



European Furniture Industries Confederation

Brexit potentially exacerbating barrier to furniture trade in Europe due to UK furniture flammability requirements

28 July 2020

In view of the ongoing negotiations between the European Union and the United Kingdom (UK) for an ambitious partnership agreement, the European Furniture industries (EFIC) call on the European Commission to 1) aim at establishing a deep and comprehensive free trade agreement with the UK seeking the closest convergence possible with EU rules; 2) to ensure that the current barriers to trade deriving from the applicable furniture flammability requirements in the UK are not exacerbated after the transition period comes to an end and 3) to ensure that after the transition period UK furniture manufacturers placing furniture on the EU market comply with the flammability requirements in place in the Member State of destination (meaning importing furniture not containing toxic flame retardants and therefore with no compulsory marking of the fire behaviour of furniture products). Additionally, EFIC calls on the European Commission to accelerate the process of reviewing the infringement complaint that EFIC filed in 2016 against the government of Ireland (and the UK, before UK lost EU membership status) with the aim of harmonising flammability requirements and standards at EU level.

BACKGROUND:

Unharmonised furniture flammability standards and requirements for furniture in Europe

Furniture products are currently not subject to harmonised European legislation and in the absence of European rules, certain European countries have introduced 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, many countries applying EN 1021-1¹. For domestic furniture (intended for use in homes) most European countries have no regulations imposing fire safety requirements. Some countries apply EN 1021-1. Only two European countries, UK² and Ireland³ have national regulations in place imposing specific requirements and test methods⁴ for domestic furniture, which require resistance to an open-flame ignition source. These requirements have led to an intensive use of flame-retardant chemicals. Although the use of flame-retardant chemicals is not mandatory as such by the Regulations, manufacturers need to use significant amounts of these chemicals to meet the open-flame test requirements.

¹ EN 1021-1 (smoulder ignition testing, cigarette test). The most common test outside the UK and Ireland, the EN 1021-1 is a smoulder ignition test that can be met by commonly used material in furniture products without adding flame retardant chemicals.

² Furniture and furnishing (Fire Safety) Regulations 1988 no. 1324 ([UK](#))

³ S.I. No. 316/1995 - Industrial Research and Standards (Fire Safety) (Domestic Furniture) Order, 1995 ([IE](#))

⁴ BS 5852 and I.S. 419:1988



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Flame retardants may increase fire toxicity^{5 6} and their overall benefit in improving fire safety has not been proven^{7 8}. There are also increasing concerns over the use of unwanted toxic flame retardants as they migrate out of products and can be potentially harmful for human health and the environment, including circular economy objectives.⁹

Barriers to free movement of goods in the EU / Europe

Due to the ad hoc fire safety requirements imposed on domestic furniture products on the UK and Irish markets and the resulting disproportionate increase in costs, European companies are often exporting a reduced range of products to the UK and Irish markets or avoiding them altogether. European producers outside the UK and Ireland experience the existence of the above-mentioned regulations and requirements as a barrier to trade and a restriction to the free movement of goods, which in turn diminishes their competitiveness. This arbitrary discrimination has a strong economic impact on producers and distributors from other European countries.

- Compliance with the British BS 5852 or the Irish I.S. 419:1988 standard requires all exporters to the UK and Irish markets to test every single combination of materials (a specific foam in addition to a specific fabric) according to the relevant test criteria. An overview of the British BS 5852 standard demands and sample prices for companies is included in Annex 1.
- Additional barriers to furniture producers from other European countries are created by the demands for open-flame tests. The need to use flame retardant chemicals to comply with these tests raises production costs, reduces the comfort, quality and durability of furniture products.
- Furniture producers interested in the UK and Irish markets must put in place different production lines in their manufacturing sites – for products containing flame retardants versus products not containing these chemicals. Having different production lines increases costs, as well as the risk of contaminating product batches that are intended for markets where compliance with an open flame test is not required.

In 2016, EFIC filed a legal complaint with the European Commission against the Governments of the United Kingdom and the Republic of Ireland for breach of their obligation under articles 34 and 36 of the Treaty on the Functioning of the European Union ([TFEU](#)), posing a barrier to the free movement of goods in the Single Market and failing to adopt the mutual recognition principle. The UK and Irish flammability requirements represent an arbitrary discrimination towards other European producers and constitute a disguised restriction of (intra-community) trade. This is further supported by the fact that domestic furniture in other Member States is presumed safe although not subject to such stringent requirements as in the UK and Ireland and by import and export data for furniture in the UK and Ireland (see Annex 2). The Irish Regulations mirror the 1988 British Regulations, which has had the effect of increased trade in furniture between the two countries, compared to imports and exports of furniture products stemming from other European countries.

⁵ Fire Toxicity – The elephant in the room? – [Fire Safety Journal 2017](#) – Anna A. Stec.

⁶ Flame retardants in UK furniture increase smoke toxicity more than they reduce fire growth rate – [Chemosphere 2017](#) – Sean McKenna, Robert Birtles, Kathryn Dickens, Richard Walker, Michael Spearpoint, Anna A. Stec, T. Richard Hull.

⁷ <https://safefurniture.eu/issues/fire-safety/>

⁸ [Fire statistics, Great Britain 2011-2012](#) and [Fire Statistics England, 2014/15](#).

⁹ Alliance for Flame Retardant Free Furniture position paper April 2020 ([link](#))



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SITUATION POST-BREXIT

In its conclusions of 13 December 2019, the European Council (art. 50) restated the Union's determination to establish a partnership with the UK in the future, in line with the Political Declaration establishing the key parameters of the envisaged partnership between the Union and the UK. On 25 June 2020 the Council adopted conclusions reconfirming its readiness to reach an ambitious agreement in accordance with the negotiating directives of 25 February 2020 while respecting the European Council's guidelines, as well as statements and declarations, notably those of 25 November 2018.¹⁰

The future relationship between the EU and the UK is uncertain and in the process of being shaped. However, depending on the outcome of the negotiations and the instrument that will be put in place, there is a large risk that the existing barriers brought about by the British Regulations are further exacerbated, intensifying non-tariff barriers and potentially bringing additional costs and duties. We therefore call on the European Commission to:

- 1) Aim at establishing a deep and comprehensive free trade agreement with the UK seeking the closest convergence possible with EU rules, including on flammability requirements for furniture to the extent possible;
- 2) Ensure that the current barriers to trade deriving from the applicable furniture flammability requirements in the UK are not exacerbated after the transition period comes to an end and avoid additional costs for EU companies exporting to the UK; and
- 3) Ensure that after the transition period UK furniture manufacturers placing furniture on the EU market strictly comply with the flammability requirements in place in the Member State of destination (for example the cigarette test EN 1021-1) and not more stringent Regulations (this means that furniture products that may have been treated with flame retardants to comply with the open flame test applicable in the UK should not have access to the EU market if the country of destination requires compliance with a flammability test where chemical flame retardants are not needed; meaning as well that products imported from the UK should not bear the compulsory marking of the fire behaviour of furniture products).

In the case of Ireland, a major furniture exporter to the UK, flammability requirements are identical to the ones applicable in the UK and furniture producers effectively conform to the British 1988 Regulations. Irish manufacturers could see themselves in a situation where although conforming with the UK Regulations, a custom duty could be applied to their exports to the UK. The Irish Regulations are currently under revision and in the event that the Irish authorities decide to diverge from the current requirements in recognition of the dangers posed by toxic flame retardants, Irish manufacturers, which at the moment are largely dependent on furniture exports to the UK (see Annex 2), would incur in major costs for establishing different production lines (one for supplying to the UK and one for the EU). An additional complication to take into account is that a border between North and South Ireland cannot be installed as per the Good Friday Agreement, therefore there is a risk that goods containing flame retardant chemicals are passed by dishonest Irish or UK traders into the EU via Southern Ireland ports.

In this context, EFIC calls on the European Commission to accelerate the review of an infringement complaint filed by EFIC in 2016 against the Governments of the Republic of Ireland (and the UK before

¹⁰ Source: <https://www.consilium.europa.eu/en/policies/eu-uk-negotiations-on-the-future-relationship/>



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losing EU membership status) for breaching their obligation under articles 34 and 36 of the Treaty on the Functioning of the European Union (TFEU), posing a barrier to the free movement of goods in the Single Market and failing to adopt the mutual recognition principle, in view of harmonising flammability requirements at EU level.

Annex 1

An overview of the British BS 5852 standards demands and sample prices:

Flammability test	Testing requirements	Average price
BS 5852 Section 2 Smouldering Ignition Source 0	2 foam pattern with the dimensions 450 x 300 x 75 mm and 450 x 150 x 75 mm and 2 covers with the dimensions 800 x 650 mm	550 Euro incl. test report
BS 5852 Section 3 Flaming Ignition Source Match	3 foam pattern with the dimensions 450 x 300 x 75 mm and 450 x 150 x 75 mm and 3 references in the dimensions 800 x 650 mm	550Euro incl. test report
BS 5852 Section 3 Flaming ignition sources Crib V	2 foam pattern with dimensions of 450 mm x 450 mm x 75 mm and 450 mm x 300 mm x 75 mm and 2 covers in dimensions 1100 mm x 650 mm	550 Euro incl. test report
BS 5852 Section 3 Flaming ignition sources Crib VII	2 each foam pattern with dimensions of 450 mm x 450 mm x 75 mm and 450 mm x 300 mm x 75 mm and 2 covers in dimensions 1100 mm x 650 mm	550 Euro incl. test report
BS 5852 Section 5 Ignitability of complete items of furniture, enhancing ignition sources ignition sources 0 Crib VII	At least 4 complete seats	From 1400 Euro incl. report

Annex 2 – data subject to copyright¹¹



World Furniture Indicators

Ireland

Table 45

The furniture sector. Million of US\$											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Ranking**
Production	494	483	433	440	439	382	385	382	397	388	67
Exports	83	90	84	104	113	131	136	130	131	126	54
Imports	372	345	327	366	429	435	425	468	547	562	39
Consumption*	783	738	675	703	755	687	675	719	813	824	50

* Apparent consumption = Production – Exports + Imports

** Ranking among 100 countries, last available year

Sources: CSIL, Eurostat, Central Statistics Office

Economic indicators

	Value	Ranking**
Population	Million	5
Area	Thousand Square Km	70
Tot GNP	US\$ Billion	298
Per capita GNP	US\$	61,210
Household Consumption Expenditure	US\$ Billion	119
Data at Purchasing Power Parity (PPP)		
Tot GNP at PPP	US\$ Billion	331
Per capita GNP at PPP	US\$	68,060

Source: World Bank, last available year

** Ranking among 100 countries, last available year

Real growth of furniture consumption. Forecasts

2020	2021
-14%	2%

Source: CSIL

Exchange rates

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
EUR per US\$	0.75	0.72	0.78	0.75	0.75	0.90	0.90	0.88	0.85	0.89

Source: US Federal Reserve

Main furniture trading partners

Origin of furniture imports			Destination of furniture exports		
United Kingdom	44.9%		United Kingdom	70.7%	
China	22.9%		Sweden	3.4%	
Germany	4.8%		France	3.4%	
Italy	4.7%		Netherlands	2.6%	
Vietnam	4.5%		Spain	2.3%	
Poland	3.9%		United States	2.3%	
Denmark	2.1%		Germany	2.1%	
Netherlands	1.8%		Namibia	1.9%	
Malaysia	1.4%		Denmark	1.3%	
Spain	1.4%		Belgium	1.1%	

Source: CSIL. Data are for the last available year

¹¹ Source of pictures on this page and the next: CSIL World Furniture Outlook 2020/2021

World Furniture Indicators

United Kingdom

Table 95

The furniture sector. Million of US\$											
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Ranking**
Production	7,427	8,254	8,228	8,249	9,332	8,653	7,981	7,868	8,426	8,220	11
Exports	1,091	1,297	1,244	1,243	1,343	1,289	1,300	1,391	1,503	1,501	22
Imports	6,566	6,515	6,648	6,703	7,127	7,232	7,089	7,558	7,616	7,682	4
Consumption*	12,903	13,473	13,632	13,709	15,117	14,596	13,770	14,035	14,538	14,401	6

* Apparent consumption = Production - Exports + Imports

** Ranking among 100 countries, last available year

Sources: CSIL, Eurostat

Economic indicators			
		Value	Ranking**
Population	Milion	66	21
Area	Thousand Square Km	244	50
Tot GNP	US\$ Billion	2,777	5
Per capita GNP	US\$	41,790	18
Household Consumption Expenditure	US\$ Billion	1,871	5
Data at Purchasing Power Parity (PPP)			
Tot GNP at PPP	US\$ Billion	3,073	8
Per capita GNP at PPP	US\$	46,240	23

Source: World Bank, last available year

** Ranking among 100 countries, last available year

Real growth of furniture consumption. Forecasts		
	2020	2021
	-19%	3%

Source: CSIL

Exchange rates										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
GBP per US\$	0.65	0.62	0.63	0.64	0.61	0.65	0.74	0.78	0.75	0.78
GBP per EUR	0.86	0.87	0.81	0.85	0.81	0.73	0.82	0.88	0.88	0.88

Source: US Federal Reserve

Main furniture trading partners					
Origin of furniture imports			Destination of furniture exports		
China		35.7%	Ireland		20.3%
Italy		9.7%	United States		15.0%
Poland		9.3%	Germany		10.3%
Germany		8.2%	France		8.9%
Vietnam		5.3%	Netherlands		4.3%
United States		3.1%	Italy		2.3%
Malaysia		2.1%	Slovakia		2.2%
Lithuania		1.9%	Spain		2.1%
France		1.8%	Un. Arab Emir.		2.0%
Spain		1.4%	Switzerland		1.8%

Source: CSIL. Data are for the last available year