Commission Decision (EU) 2019/70 of 11 January 2019 establishing the EU Ecolabel criteria for graphic paper and the EU Ecolabel criteria for tissue paper and tissue products (notified under document C(2019) 3) (Text with EEA relevance)

COMMISSION DECISION (EU) 2019/70

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establishing the EU Ecolabel criteria for graphic paper and the EU Ecolabel criteria for tissue paper and tissue products

(notified under document C(2019) 3)

(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 Ecolabel[(1)], 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 2011/333/EU[(2)] established criteria and related assessment and verification requirements for the product group ‘copying and graphic paper’. The period of validity of those criteria and requirements was extended to 31 December 2018 by Commission Decision (EU) 2015/877[(3)].

(4) Commission Decision 2012/448/EU[(4)] established the criteria and related assessment and verification requirements for the product group ‘newsprint paper’. The period of validity of those criteria and requirements was extended to 31 December 2018 by Decision (EU) 2015/877.

(5) Commission Decision 2009/568/EC[(5)] established criteria and related assessment and verification requirements for the product group ‘tissue paper’. The period of validity of those criteria and requirements set out in Decision 2009/568/EC was extended to 31 December 2018 by Decision (EU) 2015/877.

(6) The EU Ecolabel Fitness check (REFIT) of 30 June 2017, reviewing the implementation of Regulation (EC) No 66/2010[(6)], concluded on the need to develop a more strategic approach for the EU Ecolabel, including the bundling of closely related product groups where appropriate.

Changes to legislation: *There are outstanding changes not yet made to Commission Decision (EU) 2019/70. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) In line with those conclusions and after consulting the EU Ecolabelling Board the product groups 'copying and graphic paper' and 'newsprint paper' should be merged together to form a single product group 'graphic paper', with a new definition covering both of the old product groups together with certain modifications that are appropriate to take account of scientific and market developments. In particular, the new definition should remove the weight limit that applied to the old product groups, now including a wider variety of paper with higher rigidity.

(8) In addition, in line with the review, certain modifications should be made to the definition of the product group 'tissue paper', notably to make a clearer distinction based on the ISO Standard 12625-1 between the tissue paper and the final tissue product; the product group should be renamed 'tissue paper and tissue products'.

(9) To better reflect best practice in the market for these product groups and to take account of innovations introduced in the intervening period, it is appropriate to establish a new set of criteria for each of the two product groups.

(10) The new criteria for each product group aim to promote energy efficient manufacturing processes which deliver reduced emissions of substances that contribute to the eutrophication of watercourses, the acidification of the atmosphere and climate change, restrict the use of hazardous substances and use raw materials sourced from sustainably managed forests or recycled materials which contributes to facilitate the transition to a more circular economy.

(11) The new criteria and related assessment and verification requirements for each product group should remain valid until 31 December 2024, taking into account the innovation cycle for the two product groups.

(12) Since the two product groups 'graphic paper' and 'tissue paper and tissue products' are closely related and their criteria will be similar, it is appropriate to adopt a single decision establishing both sets of criteria in the same act. This should also increase the visibility of the schemes for market participants and reduce the administrative burden for national authorities.

(13) For reasons of legal certainty, Decision 2011/333/EU, Decision 2012/448/EU and Decision 2009/568/EC should be repealed.

(14) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for copying and graphic paper, newsprint paper or tissue paper on the basis of the criteria set out in Decision 2011/333/EU, Decision 2012/448/EU or Decision 2009/568/EC respectively, 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 applications based either on the criteria established by those Decisions or on the new criteria established by this Decision. Where the EU Ecolabel was awarded on the basis of the criteria established by one of the old Decisions, use of it should be permitted only until 31 December 2019.

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(15) 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

The product group ‘graphic paper’ shall comprise sheets or reels of not converted, unprinted blank paper or board, whether plain or coloured, made from pulp and fit to be used for writing, printing or conversion purposes.

The product group shall not include:

(a) packaging;

(b) thermally sensitive paper;

(c) photographic or carbonless paper;

(d) fragranced paper;

(e) paper falling within the product group ‘tissue paper and tissue products’ as defined in Article 2.

Article 2

The product group ‘tissue paper and tissue products’ shall comprise the following:

(1) sheets or reels of not converted tissue paper for conversion into products falling within point (2);

(2) tissue products fit for use for personal hygiene, absorption of liquids or the cleaning of surfaces, or for a combination of those purposes; including but not limited to tissue products of the following kinds: handkerchiefs, toilet tissues, facial tissues, kitchen or household towels, hand towels, table napkins, mats and industrial wipes.

The product group shall not include:

(a) products falling within the product group ‘absorbent hygiene products’ as defined in Commission Decision 2014/763/EU[(7)];

(b) products containing cleaning agents designed for the cleaning of surfaces;

(c) tissue products laminated with materials other than tissue paper;

(d) cosmetic products within the meaning of Regulation (EC) No 1223/2009 of the European Parliament and of the Council[(8)], including wet wipes;

(e) fragranced paper;

(f) products falling within the product group ‘graphic paper’ as defined in Article 1 or products falling within the product group ‘printed paper’ as defined in Commission Decision 2012/481/EU[(9)].

Article 3

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

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(1) 'pulp' means fibrous material in papermaking produced in a pulp mill either mechanically or chemically from fibrous cellulose raw material (wood being the most common);

(2) 'packaging' means all products made of any material of any nature to be used for the containment, protection, handling, delivery or presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer;

(3) 'tissue paper' means lightweight paper made of pulp that may be dry or wet creped or non-creped;

(4) 'tissue products' mean converted products made of tissue paper in one or several plies, folded or unfolded, embossed or unembossed, with or without lamination, printed or not printed and possibly finished by post-treatment.

Article 4

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

2 In order for a product to be awarded the EU Ecolabel under Regulation (EC) No 66/2010 for the product group 'tissue paper and tissue products', it shall fall within the definition of that product group in Article 2 of this Decision and shall comply with the criteria and related assessment and verification requirements set out in Annex II to this Decision.

Article 5

The criteria for the product groups 'graphic paper' and 'tissue paper and tissue products' and the related assessment and verification requirements for each product group shall be valid until 31 December 2024.

Article 6

1 For administrative purposes, the code number assigned to the product group 'graphic paper' shall be '011'.

2 For administrative purposes, the code number assigned to the product group 'tissue paper and tissue products' shall be '004'.

Article 7

Decision 2009/568/EC, Decision 2011/333/EU and Decision 2012/448/EU are repealed.

Article 8

1 Notwithstanding Article 7, applications submitted before the date of adoption of this Decision for the EU Ecolabel for products falling within both the product group 'graphic paper', as defined in this Decision, and the product group 'copying and graphic paper', as defined in Decision 2011/333/EU, shall be evaluated in accordance with the conditions laid down in Decision 2011/333/EU.

2 Notwithstanding Article 7, applications submitted before the date of adoption of this Decision for the EU Ecolabel for products falling within both the product group 'graphic paper', as defined in this Decision, and the product group 'newsprint paper' as defined in Decision 2012/448/EU, shall be evaluated in accordance with the conditions laid down in Decision 2012/448/EU.

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3 Notwithstanding Article 7, applications submitted before the date of adoption of this Decision for the EU Ecolabel for products falling within both the product group 'tissue paper and tissue products', as defined in this Decision, and the product group 'tissue paper' as defined in Decision 2009/568/EC, shall be evaluated in accordance with the conditions laid down in Decision 2009/568/EC.

4 Applications for the EU Ecolabel for products falling within the product group 'graphic paper' or 'tissue paper and tissue products' submitted on or after the date of adoption of this Decision but no later than 31 December 2018 may be based either on the criteria set out in this Decision or on the criteria set out in Decision 2011/333/EU, Decision 2012/448/EU or Decision 2009/568/EC, as applicable. Those applications shall be evaluated in accordance with the criteria on which they are based.

5 Where the EU Ecolabel is awarded on the basis of an application evaluated in accordance with the criteria set out in Decision 2009/568/EC, Decision 2011/333/EU or Decision 2012/448/EU, the EU Ecolabel may be used only until 31 December 2019.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 11 January 2019.

For the Commission

Karmenu VELLA

Member of the Commission