plants on the topsoil whose specific functions are to prevent the loss of moisture, control weed growth, help moderate soil temperature and reduce soil erosion.

Article 3

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

Article 4

The EU Ecolabel criteria for the product group 'growing media and soil improvers' and the related assessment and verification requirements shall be valid until 31 December 2030.

Article 5

For administrative purposes, the code number assigned to the product group 'growing media and soil improvers' shall be '048'.

Article 6

Decision (EU) 2015/2099 is repealed.

Article 7

1. Applications for the EU Ecolabel for the product group 'growing media, soil improvers and mulch', as defined in Article 1 of Decision (EU) 2015/2099, submitted

before the date of application of this Decision shall be evaluated in accordance with the conditions laid down in Decision (EU) 2015/2099.

2. Applications for the EU Ecolabel for products falling within the product group 'growing media and soil improvers', as defined in Article 1 of this Decision, submitted on or within two months from the date of application of this Decision may be based either on the criteria set out in this Decision or on the criteria set out in Decision (EU) 2015/2099. Those applications shall be evaluated in accordance with the criteria on which they are based.
3. EU Ecolabel licences awarded on the basis of an application evaluated in accordance with the criteria set out in Decision (EU) 2015/2099 may be used for 12 months from the date of application of this Decision.

Article 8

This Decision is addressed to the Member States.

It shall apply from [*Note to the OP: Please insert the date of one week after adoption*].

Done at Brussels,

For the Commission

Virginijus Sinkevičius

Member of the Commission