EFIC

European Furniture Industries Confederation

European Furniture Industries Confederation response to the

Commission public consultation on the Single Market Strategy 2025

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1. BACKGROUND

The European Furniture Industries Confederation (EFIC) welcomes the opportunity to provide comments to the ongoing public consultation on the Single Market Strategy for 2025. We are a creative, versatile and dynamic sector, composed mainly by SMEs and microenterprises. Our industry is part of a complex value chain, with a broad range of designs, products and materials.

We welcomed the two reports published last year by Mr Enrico Letta and Mr Mario Draghi presenting their vision for defending, strengthening and unlocking the full potential of the single market and increased competitiveness of the EU. As highlighted by the reports, fragmentation among EU Member States in industrial policies, financing instruments and regulatory burdens impedes the EU's collective effectiveness. In addition, the EU's complex decision-making processes and disjointed efforts between national and EU level policies limit the ability to respond effectively to global challenges.

We believe that harmonised rules are crucial at EU level to avoid the fragmentation of the Single Market and administrative burden, in particular on SMEs. The EU's prosperity is based on an internally competitive, well-functioning and resilient Single Market. Thus, a single market approach is essential to make Europe a competitive place for growth and investments. Considering key upcoming legislation such as the delegated act for furniture under the Ecodesign for Sustainable Products Regulation (ESPR), harmonisation of rules at EU level is ever more crucial for our industry.

Our recommendations can be summarized in the following chapters, detailed in the following pages:

1. **Ensure harmonisation of EU legislation for a functioning single market, with standardisation as its backbone, as well as increased mutual recognition**
2. **Reduce administrative burden, avoiding duplication of efforts and reporting, ensure uniform implementation of existing legislation on the ground and ensure feasible implementation of future legislation before it is adopted**
3. **Ensure a level-playing field and increased market surveillance for a functioning Single Market**
4. **Ensure harmonised circular economy rules and definitions at EU level**
5. **Ensure access to a skilled workforce via cross-border cooperation in the Single Market**

2. OUR RECOMMENDATIONS

> ### 1. Ensure harmonisation of EU legislation for a functioning single market, with standardisation as its backbone, as well as increased mutual recognition

Harmonised legislation at EU level is crucial. Standards are key for a functioning Single Market, for a competitive European industry and for enhanced innovation in Europe and should be the backbone of EU rules.

Differing national rules and requirements, standards, certification schemes or labelling requirements risk bringing additional costs and administrative burden for companies, as well as uncertainty. They may even be contradictory to the purposes and ambitions of EU legislation. Businesses still face challenges in selling products legally marketed in one EU Member State in another, due to the need to comply with the latter's national requirements. Mutual recognition is not fully working and often, companies need to adapt products to national demands by changing product requirements, labelling and/or performing additional testing to prove compliance. As a result, many companies opt for not trading their products in specific countries as compliance would be too costly or burdensome, especially for SMEs.

Recommendations:

- **Addressing national legislation or proposals for legislation that may preempt EU legislation or be contradictory to EU's objectives (**examples: differing Member State rules on packaging waste sorting, differing furniture flammability requirements, and the increasing demand for environmental information).

- **Ensuring a uniform application of the Mutual Recognition principle, including audits and controls by market surveillance authorities.** The mutual recognition clause is often ineffective in practice and existing remedies such as TRIS, SOLVIT, or formal complaints tend to be too slow or inefficient.

- **Strengthening early warning systems such as the TRIS procedure, as well as timely and effective sanctioning of infringements of internal market rules and the TRIS Directive requirements.**

  - While mechanisms such as the TRIS procedure in EU law are designed to prevent trade barriers, our experience shows a need to enhance the speed, effectiveness, and transparency of this process, particularly when Member States fail to take corrective actions. For instance, preventive measures could be introduced to halt the application of national laws that distort industry practices or raise concerns about possible infringements of EU rules.

o Currently, even if the European Commission initiates an infringement procedure, the contested regulation can still be enforced by the national authority. As these procedures can last for years, companies must comply with the national law in the meantime, leading to costly adaptations and investments. Even if the Court of Justice eventually rules against the regulation, the negative business impacts and wasted resources have already occurred. Additionally, we often find that technical requirements are not always notified under TRIS by Member States, adding to business uncertainty and contributing to fragmentation within the EU Single Market.

- **Progressively converting Directives into Regulations.** As highlighted in the Letta report[1], EU Institutions should unequivocally prioritise the use of Regulations in the formulation of Single Market binding rules.

- **Strengthening the EU better Regulation agenda to avoid that EU proposals lead to the fragmentation of the single market as well as ensuring coherence and no duplication between EU pieces of legislation.**

- **Considering standardization as the backbone of harmonised EU legislation (such as standards developed in CEN TC 207).** In this context, standardisation processes should also be supported and strengthened by removing existing bottlenecks and barriers to the system and by ensuring consultation with standardisation bodies and industry concerned.

- **Developing harmonised systems for verification of compliance based on EU and international standards.**

- **Addressing decisions at national level that may be in conflict with EU and ISO rules for conformity assessment.** When obsolete or invalid norms are presented and defined as standards, these technical and formal errors can lead to unclarity as to which standards are applicable at a certain point in time and to legal uncertainty for manufacturers, market surveillance authorities and consumers.

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2. Reduce administrative burden, avoiding duplication of efforts and reporting, ensure uniform implementation of existing legislation on the ground and ensure feasible implementation of future legislation before it is adopted

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The furniture industry is predominantly composed by SMEs and microenterprises, often family-owned. Some companies produce customised furniture, are project based or produce in small quantities. In this context, it is important to reduce administrative burden to allow companies to focus on innovation, new product development and new business models uptake. Equally important is to ensure that legislation can be effectively implemented on the ground.

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1 "Much more than a market", Enrico Letta, 2024. The report is available here.

Recommendations:

- **Reduce regulatory hurdles, administrative burden and costs and reporting obligations for companies:**

  o **Example 1: avoid the duplication of tests, as some Member States do not accept certificates from other conformity assessment bodies[2].**

    ▪ For instance, it can be difficult for our industry to work with the customs authorities in some EU countries. In Spain, if a chair looks like an office chair, even if it is not for the office market, documentation is required that it fulfils EN 1335 parts 1 and 2. There are lots of chairs on the market both for children and adults, which are not for office but for domestic use. They are not intended for office work and shall, therefore, not fulfil the EN 1335, but EN 12520. When problems arise outside the harmonized standards area, it is extremely difficult if not impossible to do anything.

    ▪ Another example is the GS trademark (in Germany), that checks the fulfilment of requirements defined mainly in the European EN standards on product safety, but it is not limited to it. The brand also provides for several additional requirements, introduced exclusively by German national documents. This requires a separate test laboratory accreditation, which in its details is exactly as an ILAB accreditation, but everything must be in German language, and it requires a separate annual audit by ZLS in München. This process doubles the costs for companies.

  o **Example 2: unharmonized requirements for furniture flammability in the EU** lead to increased costs, administrative burden and the creation of additional production lines in companies (see point 4 on circular economy).

  o **Example 3: France's Anti-waste for a Circular Economy (AGEC) law** has introduced many mandatory environmental product information requirements, including recycled content, recyclability, and textile traceability. If other Member States follow this example, we could end up with up to 27 different ways of defining sustainability attributes, resulting in substantial administrative burdens to ensure compliance, and a confusing message to customers, who may receive different information about the same product in various EU markets.

  o **Example 4: EU design legislation has led to a low uptake of design protection by SMEs, due to the fragmentation of the system,** with procedures that are complex and costly, many times subject to national validation.

- o **Example 5: Under the EU Deforestation Regulation, furniture companies are expected to track a large amount of reference numbers** from due diligence statements uploaded by supply chain partners in the Information System.

- o **Example 6: Under Extended Producer Responsibility schemes,** currently multiple registrations and payment of fees is applicable. In addition, there is a multitude of requirements on reporting and periodicity, leading to administrative burden (see point 4 on circular economy).

- o **Example 7: The current definition of 'waste' leads to regulatory barriers to waste ownership which results in expenses or restrictions for its transport or storage** (see point 4 on circular economy).

- o **Example 8: Today the definition of recycling in the WFD is ambiguous and leaves room for interpretation at Member States level, impeding material recovery in the EU** (see point 4 on circular economy).

- o **Example 9: New reporting requirements arising in product legislations and especially in the Ecodesign for Sustainable Product legislation (ESPR)** including e.g. the Digital Product Passport, where the proposed definition of "Substances of Concern" (SoC) may cover a large list of substances (larger than SVHCs under REACH or SIN list). The experience of furniture companies with the SCIP database, for example, shows the magnitude of the costs, and an unclear actual use of the information. Moreover, to truly support the circular economy, restrictions of problematic chemicals should come before traceability rules.

- o **Example 10: EU Ecolabel**: long administration steps to obtain the label and high fees for SMEs, which has led to a low uptake of the label in the industry.

- **Ensure uniform implementation of EU legislation in the Single market and by market surveillance authorities**

  - o **Example 1: under the Machinery Directive, market surveillance authorities interpreted in differing ways whether electrically operated furniture falls under the Directive.** The future guide under the Machinery Regulation should address this issue for uniform understanding.

- **Carry out impact assessments to ensure alignment between EU legislation implementation and realities on the ground, to ensure a timely and effective implementation in practice.**

  - o **Example: the EU Deforestation Regulation, which needed to be postponed** as it could not be implemented for various reasons by the initially proposed deadline.

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3. Ensure a level-playing field and increased market surveillance for a functioning Single Market

Better, more coordinated, harmonised, and more frequent enforcement is crucial to ensure the competitiveness of the EU manufacturing industry and protect consumers. Inconsistent enforcement across Member States endangers the EU Single Market, causes unfair competition and gives a way for unsafe, non-compliant and poorly sustainable products that do not respect the European standards. Enforcement efforts often prioritise procedural requirements instead of evaluating the technical performance and safety of products. All this opens the way for unsafe products, increases administrative burdens for both manufacturers and market surveillance authorities and stalls the rollout of innovative technologies, essential for more sustainable products and economic recovery.

In addition, given the growing use of online marketplaces, an ever-increasing number of non-compliant products are entering the EU market through these platforms. These products span various policy areas, including product safety, sustainability, intellectual property rights (IPR), or the participation in extended producer responsibility schemes (EPR schemes). Insufficient responsibilities for online marketplaces and the ineffective enforcement of existing EU requirements harm the environment, consumers, the competitiveness of European businesses, the functioning of the internal market, and the credibility and impact of EU legislation, as for example in the Green Deal and traditional product and chemical legislation.

With legislation such as the Ecodesign for Sustainable Products Regulation (ESPR), a number of new actors will appear on the market who will modify existing products in certain ways. The furniture industry is also already facing strong competition from third countries. It will be thus important that imported products (also via online marketplaces) will abide by the same rules as EU products to ensure a level playing field.

Recommendations (see also point 1 above on mutual recognition)**:**

- **Increase market surveillance and enforcement of EU rules, including for imported products (also imported via online channels) and that all products placed on the EU market must meet equivalent requirements regardless of their origin or whether they are new, upgraded or remanufactured.**

- **Upgrade market surveillance authorities resources and funding for carrying out market surveillance activities.**

- **Introduce equal obligations for online marketplaces, notably by recognizing them as economic operators**.

4. Ensure harmonised circular economy rules and definitions at EU level

The European furniture industry welcomes circular economy ambitions and is ready to contribute to making sustainable products the norm in the EU. Furniture is generally well suited for a circular economy. Furniture products can be designed for longevity and one of the most prominent raw materials for the industry is wood, which is renewable. For a functioning Single Market, we stress the need for harmonised EU circular economy rules, considering existing standards and ongoing standardisation work when developing upcoming legislation. A better connection of the EU single market and environmental agendas is needed, as economic growth and sustainability are interconnected.

a) Ecodesign for Sustainable Products Regulation (ESPR)

The recently adopted ESPR allows setting ecodesign requirements for products, including for furniture and mattresses, which are prioritised for first action. The setting of ecodesign performance and information requirements for furniture via the future delegated act must be appropriate and truly support a sustainable development and product lifetime extension.

Recommendations

- **Member States should not be allowed to set additional mandatory requirements** going beyond the ESPR or impede circulation of goods for non-compliance with national legislation.

- **When developing ecodesign rules for furniture, we recommend considering the ongoing work in CEN TC 207 (Furniture) and its WG 10 on Furniture Circularity, which are developing standards for aspects under the ESPR. This would ensure a harmonised approach across the EU.** A standard on disassembly and reassembly (EN 17902) has already been published. It will be followed by further and more far-reaching initiatives such as – to start with - standards for repairability, durability, remanufacturing and refurbishment, aimed at supporting a circular approach in the furniture industry, as well as evaluation methodologies.

- **Develop harmonised methodologies for verification of compliance with EU legislation, based on EU & international standards** (tools to compare the environmental and climate performance of products, conduct lifecycle analysis, substantiate green claims…).

- **Set mandatory Green Public Procurement Criteria at EU level.**

- **Ensure harmonised data management systems and tools such as the digital product passport.**

b) Extended Producer Responsibility Schemes and Waste

In order to fully close the loop, a holistic approach on circular economy will be needed. In addition to ecodesign rules, other tools will be needed to allow access to secondary raw materials, such as EPR schemes.

France is the only EU country with an EPR scheme for furniture (at the time of writing this position), some countries are in the process of working on it (eg NL, BE, IT). Several countries have schemes in place for mattresses (FR, NL, BE). As Member State authorities gradually put in place plans for developing EPR schemes for furniture (and mattresses), it is paramount that such schemes are harmonised across the EU. A scattered approach to EPR rules creates uncertainties and inconsistencies, undermining efforts for incentivizing better, circular, practices, and creates barriers to the single market in EU. Hence, harmonised EPR schemes should be put in place.

Recommendations

- **When developing EU rules under the Waste Framework Directive, ensure that requirements can be replicated in all Member States (MS)** efficiently and equally. To support compliance, obligations must be put in place for online platforms.

- **When EPR schemes are developed at national level** for a certain product group, **they must be established based on harmonised rules at EU level** (the Waste Framework Directive).

- **Ensure:**

  o a) a harmonised scope of products based on the CN code and a common definition of producers;

  o b) that registration requirements are harmonised and that a centralised registration is created via a Union-wide register, to avoid multiple registrations and double payment of fees;

  o c) harmonised reporting obligations and consistent measurement indicators (what to report and how often), as today for products subject to EPR schemes, there is a multitude of requirements on reporting and periodicity, leading to administrative burden

  o d) harmonised fee modulation across Member States.

- **Consider the work of CEN TC 473 – Circular Economy, WG 3 that is in the early stages of developing a Technical Specification for Extended Producer Responsibility** and potentially a guiding document for Producer Responsibility Organizations that will help create more harmonisation.

- **Ensure harmonisation of sorting rules at EU level (including labelling)** via the Packaging and Packaging Waste Regulation and the WFD.

- **Ensure coherence with parallel legislative initiatives,** such as PPWR, Waste Shipment Regulation, Ecodesign for Sustainable Product Regulation, Renewable Energy Directive**.**

- **Revise uniformly the definition of waste**. **This would remove regulatory barriers to waste ownership due to the current definition - which results in expenses or restrictions for its transport or storage – and would in turn enable more repair or refurbishing and a higher uptake of secondary raw materials.** This would also lead to more commercial actors to make use of what is today called waste but which is actually a resource. A new status for used products that travel back to the original producer or reuse/repair/refurbish facilities should be created in order to avoid the status of traditional waste manager for companies that are willing to invest in prolonging the life of products.

- **Harmonise the definition of recycling as material recovery and prioritise of material recovery in the EU: Today the definition of recycling in the WFD is ambiguous and leaves room for interpretation at Member States level. There is potential to harmonise the definition and align it with the waste hierarchy. Harmonisation would allow for more comparable monitoring across the EU.** It is very important to harmonise also:

  o the detailed definitions of various types of reuse (reuse of products, reuse of materials from waste) and various types of recycling processes (mechanical/thermomechanical, physical, chemical).

  o the related «end of waste» rules and status in each case.

  o the related recognition of each case to calculate recycled content (as well as clear distinction for the recycled content between post-production and post-consumer waste).

- **Support investment in better waste treatment infrastructure:** it is essential to develop shared recycling capabilities across the EU for a functioning single market.

c) **Flammability requirements**

Furniture products are currently not subject to harmonized European legislation, and in the absence of European rules, certain European countries have been active in drafting country specific fire safety regulations and standards for upholstered furniture, bedding, mattresses etc. For instance, UK and Ireland have stringent flammability regulations in place for domestic furniture (based on open flame tests). They impose open flame tests, a permanent display and clearly visible label, as well as report keeping and information requirements. Large flame or Crib 5 ignition source lead to foam being treated with flame retardants, which are unwanted in the furniture industry.

Often manufacturers must have two production lines in their factories depending on the country of destination (requiring flame retardant use and not). Compliance with open flame tests is often requested in the public and contract market throughout Europe, including in many public tenders. In some situations, performance requirements are established either by law or by technical standards (for instance the EN 1021 standards have pass/fail criteria), in others they are decided on a case-by-case approach, based on specific considerations involving the whole building and other envisaged fire prevention measures. This second case may be prevailing.

EFIC advocates against the use of chemical flame retardants. Many flame retardants undermine the quality of furniture and have been shown to have many negative impacts from a health, environmental, labour, and competitiveness perspectives. A compilation of studies can be found on the website of the Alliance for Flame Retardant Free Furniture: https://www.safefurniture.eu/studies

How can flammability requirements be harmonised, ensuring a safe fire safety?

- **Harmonising flammability requirements at EU level and restricting the use of flame retardants, via the Ecodesign for Sustainable Products Regulation and upcoming product specific legislation for furniture.**

    o **Flame retardants use could be restricted** similarly to the ecodesign legislation on electronic displays, which banned halogenated flame retardants in these products.

    o To ensure a holistic approach and no contradictions, a **critical revision of national flammability requirements and standards will be needed in parallel**. We recommend Introducing EN 1021/1 as a reference standard for compliance with flammability requirements, whenever these are in place at national level.

    o There is also an opportunity for addressing the unwanted use of flame retardants with **potential mandatory green public procurement criteria under the ESPR** and future delegated act for furniture.

- **Harmonised regulatory measures under REACH targeting classes of substances.**

    d) **Substances of concern**

New reporting requirements arising in product legislations and especially in the Ecodesign for Sustainable Product legislation (ESPR) including e.g. the Digital Product Passport, where the proposed definition of "Substances of Concern" (SoC) may cover a large list of substances (larger than SVHCs under REACH or SIN list). The experience of furniture companies with the SCIP database, for example, shows the magnitude of the costs, and an unclear actual use of the information. Moreover, to truly support the circular economy, restrictions of problematic chemicals should come before traceability rules.

Moreover, assessing chemicals on a substance-by-substance approach is inefficient, leads to duplication of work and allows chemicals to be placed on the market although others from the same class may have been restricted.

Recommendations:

- **Take a cautious approach in expanding too much chemical reporting, always thinking first if the information is relevant and concretely used by the expected receiver, being costumers or recyclers.**

- **Harmonising the classification of hazardous substances, to avoid decisions taken at substance level.**

- **Assess chemicals in classes as opposed to a substance-by-substance approach.**

- **e) Packaging sorting instructions and labelling**

Many EU Member States come forward with diverging packaging labelling (for example sorting instructions for packaging waste) requirements bringing barriers and logistical and economical hurdles. This multitude of divergent national measures are disrupting the EU single market and undermining the transition towards greater circularity. For instance, in France, the French Triman Decree reinforced the use of the TRIMAN logo ('signalétique informant le consommateur que ce produit fait l'objet de règles de tri') for all products subject to Extended Producer responsibility including all packaged goods (with the exception of glass beverage containers). A mandatory TRIMAN sorting logo would create a unique marking for France (packaging and label, specifically and for the French market only), which would have the effect of restricting the free circulation of goods. In Spain, the Royal Decree 1055/2022 also represents an obstacle to the free circulation of goods, as it sets packaging marking obligations for products entering and circulating on the Spanish market.

The submission of a formal complaint for infringement of EU law to the European Commission can help holding Member States accountable. However, this is only an ex-post mechanism, which does not prevent the introduction of unilateral market barrier infringing the Single Market.

Furniture manufacturers should not be asked to affix on the product packaging several labels with sorting instructions depending on the country of destination, dividing the packaging according to national provisions, resulting in more manual work in the distribution centres, repackaging when there are mistakes and other inefficiencies.

Recommendations:

- **Introduce harmonised packaging sorting and labelling instructions in the EU**, in particular via the revised Packaging and Packaging Waste Regulation (PPWR).

- **Improve the free movement of goods in the Single Market by strengthening early warning systems such as the TRIS procedure,** as well as timely and effective sanctioning of infringements of internal market rules and the TRIS Directive requirements.

- **Consider national measures automatically inapplicable in the absence of a notification by Member States, in line with relevant case law and the principle of supremacy of EU law.**

5. Ensure access to a skilled workforce via cross-border cooperation in the Single Market

For our industry, it is also difficult to keep up with the upcoming and fast changes that the green transition and digitalisation (twin transition) are expected to bring. This is due to a lack of resources and financial capacities, in an industry mainly composed by SMEs. The European Furniture Industry is facing labour shortages, partly because of a lack of skilled workforce and partly from a mismatch between the competencies required by companies and those provided on the VET side. As a European Social Partner, EFIC is committed to taking a proactive role in finding solutions for common labour force challenges. We believe that this can be tackled through a collaborative approach, by involving all relevant actors.

Recommendations:

- **Promote and support Vocational Education Training considering differences in the Member States**

- **Increase mobility for apprenticeships via eg. Erasmus+ and cross border cooperation, operationalised by activities and relevant actors at all levels (EACEA, etc...)**

We provide more recommendations with other Social Partners in our joint paper "European Year of Skills – An impetus for high quality training, up to date curricula, an improved attractiveness of the woodworking and furniture sectors and a more ambitious Erasmus+ for apprentices".

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EFIC is the European Furniture Industries Confederation, representing over 70% of the total turnover of the European Furniture Industries, a sector employing 1 million people in about 120.000 enterprises across the EU and generating a turnover of over 100 billion Euros. The EFIC membership is composed of 18 national associations, one individual company member and several clusters. https://www.efic.eu/

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