

From: EFIC, European Furniture Industries Confederation

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Object: EFIC Press Release on the EC initiative: Analysis of the interface between chemicals, products and waste legislation and identification of policy options – Roadmap and public consultation

The European Furniture Industries' reply to the Interface Consultation

The EU Commission opened a public consultation addressing the Interface between chemical, product and waste legislation, as part of the implementation of the circular economy package. EFIC underlines the importance of this consultation and highlights some key messages. The EU Commission announced in 2017 its intention to analyze and prepare policy options to address the Interface between chemical, product and waste legislation. In January 2018, the Commission published the results of its work in this area in the form of a Communication and accompanying Staff Working Document to the Interface. Between July and October 2018, a questionnaire was also circulated among stakeholders in view of the public consultation. EFIC replied to the opened consultation with the following messages.

EFIC – the European Furniture Industries Confederation – acknowledges that limited information is available as for the presence of substances of concern in articles waste streams and recycled materials which affects the ability to monitor compliance of recovered materials (and articles produced therefrom). EFIC believes that such lack of information hinders the assessment of whether these materials are safe and fit for their envisaged use, which also increases business risks for recyclers.

What is a Substance of Concern (SoC)? EFIC agrees on the fact that REACH candidate list substances should fall under the definition of “substances of concern”. A wider range of substances could be supported, but only at the condition that **legal clarity** is provided, on which information should be monitored. Other conditions are: the defining process must be based on **clear criteria** and the legal process must be defined and **harmonized** all over Europe.

What is the best strategy to deal with SoC? EFIC believes that **the use of substances of concern in products should be reduced to the minimum level in the first place.** To

this extent, REACH should continue its work on the restriction of substances at the EU and horizontal level. In addition to that, EFIC is convinced that **harmonization of requirements at the product level** could support this goal. The use of **flame retardants in furniture**, for instance, is driven by flammability standards that are not harmonized across the EU. Setting an EU harmonized approach – at a level that does not require flame retardants use – would support the elimination of such substances from furniture products. Rules on SoC, in EFIC's views, should be introduced by mandatory horizontal or product-related legislation and not via voluntary certification schemes, such as the EU Ecolabel.

How to improve information on SoC? EFIC believes that positive effects might be expected from a **compulsory information system on SoC** – as investigated by the European Commission – provided that the right conditions are set. Key conditions for this system to be useful and effective include: **legal clarity**, both in terms of which obligations are imposed and who the duty owners are; a **clear scheme with clear and easy rules** correctly spread along the supply chain; most companies in the furniture industry being SMEs (85% micro enterprises and another 12% small), **obligations should not be disproportionate** and reporting obligations and databases must not be duplicated and/or multiplied to the extent of hindering the activities of SMEs. In this regard, it is essential to reflect first on which information are needed by recyclers and end-of-life operators **prior to impose huge burdens on manufacturers.**

To whom rules on SoC should apply? EFIC strongly believes that **rules on substances of concern should apply horizontally** to all goods, both produced and imported, so that **EU-produced and imported products are subject to the same rules. There should be neither lower demands nor lower obligations towards goods imported to the Union.** A level playing field in the EU market among producing and importing companies is vital. Towards this, the enhanced enforcement of existing legislation to prevent the entry of non-compliant products into the EU is necessary, not only to protect human health and the environment, but also to contribute to the availability of high quality material for recycling. Furthermore, EFIC believes that **the use of secondary raw materials should not lower the level of consumers' protection.** In this sense, the **same rules and/or standards must apply at the product level independently from the virgin or recycled content.** This is particularly relevant for products where contact with consumers is direct, such as furniture. In the case of wood-based panels, for example, the materials resulting from mechanical recycling like recycled wood are not to be considered products. The wood-based panel is the product, and for all panels the same rules must apply.



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