

**Att.:** European Commission, and in particular Unit D1/REACH - DG for Internal Market, Industry, Entrepreneurship and SMEs and Unit B2/Sustainable Chemicals - DG Environment

**From:** EFIC, European Furniture Industries Confederation

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**Subject:** EFIC position towards the EC initiative: Analysis of the interface between chemicals, products and waste legislation and identification of policy options – Roadmap and public consultation

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EFIC wishes to thank the European Commission for the opportunity to share its views on the preliminary assessment of the interphase between chemicals, products and waste legislation aimed at identifying possible policy options to be developed.

Bearing in mind the vast scope of the initiative, EFIC is willing to provide its sectoral-specific feedback, bringing concrete examples of the existing legal, technical and practical problems in promoting a non-toxic material cycle in the furniture industry.

EFIC looked at the four main chapters of concern - as identified by the European Commission in its [roadmap](#) - and provides its feedback on #1 and #2 where a more specific sectoral input can be suggested at this stage. Additionally, a new (5th) chapter is suggested: **#5: Lack of harmonised rules** and final remarks are included.

One of the major problems faced by furniture companies working with circular processes is the presence of harmful chemicals in the material to be reused. There are already a number of chemicals imposing serious problems for the material flow, including e.g. flame retardants, heavy metals, phthalates, soil repellent chemical. It is therefore fundamental to promptly address the issue of chemicals' use and related policies in order to unblock the existing obstacles with recycling of furniture and allow a real switch to circular economy models.

Therefore, EFIC fully supports the European Commission's initiative aimed at working on a better interface between chemicals products and waste, as this would allow more recycling and remanufacturing in the furniture sector.

Together with broader policy initiatives, EFIC invites policy makers to also look at concrete existing barrier and *ad hoc* solutions to tackle them. Harmonisations of requirements at the European level could in certain cases constitute a viable solution, as the "Case for flame retardant free furniture" demonstrates.

Finally, at least two pre-requisites have to be ensured when developing possible policy options: 1) a level playing field must be ensured for companies - European and not European - competing on the EU market; 2) a degree of certainty must accompany policy and legal tools proposed: any measure should be implementable by companies and consumers should be made aware and contribute as active drivers of the process.

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### **#1: Insufficient information about substances of concern in products and waste**

EFIC shares the view that too limited information is available today about the presence of substances of concern in articles.

EFIC appreciates the degree of certainty provided by regulations such as the Regulation on Classification, Labelling and Packaging of substances and mixtures (CLP Regulation) and the Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH). However, furniture companies are still facing concrete problems when trying to assess the full list of chemical substances contained in articles and/or materials bought from their suppliers.

Such lack of information has an impact on the traceability of chemicals in products, and bear the risk to undermine the future treatment of the material and its waste disposal. This is the case e.g. when a product at its end-of-life is containing chemicals which were not banned at the time of its production but they are so when the products end its life. Today, there is not the possibility to run such *ex-post* assessment as there is not the full list of substances contained in products.

Taking into consideration the difficulties of the case, even more complex when thinking of global value chains and complex products like furniture, still EFIC believes that a deep reflection should be started on how to promote a better tracking of chemicals in products and that full transparency on which chemicals are incorporated in products should be ensured along all the supply chain.

### **#2: Presence of substances of concern in recycled materials (and in articles made thereof, including imported articles)**

EFIC shares the need to find a clear general framework in this field to provide a level of certainty, aimed at a) avoiding the presence of substances of concern in recycled material<sup>1</sup> and b) finding the best way to deal with the treatment of materials containing substances of concern, also considering more targeted solutions<sup>2</sup>.

EFIC believes that it is fundamental to start from the production to minimize possible environmental impacts: setting clear rules on substances that can and can't be used, including evaluating the possibility of formulating a list of chemicals which undermine recyclability in order to forbid their use in the production phase – when possible – or at least to limit its concentration to adequate levels.

Moreover, EFIC calls the European Commission to look at solution that apply equally to imported articles and articles produced in the EU.

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<sup>1</sup> A [study](#) has found that brominated flame retardants are present in black thermo cups and kitchen utensils bought in Europe. These types of chemicals have been linked to a number of adverse health effects in humans and animals including cancer. They are used in furniture as well, in order to comply with certain flammability standards. However, growing evidence shows that the harm given by their use may exceed the benefits. Still, legal requirements and practical problems prevent their abandon in furniture products.

<sup>2</sup> Sometimes, solutions can also lie on a safe use of the contaminated material, when it is ensured that no contamination and risks from additional exposure is present.

For any action to be successful, a fair competition must be assured and equal commitments have to be requested. Otherwise, such framework will not be beneficial neither to the industry nor to consumers.

When regulating chemical legislation in view of protecting people and the environment, the only viable solution is to impose clear and equal rules for all operators in the EU market. Imposing a regulatory burden on European companies only will not work for the following reasons:

- a) local companies will suffer from a burden in terms of price competition as the consequence will be the creation of two classes of competitors in the European market, where domestic producers are put in competitive disadvantage.
- b) the EU market, including National authorities, will still have to face the problems related to waste disposal of goods not compliant with EU rules, with a costly burden
- c) EU consumers will bear the risk of not homogeneous protection from goods bought in their domestic market.

### **#3: Uncertainties about how materials can cease to be waste**

While understanding the relevance of this issue, EFIC has not enough knowledge to provide a sector-related feedback at this stage. Such discussion is more general and also impacted by the ongoing negotiation on article 6 of the Waste Framework Directive (WFD) by co-legislators in the EU.

### **#4: Difficulties in the application of EU waste classification methodologies and impacts on the recyclability of materials**

While understanding the relevance of this issue, EFIC has not enough knowledge at this stage to provide a sector-related feedback. Such discussion is more general and EFIC will be glad to provide its feedback in future discussions on this topic.

### **#5: Lack of harmonised rules (*suggested*)**

The co-existence of different National rules leads sometimes to the risk of undermining the goal of an effective uniform and equal action (and result) in Europe. They also constitute barriers to trade for European producers, which in most cases are also European exporters, and fragment the European Single Market.

You'll find below the full explanation of two specific case where an EU action could concretely help solving the problems of chemicals management in furniture products and its interphase between production and waste.

#### **Specific cases:**

##### **a) Flame retardants in furniture**

Furniture products are currently not subject to harmonised European legislation, and in the absence of European rules, certain Member States have been active in drafting country specific fire safety regulations and standards for upholstered furniture, bedding,

mattresses etc. Office furniture and furniture for the public and contract market are often subject to different standards and fire safety regulations.

Flammability standards that require resistance to an open-flame ignition source, such as the current British fire safety test method (BS 5852) and the Irish method (I.S. 419:1988), have led to intensive use of flame retardant chemicals without providing a demonstrated fire safety benefit. In such cases, the use of flame retardants is not legally requested but it is in practice the needed way for compliance with open-flame tests.

Flame retardants may cause serious harm to human health and the environment, undermine the quality of furniture products and impose a costly burden to furniture producers. The use of flame retardant chemicals may prevent the furniture sector from fully entering the circular economy. Many products containing flame retardants cannot be safely recycled for material reuse, thus preventing a better and greener waste handling. The use of flame retardants in furniture reduces the durability of products, resulting in a shorter product lifetime. Additionally, the end-of-life treatment of products containing hazardous flame retardants is notably more expensive than normal waste and might be more dangerous due to the release of toxic fumes in the atmosphere.

When it comes to the environmental impact, flame retardants migrate out of products and accumulate in the environment. Many flame retardants are persistent and can undergo long-range environmental transport. Several scientific studies have demonstrated the presence of flame retardants in seas, rivers, and far away till the Arctic. They have been found in animals, such as bees and fishes, leading to the risk of persisting contamination in the food chain.

Moreover, in terms of fire safety, several concerns have been raised with regard to the exposure to toxic fumes released from the combustion of materials containing flame retardants, which would significantly increase danger and risk in case of fire.

EFIC – together with a coalition of 10 federations representing industry, health and environmental NGOs, trade unions and firefighters - is active in bringing “the Case for Flame Retardant Free Furniture” to the attention of European policy makers.

**In such case, a mandatory harmonised testing method for upholstered furniture at a level where flame retardants are not needed (i.e. smoulder ignition tests such as the EN 1021-1 cigarette test) would unblock the current situation, and allow furniture companies to produce safer and greener products without flame retardants.**

EU action in favour of flame retardant free furniture is necessary to ensure protection of human health and the environment, and promote competition and fire safety, allowing the furniture sector from fully participating to the circular economy.

For more information on the Case for Flame Retardant Free Furniture please read [EFIC and Allies policy paper](#).

## **b) Formaldehyde emissions in wood-based panels**

Furniture products are not subject to harmonised European legislation, and currently there is not European legislation on emission levels of formaldehyde for furniture products.

In the lack of European common rules, eight countries in Europe have adopted National regulations aimed at regulating the levels of formaldehyde emissions from wood based panels. In particular, Austria, Czech Republic, Denmark, Germany, Greece, Italy, the Netherlands and Sweden have already approved a National regulation generally imposing a maximum formaldehyde emission level of 0.1 ppm (equivalent to 124 µg/m<sup>3</sup>) for wood-based panels and products made out of them. This level corresponds to the E1 level<sup>3</sup>.

On 19th January 2017, France has notified to the EU an incomplete legislative package on the labelling of furniture products regarding their emissions of volatile pollutants (VOCs). The notified regulation has brought many concerns to furniture producers, as it imposes completely different approach in regulating emission levels of formaldehyde from furniture products. Yet, other countries have not adopted specific legislation to regulate this issue.

EFIC welcomes an approach aimed at regulating emission of formaldehyde at a level that provides the needed safety for consumers and a degree of certainty for the industry.

The European furniture industry believes that the best approach in regulating this issue is imposing a general mandatory requirement for wood-based panel with a maximum level of emissions allowed to be equally applied throughout Europe. For this reason, since September 2015, EFIC and EPF, the European Panel Federation, are jointly calling for mandatory E1 in Europe, through a common legislation throughout Europe for the production, import and marketing of wood-based panels, and of products made from them at an emission level not higher than E1.

**Together with the clear benefit in terms of healthy indoor environment, this kind of approach might give also a higher level of certainty to recyclers of wood and operators in the market.**

From the companies' side, this approach would also be beneficial in terms of less costs and administration, as companies clearly prefer a certain limit on the material side instead of an obligation to measure the final products afterwards.

For more information on the E1 compulsory project, please read [EFIC and EPF announcement on project "Compulsory E1"](#) related to furniture products.

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In conclusion, EFIC wishes to invite the European Commission to have a comprehensive approach in dealing with the interphase aimed at:

- Remove technical and legal problems which lead to the use of chemicals in productions when they are not necessarily needed;
- Start from the production to minimize environmental impacts: set clear rules on substances that can and can't be used, including an evaluation on the possibility of formulating a list of chemicals which undermine recyclability – in order to forbid their use in the production phase – when possible – or at least to limit its concentration to adequate levels;

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<sup>3</sup> According to definition provided in Annex B to EN 13986.



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- Harmonise legislations, requirements and standards when appropriate in order to start reflecting from a common basis (and solution) in the EU;
- Find ways to incentive and boost companies in moving in that direction e.g. a widespread use of green public procurement criteria. Many public tenders concern furnishing projects for government and public buildings both on EU and national scale. Governments have a strong instrument to support circular economy and it is of high importance that tenders become circular. In practice, today this opportunity is often lost as the main driver for choice is price-oriented, rather than circular-oriented;
- Awakening the consumer-awareness: consumers drive the market and contribute directly to changes in society. Clear, comparable and harmonized information on the main characteristics of furniture products need to be available to consumers for making informed purchasing choice;
- Work on whole value chain: an effective EU action should be based on a smart order of priorities and on a bottom-up approach, addressing the value chain from its upstream and suppliers' side to its downstream. A wider scale result would be ensured: all furniture companies would benefit from a major and more economically sustainable supply and all necessary investments would be spread over the entire supply chain.

We hope that you will take into account EFIC position and we are ready to start an open dialogue and continuous collaboration with you on this issue.

Best regards,

On behalf of EFIC

A handwritten signature in blue ink, appearing to read 'Markus Wiesner', with a long horizontal stroke extending to the right.

Mr. Markus Wiesner, EFIC President

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## About EFIC

EFIC – the European Furniture Industries Confederation - is the voice of the jointly united European furniture industries. EFIC was founded in 2006 by seven national federations representing the furniture industries in Belgium, Denmark, Germany, Italy, Slovakia, Spain and Turkey and it was later joined by Portugal, Sweden, Austria, Russia and Norway. Furthermore, Hungary, The Netherlands and France joined EFIC in 2015. EFIC now represents more than the 70% of the total turnover of the furniture industries in Europe.

