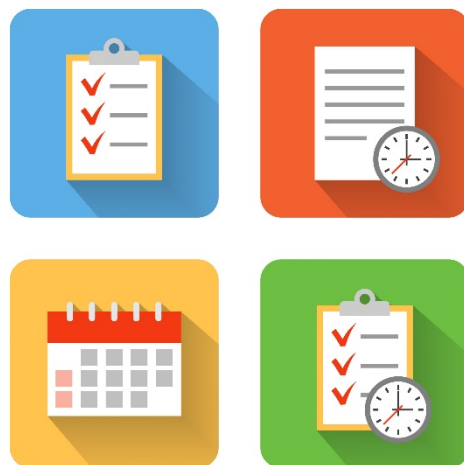


ERFMI TC Meeting

21.10.2021

Agenda



<i>Topic</i>	<i>Time</i>	<i>Responsible</i>
Welcome and Opening	09:30	J. Gardner
Competition Law	09:35	J. Zimmermann
Approval of the minutes of the meeting of 8 th July 2021	09:40	All
Matters Arising	09:45	All
Update on specific topics: <ul style="list-style-type: none"> • Standardisation: <ul style="list-style-type: none"> ○ General update ○ Update on WG 10 work on Definition of recycling ○ Product passport ○ Discussion Liaisons • CPR revision • REACH: <ul style="list-style-type: none"> ○ Draft Restriction Roadmap ○ Lead restriction update • AVCP for resistance to fire -update • UKCA marking • Circular economy projects – update and next steps • Update CISUFLO • Update MIRA project 	09:50	J. Gardner/ J.Zimmermann/All
Project Westküste 100	10.30	T. Hohberg
Date of next meeting and close	10:55	All

Do's and don'ts for a Competition Safe Environment - 2

Don'ts

Do not, in fact or appearance, discuss or exchange information not in conformity with competition law, including for example on:

Prices, including:

- ☒ Individual company/industry prices, price changes, price differentials, discounts, allowances, credit terms, etc.;
- ☒ Individual company data on costs, production, capacity (other than nameplates capacities), inventories, sales, etc.

Production, including:

- ☒ Plan of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers;
- ☒ Changes in industry production, capacity (other than nameplates capacities) or inventories etc.

Transportation rates:

- ☒ Rates or rate policies for individual shipments, including basing point systems, zone prices, freight, etc.

Market procedures, including:

- ☒ Company bids on contracts for particular products; company procedures for responding to bid invitations;
- ☒ Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms toward them, etc.;
- ☒ Blacklist or boycott customers or suppliers

Do's and don'ts for a Competition Safe Environment - 1

Do's

Ensure strict performance in the areas of:

Oversight/supervision

- ☑ Have a Secretariat representative at each meeting;
- ☑ Consult with appropriate counsel on all questions related to competition law;
- ☑ Limit meeting discussions to agenda topics;
- ☑ Provide each attendee with a copy of a checklist and have a copy available for reference at all meetings.

Recordkeeping

- ☑ Have an agenda and minutes which accurately reflect the matters that occur;
- ☑ Ensure the review of agendas, minutes and other important documents by appropriate staff or counsel, in advance of distribution;
- ☑ Fully describe the purposes, structures and authorities of the groups.

Vigilance

- ☑ Protest any discussion or meeting activities which appear to violate this checklist;
- ☑ Ask for those activities to be stopped so that appropriate legal check can be made by counsel;
- ☑ Disassociate yourself from any such discussion or activities and for the attendees, leave any meeting in which they continue (and have it minuted).

Update Standardisation

Standardisation – CEN TC134 WG7

- Revision of EN 12104:2018 Resilient floor coverings - Cork floor tiles – Specification. Project leader: Ms Graça Rocha
- Amendment of (EN) ISO 26986:2010 Resilient floor coverings - Expanded (cushioned) poly(vinyl chloride) floor covering – Specification under Vienna Agreement, CEN lead. - [underway](#)
- Request to ISO TC219: CEN TC134 decides to request to ISO TC219 to open a new work item for either an amendment or a corrigendum (depending on what is possible) of ISO 11638:2020 Heterogeneous poly(vinyl chloride) flooring on foam – Specification, to correct a mistake in Table 3 – [Corrigendum complete](#)
- Revise EN 651 by introducing ISO 11638:2020 Heterogeneous poly(vinyl chloride) flooring on foam – Specification as EN ISO standard; EN 651 will then be withdrawn. [underway](#)

CEN TC 134 WG10

- Circular Economy standards:
- Terms and Definitions – Send to CEN enquiry stage by end of October
- Guidelines for design for circular economy – plan to publish as a Technical report
- Product Passport – underway for discussion at the WG 10 meeting in December
- Drafted guidance document on use of EN 14041:2018

CEN TC WG 11

- Skip the WD draft ballot and forward the revised draft of prEN 16511 “Modular mechanical locked floor coverings (MMF) — Specification, requirements and test method for multilayer modular panels for floating installation” to the CEN ENQ

Update from Slip CEN TC 339 - Slip

- EN 16165 Determination of slip resistance of pedestrian surfaces - Methods of evaluation has been approved

Discussion – Information - standards outside TC 134 impacting flooring

- Report summarising all the standards relevant to flooring?
- Timeframe?
- What type of standards need to be listed?



Update REACH

TiO₂ Classification

- ❑ The [classification](#) of titanium dioxide (TiO₂) as a suspected carcinogen (cat. 2) by inhalation in certain powder forms was [published](#) **on 18 February** in the EU Official Journal as an amendment to the EU Regulation on classification, labelling and packaging (CLP) of substances and mixtures.
- ❑ The classification will apply on [1 October 2021](#) after an 18 months transition period.

Note 10:

The classification as a carcinogen by inhalation applies only to mixtures in powder form containing 1% or more of titanium dioxide which is in the form of or incorporated in particles with aerodynamic diameter $\leq 10 \mu\text{m}$ "

Important Note: CLP only applies to substances and mixtures and **not to articles** and therefore articles such as plastic pipe or PVC window frame that may contain more than 1% wt. of TiO_2 powder containing 1% or more of particles with aerodynamic diameter $\leq 10 \mu\text{m}$ do not require classification and labelling.

Labelling Requirements

	Code	Label on packaging
Solid mixtures containing 1 % or more of titanium dioxide	EUH212	Warning! Hazardous respirable dust may be formed when used. Do not breathe dust.
Liquid and solid mixtures not intended for the general public and not classified as hazardous which are labelled with EUH211 or EUH212	EUH210	Safety data sheet available on request.

Guidance Document available

- ❑ The Commission also emphasized that enforcement and **standardized methods/guidance** are a priority for Member States,
- ❑ Compiled guidance which is available on the ECHA HelpNet site [here](#)

Lead

Background

- ❑ In February 2020, EU Parliament voted against the Commission proposal to establish:
- ❑ Higher lead content limits for articles containing rigid and flexible PVC recyclate
- ❑ 2 % by weight for rigid PVC and 1 % by weight for flexible PVC .

New EU Commission proposal regarding lead restriction

- ❑ Flexible PVC: no derogation for recycled flexible PVC containing lead stabilizers and/or lead pigments.
- ❑ Rigid PVC: the maximum allowed lead concentration shall be at 1.5% (down from the initially proposed 2%) for a maximum of 10 years (down from the initial 15 years). After that period, the allowed lead content in recycled rigid PVC shall become the same as for new PVC. The review period will be set to 5 years
- ❑ Closed loop recycling: PVC recyclate coming from window waste can only be reused to produce new windows, and no other articles.
- ❑ Labelling of articles containing recycled PVC, indicating that they may contain lead.

EU Sustainable Chemical Strategy – Draft Restriction Roadmap

Aim:

- Show which restrictions are planned, prepared, and progressed
- Provide transparency to stakeholders on the restriction work by authorities and allow companies to prepare for upcoming restrictions, e.g., by initiating substitution activities.
- Draft contents with regard to PVC:
 - Draft mentions that the scope of the lead in PVC restriction could be extended to cover “**other substances used in PVC in addition to PVC as such**”.

DEHP

- October 2021- Commission won an appeal case over its decision to grant authorisation to recyclers for PVC containing DEHP (VinylLoop(now closed); Stena Recycling)
- However DEHP still allowed only in certain uses and on list for authorisation
- Not to be used in a concentration equal to or greater than 0,1 % by weight of the plasticised material, in toys and childcare articles.
- Exemptions: Medical devices, industrial or agricultural use, products for use exclusively in the open air provided that no plasticised material comes into contact with human mucous membrane or prolonged contact with human skin



Update on specific topics

CPR

- ❑ Timeline:
- ❑ Legislative proposal which was due by the end of the year – 4th Quarter has now been postponed to after the results of the Sustainable Product Initiative (SPI) - Q1-2022
- ❑ CPR Acquis
- ❑ Then the whole revision takes between 2 and 5 years

CPR Acquis

- ❑ EC has drawn up some products to be prioritized for work to include in OJEU
- ❑ Currently working on precast concrete and structural metallic products
- ❑ Flooring No. 13 on list of priorities
- ❑ Likelihood of EN 14041:2018 being published in OJEU in the next 2 years is slim
- ❑ EUFCA / CEN TC 134 drafted explanatory note on the topic which I now progressing through CEN System as a new work item for a technical report

CEN TC 134 explanatory note on EN 14041:2018

- ❑ Progressing through CEN system as vote for new work item for a technical report
- ❑ Rationale:
 - ❑ EN 14041:2018 was not accepted for referencing in the OJEU, causing difficulties for stakeholders which have to use **a technically outdated standard** developed under an expired legislation for bringing their products on the market under the current legislation.
- ❑ guidance document explains:
 1. how to apply EN 14041:2004/AC2006 to CEN TC134 products under the current legislation and
 2. how to find the current reference material, which is not provided in EN 14041:2004/AC2006.

Delegated act AVCP reaction to fire and continuous glowing combustion

- At the recent Advisory Group for the Standing Committee for Construction, the EC made available two new versions of draft Delegated acts related to fire issues:

1) Delegated act on the classification of resistance to fire performance of construction products

The document was developed by EC in collaboration with CEN/TC 127 WG7 convenor. Member States representatives are expected to assess the draft and check consistency with the national regulations before official adoption because at a later stage (scrutiny in the Council and European Parliament) changes will not be possible.

2) Delegated act, AVCP reaction to fire and continuous glowing combustion / smouldering behaviour

ERFMI proposed the following

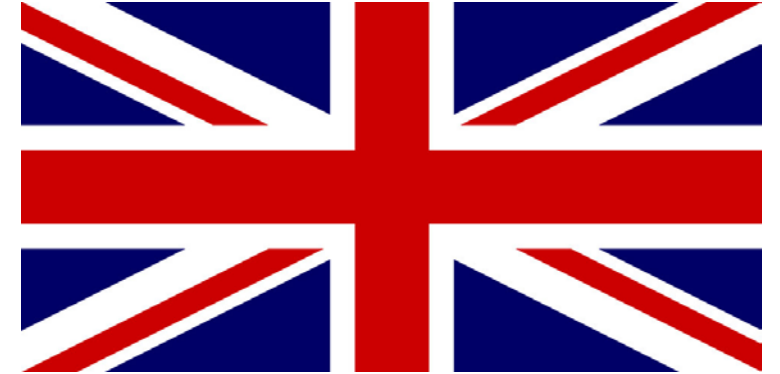
- ❑ ERFMI proposes the following amendment to the sentence under AVCP 1 in Table 1: *Products for which a clearly identifiable stage in the production process results in an improvement of their reaction to fire performance (e.g. an addition of fire retardants or a limiting of organic material **to intentionally improve fire performance**), and/or in an improvement of their continuous glowing combustion performance*
- ❑ Alternatively, an explanatory memorandum would help to clarify this point and avoid the products being wrongly classified under the AVCP system classes.

Outcome

- ❑ ERFMI feedback to DG Grow sent to Tapani Mikkeli, Head of Sector Sustainable Construction and Eva Kukovec, Legal officer
- ❑ Feedback:
- ❑ no progress on the Delegated Act has yet been made.
- ❑ Mr Mikkeli has retired

National issues

UK Brexit



- ❑ Extension to deadline means that CE marked goods can continue being placed on the Great British market until **1 January 2023**. The UK government has announced that this will be the final date and there will be no further amendments.
- ❑ Labs that have agreements regarding mutual recognition of certificates.
- ❑ CRETS, OETI, TFI, TÜV Rheinland Nederland and EPH, have a contract with SATRA in the UK that EU certificates are recognised for a small fee.
- ❑ There is no solution yet for the recognition of UK certificates in the EU. .
- ❑ A full list of UK Certified bodies can be found [here](#).
- ❑ Link to UK government website provides useful information on the technical documents that are required.
<https://www.gov.uk/guidance/using-the-ukca-marking#technical-documentation>
- ❑ Useful UKCPA [webinar](#)

France



EPR

- ☐ Producer responsibility organizations (PROs) need 2 texts to put in force the EPR
- ☐ The parameter decree (type of products, distance between 2 collection points, level of the organisation taken in charge (transport from the construction site, treatment ...))
- ☐ The requirement specification decree recycling objectives etc
- ☐ These 2 texts are not published yet. **It is impossible for PROs to propose a complete answer to the EPR without these documents.**
- ☐ Timeline: Expect accreditation of PRO at the end of the first quarter 2022 ...

First steps

- 4 PROs are willing to take part in this EPR :
 - Valobat : created by 26 companies in July 2021 (www.valobat.fr)
 - Valdelia : PRO specialized in professional furniture EPR
 - Ecomobilier : PRO specialized in domestic furniture
 - Ecominero : PRO for inert waste
- PRO in process of presenting their vision and solution to the potential future members and starting the discussion with waste management companies and local authorities

Main issues for manufacturers

- PROs are not able to propose their eco-contribution scale to the manufacturers or future members.
- Manufacturers do not know the line represented by the EPR in their 2022 budget.
- PROs have not been able to explain how they will work, especially with the existing schemes, because they have not had time to organize the schemes and because they don't have the 2 texts
- In December Kalei will organise a presentation by the 3 PROs that could potentially become accredited in our sector in order to inform their members

Summary of circular economy projects

Circular flooring	Research into recycling/extraction technologies	Research into sorting technologies	Collection	CiSuFlo- Circular Sustainable Floorcoverings
<ul style="list-style-type: none">• Project underway• First tests of material done,• Delay in pilot plant until June 2022 due to sourcing of equipment	<ul style="list-style-type: none">• Study completed 2020• Trials 2021:• Supercritical CO₂<ul style="list-style-type: none">• Microwave• Ultrasound• Thermal desorption	<ul style="list-style-type: none">• Desk based research 2020• Trials 2021<ul style="list-style-type: none">• Near Infrared• Mid Infrared	<ul style="list-style-type: none">• Plans to set up trials in Germany and Netherlands• To be discussed in adhoc groups	<ul style="list-style-type: none">• Project underway – circular sustainable floorcoverings• Chance for ERFMI members to get involved via focus groups

ERFMI will seek legal clarification on use of IP and findings of these projects

Project Westküste 100

Thomas Hohberg

Date of next meeting

In person meeting March/April to be agreed via Doodle Poll

There will be a dinner the evening before the meeting