



Keep the EU Flower a label of environmental excellence

Consumer organisations and environmental NGOs response to the European Commission's consultation to support the evaluation of the Implementation of the EU Ecolabel Regulation (EC) 66/2010

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Summary

The European Commission has launched a public consultation¹ to feed the ongoing study evaluating the implementation of the EU Ecolabel Regulation (EC) 66/2010. This study will be the basis for the report assessing the effectiveness of the Regulation that shall be submitted to the Parliament and the Council in February 2015. The conclusions and recommendations it will provide may trigger a revision of the Regulation next year.

This paper presents the answers provided by the European Environmental Bureau (EEB), the European Consumer Organisation (BEUC) and the European Association for the Co-ordination of Consumer Representation in Standardisation (ANEC), as well as member organisations to the Commission's consultation. However, it mainly covers those questions of the survey that are most relevant for environmental NGOs and consumer organisations.

¹ http://ec.europa.eu/environment/consultations/ecolabel_en.htm

1. Key considerations for environmental NGOs and consumer organisations

Consumer organisations and environmental NGOs have been involved in the EU Ecolabel since before its creation in 1992, participating in the development of the original regulation establishing the label. Their involvement has clearly contributed to building the credibility of the EU Ecolabel among consumers, manufacturers and retailers. The Ecolabel Regulation highlights the crucial role played by environmental NGOs and consumer organisations in the development and setting of EU Ecolabel criteria for the acceptance by the general public of the EU Ecolabel scheme. BEUC and the EEB are members of the EU Ecolabelling Board (EUEB), where criteria for different product groups are discussed. Both organisations have voting rights in the EUEB, as other Member States and stakeholders, being this a strength of the scheme. ANEC has long experience in Ecolabelling and has participated in different EU Ecolabel criteria development processes.

Consumer organisations and environmental NGOs have long considered the EU Ecolabel as a label of environmental excellence which delivers clear and credible information to consumers with regard to the most environmentally friendly products on the market. The EU Ecolabel is a crucial instrument to facilitate sustainable purchase decisions. The Ecolabel is seen by NGOs as a powerful instrument in encouraging environmental improvements in industry and in helping consumers make informed purchasing decisions.

The EU Flower is a valuable market tool with significant strengths to address the objectives set up in the 7th Environmental Action Programme, being a signpost especially in the areas of resource efficiency, circular economy and non-toxic environment. Despite its slower uptake in the last decade, a positive, exponential progress appears to be the trend since recent years with a significant potential to exploit².

Through the comments provided in their answer to the consultation, the EEB, BEUC and ANEC have identified a number of improvements that can be addressed within the framework offered by the current Ecolabel Regulation, and which can contribute to advance the performance of the EU Flower.

Higher focus on the main challenges faced by the Ecolabel scheme is needed by strengthening its synergies with other EU product policy tools, clearly supporting it as the label of environmental excellence acting as a benchmark within the Sustainable Consumption and Production toolbox, increasing public awareness and attracting frontrunners companies through enhanced marketing efforts. Experience from other national Ecolabels show how their uptake has improved significantly when they have been accompanied by additional tools and measures, especially marketing and use in green public procurement. Moreover, in national labels a clear promotion of consumer protection (e.g. through health related criteria), in addition to the environment, has played also a crucial role.

The added value of the EU Ecolabel is enshrined in multiple elements of the scheme, which need to be protected, as they contribute to its credibility for the general public as a label of environmental excellence. Of particular relevance are its ambition level, communication form and multicriteria approach:

² <http://ec.europa.eu/environment/ecolabel/facts-and-figures.html>

- The EEB, BEUC and ANEC strongly support maintaining its current level of selectivity allowing differentiation of those products in the market that are of environmental excellence.
- Its current communication form makes it easy for consumers to choose green products as it provides credible and reliable information in a simplified way. As cut-off levels are set for the different requirements to drive improvements, the consumer is not confronted with complex information at the point of sales.
- Its multicriteria approach ensures that improvements are addressed for all the main environmental impacts caused by the product as well as those aspects that relevant for consumers during the use phase. This is fundamental for the success of the label as consumers need to see clear communication on which are the benefits that the label will bring to them. The EU Ecolabel methodology allows taking account of qualitative aspects that are not sufficiently captured through life cycle assessment studies. This is the case for instance of hazardous substances.

Environmental NGOs and consumer organisations strongly believe that the provisions of the Ecolabel Regulation promoting the substitution of hazardous substances are a clear strength of the scheme, which position it as the forefront of sustainable chemistry policies, in line with the goals of the 7th Environmental Action Plan, and represent an important contribution to the EU strategies for resource efficiency and circular economy.

Last but not least, NGOs share the Commission's concern on the need to streamline the process for developing Ecolabel criteria. A number of improvements in this direction could be made within the current EU Regulation. In particular, it would be of help to develop horizontal guidelines for requirements that are addressed in different product groups, to avoid repeated discussions and to have a clear direction of the work for the EU Ecolabelling Board. Strengthening the focus of the EU Ecolabelling Board meetings on discussing those questions that are more political and less technical is also desirable.

2. Consultation question: Product policies/ tools at the EU level with which the EU Ecolabel overlaps (potential synergies and conflicts)

Ecodesign Directive, Energy Labelling and Green Public Procurement

The EU 2020 Strategy calls for a resource efficient, greener and more competitive economy. EU policies on sustainable consumption and production (SCP) are an important element of the delivery of the European Union's commitments towards smart and sustainable growth. BEUC, the EEB and ANEC have supported the EU Ecolabel as an important element of the EU's SCP agenda since the creation of the label in 1992.

In fact, the European Ecolabel was for many years the only concrete EU-wide tool setting product design requirements, albeit in a voluntary framework. EU product policy took some time in delivering new instruments driving effective integration, however in recent years this policy toolbox has been expanded to cover a range of instruments aiming at:

- establishing minimum requirements (Ecodesign of energy related products Directive, standardisation);
- establishing environmental benchmarks (Ecolabel criteria, Ecodesign of energy related products benchmarks, Energy label top classes);
- creating a critical mass to green the EU's market through green public procurement (EU common criteria);
- influencing consumption through consumer information (Ecolabel, Energy Label).

The SCP Action Plan, published in July 2008 proposed a revision of the European Ecolabel Regulation to which the EEB and BEUC actively contributed. The revised Ecolabel Regulation now clearly defines the "EU Flower" as a label of environmental excellence. It also opened the door for the inclusion of social criteria and thus started a progressive evolution of the Ecolabel towards a sustainability label.

The EU's flagship initiatives on resource efficiency and industrial policy as well as the Roadmap on Resource Efficiency and the Commission Package on Circular Economy are expected to bring forward additional measures towards creating a more sustainable economy with more sustainable goods and services. The Ecolabel is likely to gain significance in this context. As the only EU-wide ISO Type I Ecolabel, it not only provides European consumers with credible environmental product information but also sets benchmarks and defines which criteria more sustainable goods and services should fulfil. This element of the EU Ecolabel is already crucial for green public procurement policies (GPP) and is also the precondition for any further measures such as reduced VAT for more sustainable products.

The EU Ecolabel has an important role to play to advance key EU policies on resource efficiency and sustainable consumption and production as it complements and drives other policies such as Ecodesign. The requirements of the "EU Flower" aim at awarding the best 10-20% of products on the European market and can therefore be used as a benchmark for forthcoming mandatory Ecodesign requirements.

Not only does the Ecolabel provide benchmarks for requirements traditionally regulated by Ecodesign (i.e. energy use), it also provides important examples and evidence for additional environment and health aspects of products that need to be regulated to protect consumers and the environment.

Despite clear synergies, there is still a need to better link and integrate the EU Ecolabel with the Energy Label and minimum legal Ecodesign requirements when developing criteria for Ecolabel. It is highly critical to avoid lack of policy coherence for specific products or issues and loss of resources due to double work in misaligned procedures. The Ecolabel should clearly refer to the top performers on the market whereas Ecodesign measures are set to phase out the worst performing products on the market. This requires a close coordination and cooperation of Ecodesign and Ecolabel processes, where use of resources should be optimised (e.g. Ecodesign studies can be used for setting Ecolabel criteria,

harmonisation of measurement methods, streamlined conformity and documentation requirements, product registration database,...). The Commission services in charge of both processes seek close cooperation and convergence of review timetables so that implementation of the schemes is linked closely, data and scientific knowledge are used efficiently and information given to consumers is consistent. However, in practice delays in decision making (mostly in Ecodesign), insufficient exchange of information in the relevant preparatory studies and/or lack of ambition when setting Ecolabel criteria can lead to situations where Ecolabel criteria become obsolete soon after adoption, as in the case of Televisions where the EU Ecolabel was provided to class B products. This can create confusion among consumers who may come across the EU Ecolabel on products wearing the Energy Label for a level of energy efficiency below the top class, potentially harming the perception of the scheme as label of environmental excellence.

To avoid such circumstances, the EU Ecolabel criteria need to be aligned with the energy efficiency classes under the Energy Labelling Directive in order to provide a more dynamic approach to take account of fast technological developments. Only products in the highest energy efficiency class should be eligible for the Ecolabel in order to ensure that it correctly incentivises products that are frontrunners in energy performance.

This is also important to ensure consistency with the public procurement obligations in the Energy Efficiency Directive. If products awarded with the EU Ecolabel do not need to meet the requirements of the highest energy class, public procurers will choose more efficient products over them, further eroding the role of the EU Ecolabel.

The synergies between the EU Ecolabel and Green Public Procurement are very significant, but could be further exploited. For instance, so-called *core criteria* (determining when a tendering procedure can be considered as green) are not always based on Ecolabel criteria. While it is important to ensure product availability to meet procurers' tenders, it is crucial to consider in parallel that GPP has the potential to move up the markets and to encourage greater market penetration of EU Ecolabel products. At least, *award criteria* could make more systematic use of Ecolabel requirements.

EU Organic Label

Within the current framework, a good environmental choice is made easy for consumers: the EU Ecolabel exists for non-food products and the EU organic label exists for food products. Allowing for food products to bear the EU Eco-label would simply be confusing for consumers. The clear distinction between the EU organic label and the EU Ecolabel should be kept in the future. Proposals to extend the scope of the EU Flower to cover food and drinks have been discussed in the past. NGOs would rather recommend integrating sustainability criteria with regard to processing, packaging and transport into the EU organic label criteria, where applicable.

Product Environmental Footprint

At best, a LCA based methodology like PEF can be an appropriate tool to make an overall and preliminary assessment for deriving general considerations and looking for hotspots, i.e. to serve as a tool for orientation at the onset of criteria discussions regarding e.g. the consumption of energy, water and other resources. However, the PEF (as any other LCA methodology) relies on many subjective choices (such as transport, use or end-of-life scenarios) and does not deliver robust and precise figures. It is currently under pilot testing and it remains to be seen what the outcome and conclusions of this process will be. PEF will have to demonstrate in practice its suitability, reliability and usefulness (e.g. on targeting harmonization) in order to provide added value compared to current LCA methodology before any potential synergies with existing tools like the EU Ecolabel can be discussed. At the moment it is definitely not seen as an option to be ready for future integration into the EU's product policy, as the methodology is still under development and pilot testing.

The EU Ecolabel scheme makes use of life cycle assessment as a tool to identify relevant life cycle stages, "hot spots" and improvement options for certain environmental aspects. Unfortunately, many important aspects cannot be reasonably aggregated and therefore calculated via LCA. This is specially the case for noise or dangerous substances, but holds equally for other more qualitative aspects such as biodiversity, soil erosion, etc. Therefore, LCA considerations always need to be complemented by other aspects when setting Ecolabel criteria. The EU Ecolabel requirements cannot rely alone on LCA-indicator results (such as life cycle energy use) but must use more robust, better verifiable and enforceable thresholds related to production, use and end-of-life stage (as it is the case in Ecolabelling today). Indicators shall be relevant in an environmental perspective, assessable, and not least have concrete potential for changes and environmental improvements.

As far as communication aspects are concerned, at this point in time, conflicts of PEF with the EU Ecolabel can be anticipated in particular if the Commission would plan to roll out a PEF label to inform consumers about the environmental impact of all products. This would not only be highly questionable from a methodological perspective (e.g. would have a level of precision which the instrument does not deliver and to use overall scores which so far have been strongly rejected in standards such as ISO 14040/44) but would be also confusing for consumers and lead to potential competition of the Flower with the PEF label. In this respect, the results of LCAs in the form of a number of life cycle indicators in the product such as carbon footprint and water footprint are not a good comparable and conclusive information for consumers. Consumers cannot be enabled easily to make choices based on LCA data which are often inconclusive even for LCA experts. Instead, the EU Ecolabel makes it easy for consumers to choose green products of environmental excellence. It is based on a multicriteria approach addressing different environmental improvements of the products, based on cut-off levels and provides clear, credible and simplified information to consumers.

Moreover, NGOs are concerned that the EU Ecolabel may become less attractive for manufacturers if the PEF label becomes mainstream, the EU Ecolabel loses its multicriteria approach and public resources supporting the EU Flower are reduced.

3. Consultation Question: How has the EU Ecolabel performed over time?

If compared with other well established national Ecolabels in the EU, the EU Flower presents a lower uptake. However, it shall be borne in mind that the EU Ecolabel is available throughout the EU, that it is particularly successful in some countries and that its market penetration shows an exponential trend. It is especially important to consider exponential evolution since 1992 of key performance indicators with a significant increase particularly through the latest years. Thus, the number of licenses issued has grown from 95 in 2001 to 1671 in 2012, while the number of companies progresses from 83 in 2001 to nearly 1000 in 2012. Moreover, consumer awareness (measured as number of people who have seen/ heard of or bought EU Ecolabel products) showed a positive trend as well, according to Eurabarameter data: from 11% in 2006 to 37% in 2009.

Regrettably, there are gaps in the mechanisms developed to measure and track the “uptake” and the relevant key performance indicators. There are important data that would have been needed to undertake a more accurate assessment of the impact of the EU Ecolabel Regulation. For example, data on turnover are missing since 2010 and comparable data on number of companies, licenses and products are not available since 2012. The evaluation will also lack more recent data to measure consumer awareness at European level, since the Eurobarometer has not renovated this indicator since 2009. No budget was available for such study in 2011 and, unfortunately, the Flash Eurobarometer study carried out in 2012 on “attitudes of Europeans towards building the single market for green products” did not address the question on awareness about the EU Ecolabel. However, considering higher availability on the market of EU Ecolabelled products since 2009, increased consumer awareness could be expected³.

There is an untapped potential for the uptake of the EU Ecolabel in the EU if stronger marketing campaigns would be rolled out more systematically across the EU. Available data from countries where marketing of the EU Ecolabel is highly supported, and carried out on a regular basis, like Austria and Denmark, show very good results in terms of raising sales. For example, in Austria turn-over of EU Ecolabelled products progressively increased from around € 100 mio in 2002 to € 694 mio in 2010.

Different studies on the effectiveness of Ecolabels report that the impact of Ecolabelling schemes is greater when supported by additional measures and tools such as marketing and green public procurement, as shown for instance through the Blue Angel experience. In the Commission’s Communication on GPP that was part of the 2008 SCP/SIP Action Plan, Member States were invited to reach a 50% target of GPP in their procurement procedures by 2010. Unfortunately, this target is voluntary and has not been met. However, a monitoring exercise carried out in 2011 with participation of public authorities from 26 Member States, found out that 26% of a sample of 1783 last contracts signed included all of the core EU

³ Higher availability of EU Ecolabelled products on the shelves in the French market, offered at competitive prices in many cases, is confirmed by the report published in 2013 by BEUC French member CLCV. This consumer organisation studied availability and prices of Ecolabelled products in France and found a positive price development for consumers since the first investigation in 2011, concluding that the price of some Ecolabelled products can compete with the ones of discounters which do not carry an Ecolabel. Ecolabelled products were available with an exception of shampoo and the after-shampooing but did not offer large choice.

GPP criteria, and 55% included at least one of the core criteria. Furthermore, in recent years the Commission has been developing GPP requirements in parallel to EU Ecolabel process, seeking as much as possible harmonisation with the EU Ecolabel. Although harmonisation is more closely achieved through the so-called *comprehensive criteria* (set for those authorities which want to buy the best environmental products available on the market) than the *core criteria* (determining when a tendering procedure can be considered as green), it is to be expected that synergies with GPP policies will be positive for the uptake of the EU Ecolabel.

Last but not least, it is known that the EU Ecolabel is also used by companies as benchmark for their own products or as a target to improve their environmental performance, even if they do not apply to the scheme. Although difficult to measure, through this indirect effect, the EU Ecolabel contributes to the greening of the market in general.

4. Consultation question: What are the main barriers and difficulties that firms experience with the EU Ecolabel?

	1	2	3	4	5
Costs of adopting the EU Ecolabel (including costs of complying with the relevant criteria).		X			
Too much documentation required/ too much "red tape"	X				
Complexity of documentation	X				
Requirements are too stringent.	X				
Lack of recognition by the stakeholders.			X		
Lack of recognition by the public institutions (including regulatory relief).			X		
Too difficult to communicate the EU Ecolabel to stakeholders and consumers (incl. use of the logo).		X			
Too many individual requirements (criteria)	X				
Requirements (criteria) are not addressing the most relevant environmental impacts	X				

1 - strongly disagree; 2 - disagree; 3 - neutral; 4 - agree; 5 - strongly agree;

Consultation Statements 5, 14 and 15 - Requirements are too stringent / Too many individual requirements / Requirements are not addressing the most relevant environmental impacts

An important myth to dispel at this point is the one that states that fewer criteria or lower stringency levels will necessarily make the EU Ecolabel more attractive to industry.

NGOs strongly disagree with the view that too stringent requirements are a barrier for adopting the EU Ecolabel. On the contrary, if the criteria are not set at the level of ambition that can help to signal environmental excellence, the EU Ecolabel may be undermined in terms of credibility and acceptance by stakeholders and manufacturers who may lose their interest in applying, as other environmental labels become more attractive. Experience from Nordic countries shows that stringency is not the key barrier for the success of the label, as manufacturers do not see a significant difference between the criteria of the Flower and the Nordic Swan, but in general the license-holders chose the latter on the basis of higher market recognition and demand.

Moreover, during the criteria development/revision process different aspects are brought into the discussion to deliver requirements that can be met by manufacturers, while setting a level that can differentiate their products in terms of environmental excellence. In particular, the experience of other Ecolabels is taken into account. Manufacturers are also involved in the ad hoc working groups and provide their input as to the feasibility and workability of the criteria.

The EU Ecolabel addresses the main relevant environmental aspects that can drive improvement of products. While environmental NGOs and consumer organisations support the idea that the requirements set need to be relevant, it is necessary to specify how this significance will be determined. The EU Ecolabel has a multicriteria approach based on identification of hot spots through life cycle assessments complemented by a number of requirements that are not sufficiently captured by LCA results, but that are important in terms of environmental improvements and consumer expectations. This approach is followed by other Ecolabels, whose success is to a great extent based on their consideration of requirements that are relevant for the consumer in the use phase (such as health aspects) and may not score high in LCA results. Consumers need to see clear communication on which are the benefits that the label will bring to them.

The statement that too many individual requirements represent a barrier for the uptake of the EU Ecolabel does not seem to be supported by the experience of other Ecolabels using a multicriteria approach such as the Nordic Swan and the Blue Angel. Caution is needed if too much attention is given to this argument within the framework of the Ecolabel Regulation Evaluation. It should then be assessed why other Ecolabels using the multicriteria approach and with a similar number of criteria may have greater success.

Consultation Statement 1 - Costs of adopting the EU Ecolabel (including costs of complying with the relevant criteria).

While it is logical to consider that adopting the EU Ecolabel has a cost, in practice this should not be a major barrier for manufacturers, since when developing criteria costs of compliance shall be considered so that the EU Ecolabel can be awarded to the best performing products or 10-20% market share. Moreover, costs can be outweighed by the advantages brought by the use of the label, such as benefits associated to sales promoted by a label of environmental excellence, or through compliance with green public procurement requirements. However, to optimise those advantages it is crucial that the European Commission and Member States support effective marketing activities to promote the EU Ecolabel, so that the label becomes a selling argument for the companies in their own marketing strategies.

The extension of the scope to sustainability shall also be taken into consideration in relation to the costs. While the primary focus of the EU Ecolabel shall be environmental and health aspects relevant for consumer choice, environmental NGOs and consumer organisations do support the extension of the scope to cover other social aspects, whenever relevant, taking into account any problems of verification and cost of compliance.

***Consultation Statements 3 and 4 - Too much documentation required/
too much "red tape" / complexity of documentation***

A fundamental element of the credibility of the EU flower is that it is a Type I label in the ISO nomenclature, involving third party stakeholders and independent verification. High caution is needed when assessing measures to simplify administrative procedures for awarding the EU flower to applicants which could undermine the verification process and hence the reliability of the scheme.

When developing criteria and their assessment, the ad hoc working group shall take into account measures that can simplify paper work through the request of standards that are used by industry, safety data sheets that should be accessible to the manufacturer, harmonisation with verification and assessment requirements that are already used by other labels such as Energy Star, Nordic Swan, Blue Angel, FSC, PEFC, etc. In addition, tests may be requested specifically for those requirements where compliance is difficult to prove by other means.

Consultation Statements 10, 11 and 13 - Lack of recognition by the stakeholders / Lack of recognition by the public institutions (including regulatory relief) / Too difficult to communicate the EU Ecolabel to stakeholders and consumers (incl. use of the logo).

In NGOs' opinion, there is a lack of recognition and support by some stakeholders such as some industry federations and, to a certain extent, public institutions that create barriers for the higher uptake of the EU Ecolabel. This is also very much interlinked to significant shortcomings as regards marketing of the EU Ecolabel, which are addressed in other questions of the consultation.

Additionally, while retailers are contributing to greater consumer awareness of the EU Ecolabel, through applying for the label for their own brand products (e.g. cleaning products, paper products,...), it is crucial that they get further involved at the point of sales and offer more EU Ecolabelled products from other brands.

NGOs strongly believe that the EU Ecolabel in its current form is a good tool to help consumers make sustainable choices in their purchasing. However, the proliferation of green claims can represent a barrier for the EU Flower. The increasing number of manufacturers and retailers 'own-labels, as well as misleading or incorrect green claims confuse consumers and is detrimental for the EU Ecolabel (48% of Europeans say they don't trust products' environmental performance claims). In this context, it may become more difficult to communicate the EU Flower to consumers, all the more if marketing resources remain marginal.

Whenever technically feasible, it is also fundamental that the criteria achieve clear results and benefits to consumers, are easy to communicate and have meaningful messages in terms of environmental performance and correspond to societal expectations (e.g. "no content of ..." instead of "less", "reduced" or "minimised"...).

5. Consultation question: Does the current business model of the EU Ecolabel work well?

	1	2	3	4	5
The number of criteria should be limited, covering the main environmental impacts	X				
The time-span for the criteria development/revision process should be shortened			X		
The criteria development/revision process should be simplified whenever reliable science-based information on the environmental impact categories is already available			X		
The scheme should cover a higher percentage of the market's products	X				
The procedures of the Competent Bodies of different Member States need to be harmonised				X	
The scope of the scheme should be extended to include more intermediate product groups			X		
The scope of the scheme should be extended to include food, feed and beverages product groups	X				
The marketing and promotional activities for the EU Ecolabel at the European level are adequate to stimulate the market for products with the Ecolabel	X				
The marketing and promotional activities for the EU Ecolabel at the national level are adequate to stimulate the market for products with the Ecolabel	X				
The promotion of the EU Ecolabel should be strengthened within GPP promotional initiatives					X
Member States should provide more fiscal incentives to licence holders					X
The European Commission should increase the level of integration of the EU Ecolabel in the existing EU legislation	X				

1 - strongly disagree; 2 - disagree; 3 - neutral; 4 - agree; 5 - strongly agree

Consultation statement 2 – “The number of criteria should be limited, covering the main environmental impacts”

NGOs strongly believe that reducing the number of criteria does not necessarily lead to higher uptake of the EU Ecolabel, while it can impact negatively the credibility of the scheme as a Type I label based on a multicriteria approach. As highlighted in our response to other questions of the consultation, other Ecolabels which follow the multicriteria approach (Blue Angel, Nordic Swan...) are well established and successful.

Consultation statement 3 - The time-span for the criteria development/revision process should be shortened

A number of improvements could be made within the framework of the current EU Regulation to optimise criteria development/revision process. In particular, it would be of help to develop horizontal guidelines for requirements that are addressed in different product groups, to avoid repeated discussions and to have a clear direction of the work for the EU Ecolabelling Board. Strengthening the focus of the EU Ecolabelling Board meetings on discussing those questions that are more political and less technical is also desirable.

However, the current slowness of criteria development is to a great extent due to the Commission itself. Indeed, after consulting the EU Ecolabelling Board, during Inter Service Consultation, the Commission has to agree on concrete Ecolabel criteria which will be submitted to vote in the Member States Regulatory Committee. Unfortunately, internal disagreements on product specific criteria amongst the different services of the Commission, such as currently on rinse-off cosmetic products or in the past for printed matter, tissue paper, bed mattresses, textiles, wooden furniture etc. often hinder quicker criteria development.

Consultation statement 4 - The criteria development/revision process should be simplified whenever reliable science-based information on the environmental impact categories is already available

The EU Ecolabel scheme should be able to take into account newer available scientific data, also for areas where PEF data will be made available. In addition, it is crucial to keep the opportunity for discussion by stakeholders on robustness and suitability of the data used for deciding Ecolabel criteria.

Consultation statement 6 - The scheme should cover a higher percentage of the market's products

As mentioned before, environmental NGOs and consumer organisations strongly support retaining the current ambition level by which the EU Ecolabel targets 10-20% of the products in the market. At the heart of the EU Ecolabel is the idea of encouraging producers to go beyond legislation in reducing the impact of their production methods and the products they make. A strict ambition level is needed to ensure that the EU Ecolabel remains a label of environmental excellence. This reference is essential to ensure that the criteria are not watered down to an unacceptable level during the development phase and remain consistent with the general objective of the scheme as a market penetration tool.

In addition, it is worth restating that the Ecolabel is a market-based tool and therefore aims to put Ecolabelled products on the European market, not to allow companies in each Member State to apply for the label. Only in accepting this difference will the discussion on ambition level progress beyond the general level of industry applications.

Consultation statement 10 - The scope of the scheme should be extended to include more intermediate products

While we are not against the development of business to business criteria, it needs to be carefully examined to which extent this option shall be used, as it may interfere with certification processes. Within limited available resources, the priority needs to remain in fostering the uptake of EU Ecolabel products that are of relevance for consumers and public procurement.

Consultation statement 11 - The scope of the scheme should be extended to include food, feed and beverages product groups

Consumer organisations and environmental NGOs do not support the extension of the scope of the EU Ecolabel scheme to food, feed and drink. First, applying the EU Ecolabel to food products would increase the risk of creating a duplicate of the organic certification as the EU organic label already exists.

An overlap between an Ecolabel on food products and the organic label would be both misleading and confusing for consumers. For this reason it is recommended integrating sustainability criteria with regard to processing, packaging and transport into the EU organic label, where applicable. Second, there are strong limitations on the practicability and effectiveness of applying the EU Ecolabel to food products. In fact, the environmental impacts of food production are complex and cumulate throughout the various stages of food production. Conveying information on these different environmental impacts in a single, understandable label would be close to impossible. Moreover, such a stand-alone label would not provide information that would allow consumers to differentiate between products and therefore would not communicate added value to consumers and consequently to the environment. Instead of accurately informing consumers of the environmental impacts of food products, it might create further confusion and incoherence thus impeding rather than helping informed choice. With the 400+ different logos/labels currently being used on food products across the EU, the EU Ecolabel could be seen as just another in a proliferation of labels. For us the focus should be on strengthening/expanding the criteria behind those logos already recognised and used by consumers, most notably the organic label.

Consultation statement 12 - The marketing and promotional activities for the EU Ecolabel at the European level/ national level are adequate to stimulate the market for products with the EU Ecolabel

Article 12 of the EU Ecolabel Regulation calls on Member States and the Commission, in cooperation with the EUEB, to promote the use of the EU Ecolabel by awareness-raising actions and information and public education campaigns for consumers, producers, traders, retailers and the general public. However, it does not provide any additional commitment or clarify how the marketing efforts may be organised at national level or financed. It does not provide any obligation for the European Institutions and other public authorities to set an example by using Ecolabelled products. A clearly set responsibility on how to promote the label is of utmost importance.

In 2009, the European Commission initiated a marketing campaign, with a first test in the UK in 2011/2012. Unfortunately, due to lack of funds the implementation of a broader European campaign roll-out in cooperation with Member States and retailers foreseen in 2013 did not take place. This lack of resources is really regrettable when stronger support to the EU Ecolabel is needed from the European Institutions. However, still the European Commission can play a coordinating role in promoting the Flower across the EU in collaboration with Member States, optimising the use of the resources available and helping to mobilise strong partners which can act as multipliers.

A clearer commitment to boost the marketing of the EU flower is urgently needed, as experience shows increase in Ecolabel sales when promotional actions are carried out. Good results in terms of consumer awareness or market uptake have been achieved in countries like Denmark and Austria where broader marketing activities are developed in a more consistent and regular manner. Better targeted social marketing campaigns in all EU Member States would significantly contribute to raise consumer awareness and demand for Ecolabelled products. Social marketing means starting where consumers are, not where the policy-makers want them to be. This develops a deeper understanding of consumers, connecting with their concerns, desires and barriers for sustainability. Such an approach would be much more suitable and effective than developing more information campaigns which have proven not to be effective. Taking actual

consumer behaviour into account is crucial. In particular, individual consumers need to have the feeling that his/her action can make a difference. Some campaigns at national level, e.g. the promotion of the Blue Angel, actively involve individual consumers and show how easy it can be to make a difference with purchase decisions in their daily live.

Consultation statement 15 - Member States should provide more fiscal incentives to licence holders

Ecological Fiscal Reform (EFR) has been on the NGO agenda for many years, and we strongly support this type of 'corrective' price signal. A reduced level of VAT on ecological products or reduced corporation tax for companies making ecological products is a first step in correcting prices according to their environmental and societal impacts.

NGOs continue to support the 'internalisation of externalities', real-cost charging for production and product impacts, and the end to environmentally harmful subsidies (such as subsidies for nuclear energy, unsustainable transport, incineration, etc.). NGOs therefore strongly support the reduction of VAT for Ecolabelled products or companies making them more competitive.

6. Comments to consultation question: Overall, would you recommend retaining the EU Ecolabel as it is, changing it or abolishing the scheme?

	1	2	3	4	5
The EU Ecolabel requirements should be fewer in number and focus on the most significant impact areas.	X				
The process of developing the EU Ecolabel requirements should be streamlined and made faster.				X	
The awarding process should move from "pass/fail" system to a "point" system, where products need to gain a certain minimum number of points to be awarded the label, but the decision about priority areas for improvement is left to applicants		X			
The requirements should be based on life-cycle indicators		X			
EU Ecolabelled products should be subsidised or incentivised to improve their competitiveness				X	
The EU Ecolabel should be more integrated and consistent with national labels			X		
The EU Ecolabel can be strengthened by introducing the requirement of providing indicators on the key environmental impacts of the product, to be included in (or accompanied to) the label.	X				
The scope of the EU Ecolabel should be widened from environmental to sustainability issues (e.g.: to include social, ethical and safety aspects).				X	
The EU Ecolabel should be transformed into a "graded label" covering all products and showing their relative environmental performance, instead of the current label rewarding top-class products.	X				
The EU Ecolabel should be more intensively promoted by the institutions (at the EU, national and local level)					X

1 - strongly disagree; 2 - disagree; 3 - neutral; 4 - agree; 5 - strongly agree

Consultation statement 1 - The EU Ecolabel requirements should be fewer in number and focus on the most significant impact areas.

NGOs are concerned about the repeated suggestion, throughout the consultation, that the number of parameters considered by the EU Ecolabel should be reduced to focus on the “most significant impacts of products”. The EU Ecolabel should remain a multi-parameter label covering major environmental impacts as well as horizontal impacts such as packaging, wood certification and chemical content. The assessment of such consideration should include comparisons to other Ecolabel systems based on the multicriteria approach and their success in the market (please see further detail in previous answers).

Consultation statement 2 - The process of developing the EU Ecolabel requirements should be streamlined and made faster.

This can be achieved within the framework of the current Ecolabel Regulation. Guidelines should be developed for horizontal issues, to avoid repeated discussions in different product groups: social requirements, forestry, packaging, optimising links between EU Ecolabel and Energy Label, PVC, flame retardants, etc.

The EU Ecolabel could undertake faster criteria development processes whenever criteria already exist from national labels for specific product groups not covered yet by the EU Flower and that have proved successful in terms of market penetration.

Consultation statement 3 - Pass/fail system versus point based system

This option has been used by other national Ecolabel systems, but only to a low degree in the EU Ecolabel. The question may deserve more investigation, although clear recommendations for its implementation would need further assessment and discussion before such a change can be implemented. In any case, having a clear set of no-go requirements (pass/fail) is crucial. It should also be considered that such an approach could create problems in using the EU Ecolabel in GPP, where point based requirements are not deemed transparent. It can also hinder clear marketing and information on Ecolabel criteria, impeding clear statements on the environmental improvements achieved.

Consultation statements 4 and 7 - The requirements should be based on life-cycle indicators / The EU Ecolabel can be strengthened by introducing the requirement of providing indicators on the key environmental impacts of the product, to be included in (or accompanied to) the label.

As mentioned above, the EU Ecolabel requirements cannot rely alone on LCA analysis and LCA-indicator results (such as life cycle energy use) but must use more robust, better verifiable and enforceable thresholds related to production, use and end-of-life stage (as it is the case in Ecolabelling today). Not all relevant criteria can be based on LCA, such as hazardous substances or forestry related requirements. Indicators shall be relevant in an environmental perspective, robust, assessable and have a potential for environmental improvements. Furthermore, reporting a number (as done in footprints) does not reflect environmental improvement and does not help consumers to make purchasing decisions.

Consultation statement 6 - The EU Ecolabel should be more integrated and consistent with national labels

NGOs do support the idea of harmonisation of criteria (in presentation, in document structures, in testing methods, etc.) where this is appropriate. However, our support for harmonisation does not extend as far as to require member States to bring their national labels into line with the European Ecolabel.

One of the positive effects of having more than one label is the comparison that would otherwise not exist. In current practice, the Ecolabel compares itself to the Blue Angel and the Nordic Swan, and vice versa. Without differences between these labels (albeit minor, in some cases), each label would have less incentive or 'proof' of the feasibility of increasing the stringency of some criteria during revisions. The European Ecolabel tends to have lower criteria stringency levels than these national labels because it is meant to represent the European market. In any case, there will always be natural variations between the labels because not all the environmental or social issues being addressed in the criteria are similar at the European level. For example, although water conservation and avoidance of pollution is important at European level, some regions have an overabundance of water while others are in more or less permanent drought situations. Similarly, the environmental impacts addressed through the labels are regional or local in nature, so it would be difficult to set strictly Europe-wide criteria on these issues.

Consultation statement 9 - The EU Ecolabel should be transformed into a "graded label" covering all products and showing their relative environmental performance, instead of the current label rewarding top-class products.

This option would be highly problematic with regards to the marketing of EU Ecolabelled products and would completely change the current approach of the EU Ecolabel. NGOs do not support such option as the EU Ecolabel should remain the label of environmental excellence and set the benchmark. There is risk that a graded label system will mislead consumers. It should also be taken into account that the Nordic Swan and the Blue Angel are not graded labels and yet successful. In this respect, it is recommended to look into other options for improvements to the EU Ecolabel to support its higher uptake.

7. Other questions

- a. **Is the EU Ecolabel, and its set of common requirements, a valuable tool to facilitate a higher uptake and free circulation of green products (in the pursuit of a single market for green products) across Europe?**

The direct and indirect benefits that the EU Flower brings to companies applying to the EU Ecolabel and to consumers and procurers seeking green purchasing choices make the EU Ecolabel a high valuable tool facilitating the uptake of green products across Europe.

Direct benefits and drivers for companies	Indirect benefits for companies
<ul style="list-style-type: none"> • Improve the competitiveness or market positioning of the product. • Respond to a specific request made by an important customer or retailer. • Aim for/achieve increased sales. • Pursue/achieve cost-saving opportunities. • Obtain access to public procurement. • To meet export market opportunities. • Increase consumers/customers interest and satisfaction. • Improve relations/reputation with stakeholders. • Improve employee commitment to overall company environmental performance. • Improve management commitment to overall company environmental performance. Better management of a specific environmental issue for the company. • Improve overall company environmental performance. • The EU Ecolabel improves the company organisational and managerial capabilities in the environmental area. • Better supply chain management and capabilities • Promote product innovation • Improve product design and development. • Access to finance/insurance. • Potentially anticipate compliance with future legislation. 	<ul style="list-style-type: none"> • EU Ecolabel requirements/criteria set a benchmark for environmentally better performing products within the EU market • EU Ecolabel requirements/criteria are useful to manufacturers to provide indicators for what a "green product" is and what its performance should be for various environmental impacts, even if a company does not adopt the EU Ecolabel. • EU Ecolabel requirements/criteria can be used by manufacturers as a guideline and a support for the product design process towards eco-innovation, even if a company does not adopt the EU Ecolabel. • The EU Ecolabel is a useful guide for consumers to drive their choices towards the greenest products on the market. • The EU Ecolabel criteria are a useful guide for companies who intend to develop green procurement strategies e.g. selecting suppliers on the basis of environmental criteria. • The EU Ecolabel drives improvements in environmental performance of non-EU Ecolabelled products and services. • When a company adopts the EU Ecolabel the level of awareness of environmental issues increases amongst the employees. • Job opportunities are created because companies using the EU Ecolabel hire new personnel with expertise and specific know how. • The EU Ecolabel criteria support companies in making correct and effective environmental claims, helping to avoid "green-wash". • EU Ecolabel raises awareness of citizens that the EU sees environmental issues as a priority.

The EU Ecolabel is strongly supported by Environmental NGOs and consumer organisations as a powerful tool to encourage environmental improvements in production and to help consumers make informed green purchasing decisions. The added value of the EU Ecolabel is enshrined in multiple elements of the scheme, which need to be protected, as they contribute to its credibility for the general public as a label of environmental excellence:

- Involvement of governments and stakeholders in addition to industry, and in particular of environmental NGOs and consumer organisations (which have voting rights in the EU Ecolabelling Board) helps to ensure acceptance and recognition of the scheme by manufacturers and consumers.

- Its communication form makes it easy for consumers to choose green products as it provides credible and reliable information in a simplified way. While cut-off levels are set for the different requirements to drive improvements, the consumer is not confronted with complex information at the point of sales.
- Its multicriteria approach ensures that improvements are addressed for the main environmental impacts caused by the product, including also those qualitative aspects that are not sufficiently captured through life cycle assessment studies (such as substitution of hazardous substances) but that are of relevance for consumers.
- Its level of selectivity/ambition allows differentiation of the sub-set of products that are of environmental excellence.

b. Is it beneficial to have a set of common requirements in the pursuit for a single market for green products across Europe in the form of the EU Ecolabel?

The EU Ecolabel is a high valuable tool contributing to the uptake of green products in the EU. However, other national Ecolabel are well established in certain countries and have considerably contributed to the greening of the European market. While a common set of requirements in the form of the EU Ecolabel across the EU is considered as beneficial, there are advantages in maintaining the coexistence of the EU Flower with other Type 1 national Ecolabels. The differences between these Ecolabels are an incentive and have a positive effect in the development of requirements and its further tightening through subsequent revisions.

Another dimension to this question may be the possibility of having common requirements among different SCP instruments. Whenever the policy tools are complementary, NGOs support optimisation of existing synergies such as similar measurement methodologies (e.g. assessment of energy efficiency, recyclability,...) or streamlined conformity assessment and documentation requirements on shared criteria, as long as the EU Ecolabel criteria are not restricted only to those ones (e.g. EU Ecolabel should include requirements with regard to sustainable sourcing of material that may not be applied to Ecodesign). In case it is deemed reasonable to apply them in Ecodesign as well in the future, the same way of measuring/documenting sustainable sourcing should be used. In any case, the EU Ecolabel should continue to clearly set the benchmark for the best environmental products on the market.

END