ECOLABEL BOARD MEETING IN OCTOBER 2010 - EEB AND BEUC POSITION ON COPY AND GRAPHIC PAPER, COMPUTERS AND LAPTOPS AND ON LIGHTING SOURCES

Contact: Lukas Hammer, Ecolabel Coordinator for EEB and BEUC
lukas.hammer@eeb.org
environment@beuc.eu

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EEB, European Environmental Bureau
Blvd. de Waterloo 34 – 1000 Brussels - +32 2 289 1090 – www.eeb.org
EC register for interest representatives: identification number 06798511314-27

BEUC, the European Consumers' Organisation
80 rue d'Arlon, 1040 Bruxelles - +32 2 743 15 90 - www.beuc.eu
EC register for interest representatives: identification number 9505781573-45

1. Introduction

This position paper reflects the views of the European Environmental Bureau (EEB) and the European Consumers' Organisation (BEUC) on the following product groups:

- Copy and Graphic Paper;
- Desktop Computers and Notebooks;
- Light Sources.

These product groups will be discussed at the Ecolabel Board Meeting (EUEB) on 19-20 October 2010 and will be voted at the Regulatory Committee meeting on 21 October.

Furthermore, we comment on the decision of the EU Commission to postpone the vote on 3 additional product groups.

2. Copy and Graphic Paper

2.1. Improved requirements for virgin fibers

Weak requirements on the origin of forestry products in particular with regard to the origin of fibers have undermined the credibility of the EU Ecolabel for many years. Consequently, the NGO support for all forestry related EU Ecolabel products has declined dramatically and the Pindo Deli case[1] showed clearly that the issue of the origin of fibers in the EU Ecolabel criteria needed to be addressed urgently.

The new draft criteria require forest management and chain of custody certificates issued by certification schemes such as the FSC or PEFC. This is a positive step forward. In this way, the main responsibility for certifying the origin of virgin fibers as coming from well managed forests or plantations will lie with the certification schemes and not with the Competent Bodies. It is important to note that FSC and PEFC require a summary of the certified operations to be made public and provide a code linked to the license to allow for tracing of the origin of the product. In this way, consumers and NGOs can check all relevant information on the holder of a FSC or PEFC license holder, including the validity of the certificate.

2.2. No requirement for recycled content

We are very disappointed that the Commission deleted the criterion that newsprint paper should consist for 80% of recycled fibers. The current proposal has not a single mandatory requirement for recycled content! For consumer organisations and environmental NGOs this is unacceptable as the Ecolabel should be at the forefront of a sustainable products policy. Moreover, the Ecolabel Regulation (Art. 6) requires that the criteria take *into account the latest strategic objectives of the Community in the filed of the environment*. We believe that an Ecolabel for paper that abandons requirements for the use of recycled fibers is in conflict with the EU's flagship initiative "Resource Efficient Europe" which forms part of the EU2020 strategy.

[1] A report by the NGO FERN showed that one of the most controversial Indonesian paper producers had been awarded with an EU Ecolabel license.

We therefore urge Member States and the Commission to re-instate the mandatory requirements for the use of recycled fibers <u>in addition</u> to strict requirements on the origin of virgin fibers.

2.3. AOX Emissions less ambitious than market average

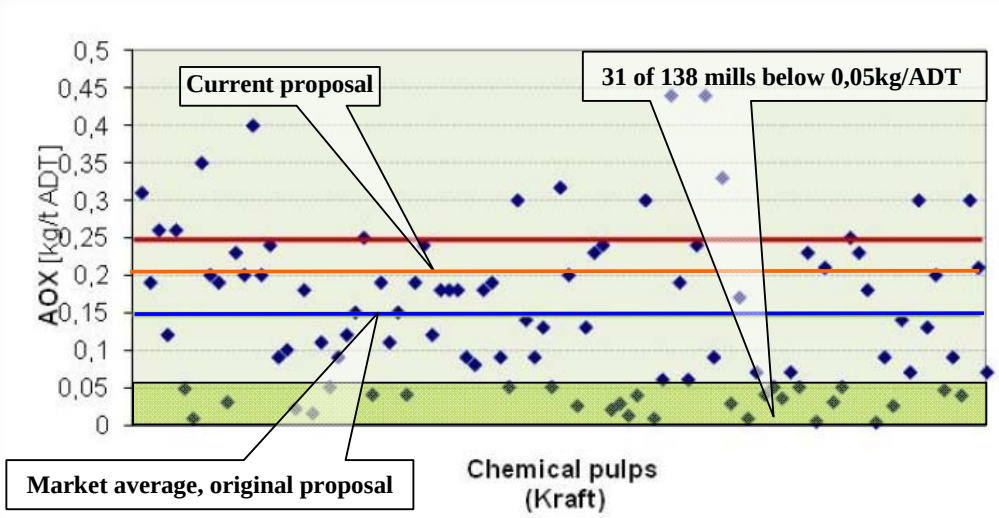
Emissions of chlorinated compounds, expressed as AOX, have been and are still one of the major environmental issues in the pulp and paper production. At the same time, AOX is the only emission parameter that can be reduced to zero (using Total Chlorine Free bleaching) or to very low levels near zero (using modern Elemental Chlorine Free bleaching) with state of the art technology.

Chlorinated compounds fall under the group of Persistent Organic Pollutants (POPs). In the framework of the Stockholm Convention, European Member States have committed themselves to reduce, minimize and where feasible ultimately eliminate the release of POPs.

We are therefore very disappointed that the Commission increased the AOX limit values from 0,15kg/ADT (version of July 2010) to 0,2kg/ADT (in the draft criteria version of September 2010). At its meeting in June 2010, the Commission informed the Ecolabel Board it would propose 0,15kg/ADT as new AOX emission values based on the data provided within the last two years of discussion and after having consulted the author of the new BREF[2] document on pulp and paper production. **We urge the Commission to provide clear justification for the decision to increase the emission levels from the original proposal.** As the Ecolabel criteria have to aim at the best 10-20% of products in terms of environmental performance according to ANNEX I of the revised Ecolabel Regulation, we do not agree with this new proposal. The Commission comments in the draft criteria proposal that the reason for rejecting more ambitious emission levels (i.e. 0,15kg/ADT) is that this would have been a too big step compared to the existing levels (i.e. 0,25 kg/ADT). According to the Commission, increasing the ambition level of the AOX requirements by 20% (to 0.2 kg/ADT) would already be an adequate improvement. However, **the Regulation makes no reference to existing EU Ecolabel criteria as a benchmark for new or revised criteria.** Instead the regulation requires that the criteria promote "*the most environmentally friendly products* which should be based on *sound data and information which are as far as possible representative for the entire Community market"*[3]*.*

Such data (referring to 138 Kraft pulps) was provided by the Italian Competent Body in the first background report. It contained data from 138 Kraft pulps. It is important to mention that no alternative data set has been provided to the Ecolabel Board by any stakeholder.

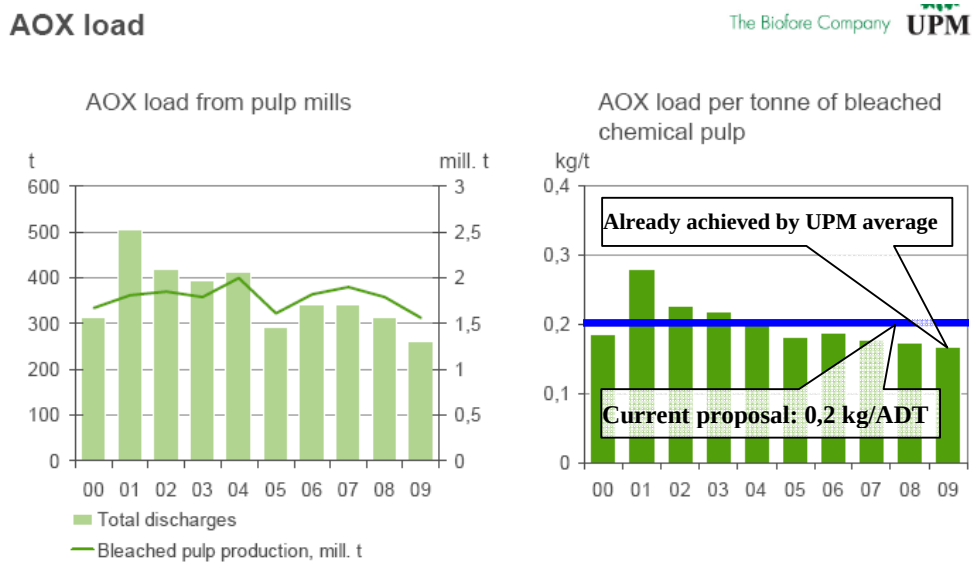
[2] In the framework of the IPPC Directive, the European IPPC Bureau based in Seville, Spain, produces BREF (Best Available Technique Reference) documents to provide information on modern and environmentally efficient ways to operate the installations covered by the IPPC Directive. IPPC Bureau is currently revising the BREF document for pulp and paper production.
[3] Ecolabel Regulation, Annex I.



The average AOX value for Kraft pulps of the data in the background report is 0,148 kg/ADT. Nevertheless, the current draft proposal suggests setting the requirements to 0,2kg/ADT. According to this data, this level could be passed by about 80% of the pulps.

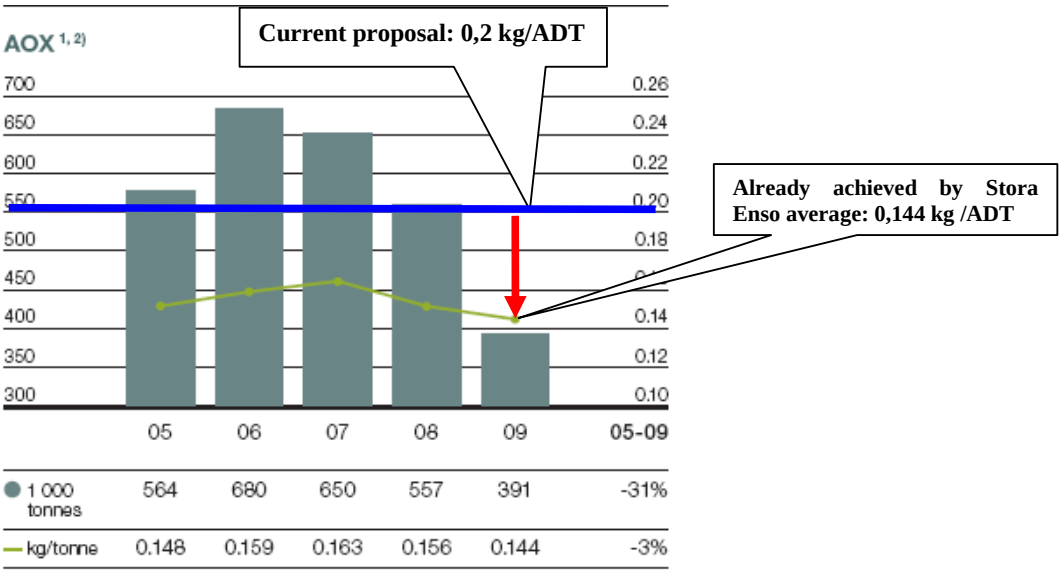
In the discussions, some paper producers voiced their concerns on the data provided in the background report calling for less ambitious requirements. However, the EUEB has not received any further data on this issue.

UPM suggested setting the limit to 0,22/0,2 kg ADT. According to the data provided for the Environmental and Social Performance Report 2009[4] this level is worse than UPM's average.



[4] http://www.upm.com/downloads/responsibility/grlinfo/environmental_and_social_performance_2009.pdf

Stora Enso said that “the AOX limit value can be no less than 0,3kg/ADT”. According to its Sustainability Performance report of 2009[5] the company’s average AOX value is 0,144 kg/ADT.



Another pulp producer, Metsälitto, argued in their comments that an AOX limit of 0,20 kg/ADT would be acceptable. Metsälitto owns 83% of the pulp producer Botnia, UPM the remaining part. Botnias four pulp mills have an average AOX level of app. 0,12 kg/ADt.

Finally, pulp and paper producer Portucel called for average emission limits of 0,15kg/ADT and for 0,25 for each pulp. In its Sustainability Report 2006/2007[6], the company says that it emits 0,**0**58 kg/T coming down from 0,062kg/T in the two previous years.

It is not comprehensible that producers call for less strict requirements that they are already achieving with more than half of their production.

We therefore ask awarding the Ecolabel only to products that have been produced by using the most advanced technologies that emit no AOX at all (TCF) or that have successfully minimized their emissions.
Therefore, the current proposal on AOX requirements should be strengthened to <u>at least</u> 0,15kg/ADT for each pulp and further lowered after 2 years to 0,10 kg/ADT for each pulp. Arguments referring to the limited availability are disproved by data that published by the same producers that oppose stricter AOX levels.

[5] http://www.storaenso.com/media-centre/publications/sustainability-report/Documents/S_Stora_Enso_Sustainability_2009.pdf
[6] http://backoffice.portucelsoporcel.net/dynamic-media/files/r.susten_portucel_07final_ing.pdf

3. Desktop PCs and Notebooks

3.1. Energy Efficiency

In general, we support the approach on energy efficiency that requires Ecolabelled computers to be more efficient than Energy Star 5.0. The current draft criteria propose that the energy efficiency performance of personal computers, monitors and notebooks shall exceed the appropriate requirements for each (sub-)category set out by the Energy Star 5.0 by 30%.

However, comprehensive data provided by the Department for Environment, Food and Rural Affairs of the UK Government (DEFRA) indicates that the proposed 30% of increased energy efficiency compared to Energy Star 5.0 is not equally challenging for all categories and sub-categories. While for some sub-categories (i.e. PCs category B, Notebook category C) the 30% reduction in energy consumption seems to be quite challenging, for other categories 50% even 60% reduction in energy consumption can be achieved. We therefore propose to change the energy efficiency requirements as follows:

Category	Current Draft	Products complying	EEB/BEUC proposal	Products complying
Desktop PCs				
A	- 30%	53%	- 60%	24%
B	- 30%	13%	- 30%	13%
C	- 30%	19%	- 30%	19%
D	- 30%	34%	- 50%	16%

For notebooks, the proposed energy efficiency requirements are ambitious but achievable. However, we would like to stress that notebooks are generally more energy efficient (around 70%) than desktop PCs with comparable configurations. Therefore, we would welcome a discussion at the EUEB on whether the use of notebooks could be promoted by setting relatively stricter requirements for PCs than for notebooks.

3.2. Plastic Parts

We support banning the use of three problematic phthalates in the plastic parts of computers and notebooks in addition to the general requirements on hazardous substances. However, **we are very disappointed that soft PVC and halogenated flame retardants are still not excluded in the criteria proposal.**

The negative environmental and health related problems of PVC and halogenated flame retardants are well known and their complete phase out has been recommended by many researchers. For instance, in a report commissioned by the European Commission, the *Ökoinstitut* made the following recommendations[7].

[7] http://ec.europa.eu/environment/waste/weee/pdf/hazardous_substances_report.pdf

On halogenated flame retardants:

"*the group of organobromine and organochlorine substances have been considered in the present study and* ***their phase out from EEE is highly recommended by the authors".***

On PVC:

"The phase out of PVC should…have priority over selective risk management measures *to guarantee a reduced release of PVC, of its additives and of hazardous combustion products*".

Many producers have already on a voluntary basis phased out PVC and halogenated flame retardants (HFRs) or are in the process of doing so. A market overview by environmental organisation ChemSec clearly documents the availability of PCs and Laptops that are already PVC and HFR free[8]. Market leaders like HP, Acer, Dell or Sony Ericsson are actively promoting the phase out of these substances (see joint statement of NGOs and four market leading companies supporting a phase out of PVC and HFRs by the end of 2015[9]).

The Ecolabel will loose its credibility towards consumers if it will be awarded to the few remaining Laptops and PCs containing HFRs and/or PVC whilst scientific evidence of their adverse environmental and health effects is clear and safer alternatives are available.

3.3. Exemptions to hazardous substances

Following the revised Ecolabel Regulation, the draft criteria proposal excludes hazardous substances based on their properties (i.e. exclusion of substances that are classified with the hazardous phrases listed in criterion 5). However, the current proposal exempts all *parts with weight below 10g from all hazard statements and risk phrases listed above.* We wonder how this exemption is justified and urge the Commission to provide detailed explanation on how this threshold level was determined. *For further comments see point 4.3.*

4. Light Sources

We welcome the revision of the Ecolabel criteria for light sources. In particular we support the new criterion on social accountability that requires producers to follow the rules of the ILO Convention. Furthermore, we welcome that lighting quality parameters have been included in order to ensure that eco-labelled light sources are not only environmentally-friendly but also of good quality. However, we would like to raise the following concerns on the draft criteria proposal:

[8] http://www.chemsec.org/images/stories/publications/ChemSec_publications/Electronics_Without_Brominated_Flame_Retardants_and_PVC_-_a_Market_Overview_100518.pdf

[9] http://www.eeb.org/EEB/index.cfm/news-events/news/electronic-giants-and-green-groups-push-eu-for-flame-retardants-and-pvc-ban/

4.1. Energy Efficiency

It is proposed that all light sources shall meet Energy Label Class A. However, most Compact Fluorescent Lamps (CFLs) on the market already meet this requirement. Energy efficiency is one the most important parameters for light sources and requirements for the EU Ecolabel should aim at the best in class products. Therefore we support the suggestions made by the European Lamp Companies Federation (ELC) to require a 10% higher energy performance (lumen/W) than set by the Energy Label Class A.

4.2. Mercury Content

We welcome the proposed mercury limits for single ended light sources (1,5mg). However, the requirements for double ended light sources (3mg) should be set at a lower level. We therefore propose setting the mercury limits for double ended light sources to 2,5 mg.

4.3. Exemptions to hazardous substances

Following the revised Ecolabel Regulation, the draft criteria proposal excludes hazardous substances based on their properties (i.e. exclusion of substances that are classified with the hazardous phrases listed in criterion 5). We welcome this approach that is now taken in all Ecolabel criteria documents. However, the current proposal exempts all *parts with weight below 10g from all hazard statements and risk phrases listed above.* **We wonder how this exemption is justified and ask the Commission to provide detailed explanation on how this threshold level was determined.** The total weight of CFLs is about 90g with a relative glass content of 40%[10]. We therefore seriously doubt that the proposed exemptions are appropriate. It rather seems that if all parts below 10g are exempted from the requirements for hazardous substances, this criterion would become meaningless. Finally, we would like to stress that the Ecolabel Regulation allows for exemption on the requirements on hazardous substances *only in the event that it is not technically feasible to substitute them as such, or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environment performance compared with other goods of the same category (*Ecolabel Regulation, Article 6.7.). A general exemption of hazardous substances based on their weight (or the weight of a homogenous part that contains these substances) is not foreseen in the Regulation.

4.4. PVC and Halogenated Flame Retardants

Lamps frequently contain hazardous substances such as chlorine in PVC or halogenated flame retardants (HFRs). For instance, a study from the Technical University of Vienna found that the PVC content of an average CFL lamp is 16.7% of its total weight[11]. **We therefore call on the Commission and EU Member States to exclude PVC and HFRs from Ecolabelled light sources**. *For further comments on PVC and HFR see point 3.2.*

[10] Obermoser, Martin; Rechberger, Helmut (2008) Technisch-naturwissenschaftliche Grundlagen für den Vergleich von Kompaktleuchstofflampen und hekömmlichen Glühlampen (TENAKO), Report for the city of Vienna.
[11] Ibid.

5. Unacceptable last-minute intervention on three product groups

On 23 September the European Commission sent out final draft Ecolabel criteria proposals for four product groups to stakeholders (i.e. copy and graphic paper, desktop PCs and notebooks and lighting sources). EEB and BEUC regret that the Commission did not provide at the same time the final draft criteria proposals for three additional products groups that were also supposed to be discussed in the Ecolabel Board (EUEB) and voted in the Regulatory Committee (RC). The Commission postponed the vote on Ecolabel criteria for All Purpose Cleaners, Hand Dishwashing Detergents and Lubricants to February 2011 because it could not find internal agreement on the requirements for the use of nano-materials in these products.

In the course of the extensive criteria development process for All Purpose Cleaners and Hand Dishwashing Detergents, the issue of nano-materials was intensively discussed. At the EUEB meeting of June 2010, a majority of participants favoured the exclusion of nano-materials. Consequently, the final draft criteria proposal excluded this type of substances. The Commission now further delays the finalisation of the criteria development process after three technical working group meetings over one and a half years of discussion.

We are very concerned that the Commission started internal discussions on this issue at the very end of the criteria development process. In order to address issues of controversy at an early stage of the criteria development process, we urge all services within the Commission to contribute to and participate at the technical working group meetings. Last minute interventions lead to further delays in the development of Ecolabel criteria and undermine the transparent and democratic consensus building of the Ecolabel scheme.

END.