

## Statutes for the Certification Trademark “DOWNAFRESH”

### Section 1 Trademark Proprietor, Certification Trademark, Goods

The Association of the European Bedfeather and Bedding Industries (EDFA), hereinafter referred to as the “Association”, is the proprietor of the Certification Trademark No. 017949847 “DOWNAFRESH” (word mark)

- hereinafter referred to as DOWNAFRESH trademark -,

which claims the following goods:

Class 20: Cushions, filled with feathers for bedding and/or down; upholstery.

Class 22: Feathers for bedding; Down feathers.

Class 24: Blankets; quilt bedding; Bedding made from down-proof fabrics and filled with feathers for bedding and/or down, including duvets and mattress toppers; Sleeping bags.

Class 25: Clothing, footwear, headgear.

- hereinafter referred to as DOWNAFRESH products -

### Section 2 Declaration

It is hereby confirmed that the Association does not maintain business operations involving the distribution of the DOWNAFRESH products.

### Section 3 Group of Holders of Rights of Use

The members of the Association and any licensees of the DOWNAFRESH trademark shall be entitled to use the DOWNAFRESH trademark to label the DOWNAFRESH products in accordance with the conditions for use according to Section 4 and for warranting the properties of the DOWNAFRESH products as stipulated in Section 4. Licensees may be natural persons or legal entities distributing the DOWNAFRESH products. With the admission of a member to the Association or the granting of a license of use to a licensee, an incoming inspection of the goods manufactured by the member/licensee is carried out in order to ensure that the requirements for the use of the trademark are fulfilled. The details of the receiving inspection are regulated in §2 No. 4 of the *“Terms of Use of the Certification Mark DOWNAFRESH (EDFA)”* (Enclosure 2).

### Section 4 Warranty by the DOWNAFRESH Trademark

The holders of rights of use according to Section 3 shall be entitled to use the DOWNAFRESH trademark to label the DOWNAFRESH products, provided that the following conditions are fulfilled, as guaranteed by the DOWNAFRESH trademark:

- (i) The trademark user uses filling material either processed in its own business or supplied by another approved business.
- (ii) The raw feathers were washed in water so as to remove any impurities and dried at a temperature of at least 100 degrees C.
- (iii) The washed feathers and down must comply with cleanliness and hygiene requirements as per EN 12935, which is appended as **Enclosure 1**.

## Section 5 Conditions for Use of the DAUNASAN Trademark

The holders of rights of use must fulfil the following additional conditions, which are not guaranteed by the use of the DOWNAFRESH trademark:

- (i) Each trademark user receives from the office a DOWNAFRESH registration number, which shall always be indicated when using the trademark.
- (ii) The trademark may be affixed to goods or their packaging or wrapping and may be used in announcements, price lists, business letters, recommendations, invoices or the like.
- (iii) Further details of the requirements for use according to Section 4 (i) to (iii) are stated for in the *“Terms of Use of the Certification Mark DOWNAFRESH (EDFA)”* in the respectively applicable version, which is appended as **Enclosure 2**.
- (iv) The trademark user acknowledges the *“EDFA Code of Conduct”* and the *“EDFA Traceability Standard”* (in the respectively applicable versions), which are appended as **Enclosures 3 and 4**.
- (v) The trademark user acknowledges the *“Special Conditions and Rules inherent to Monitoring the Compliance with the Cleanliness and Hygiene Requirements for the Certification Trademark DOWNAFRESH, governing applicable sanctions”* which are appended as **Enclosure 5**.

## Section 6 Monitoring of the Conditions for Use and Sanctions

The Association undertakes to continuously monitor the compliance with the provisions of these Statutes for the Trademark, to sanction violations of the conditions of use as to ensure the compliance with such conditions at all times. The Association will take action against any inadmissible use of the DOWNAFRESH trademark by the holders of the rights to use or by third parties. In addition, each member of the Association is bound to notify the office, or the executive committee of the Association, of any violations of conditions for use of which it becomes aware.

Any use of the E.U. Certification Mark that is in violation of the Statutes will be punished. Warnings may be issued to the member concerned; in addition, fines may be imposed and have costs reimbursed (e.g., attorneys' fees, court fees, expert's fees, administrative costs). In more serious cases, the member may be excluded and forbidden from using the mark – also on a temporary basis. The withdrawal of the right of use or the exclusion shall be decided by the membership meeting or by a panel authorized by it.

Each trademark user shall check its products compliancy with the conditions of use (Section 4 (3)) once a year by a hygiene laboratory recommended by EDFA, without invitation or reminder. The details in this respect are specified in the *“Terms of Use of the Certification Mark DOWNAFRESH (EDFA)”*, which are appended as **Enclosure 2**.

Moreover, the Association shall check the compliance with the conditions of use in accordance with Section 4 and 5 by initial and continuous, unannounced random sample purchases. The properties and the quality of the down and feathers are verified by acknowledged, independent testing institutes.

The details of the random sample purchases are stipulated in the *“Special Conditions and Rules inherent to Monitoring the Compliance with the Cleanliness and Hygiene Requirements for the Certification Trademark DOWNAFRESH, governing applicable sanctions”* (Enclosure 5) in the respectively applicable version.

If the Association becomes aware of violations of the conditions of use in accordance with Section 4 and 5, it shall impose sanctions in the form of fines, the payment of inspection costs or the exclusion from the right of use vis-à-vis the holders of rights of use. The details of the sanctions, specifically the procedure and the type of sanctions, and, if applicable, the amounts pertaining to fines, are stipulated in the *“Special Conditions and Rules inherent to Monitoring the Compliance with the Cleanliness and Hygiene Requirements for the Certification Trademark DOWNAFRESH, governing applicable sanctions”* (Enclosure 5) in the respectively applicable version.

In the event of inadmissible use of the DOWNAFRESH trademark by third parties that are not entitled to use it, the Association shall institute legal measures against these third parties.

## **Section 7 Termination of the Rights of Use**

The right to use the DOWNAFRESH trademark shall end:

- (1) by termination of membership in the Association of the European Bedfeather and Bedding Industries,
- (2) upon exclusion from use of the DOWNAFRESH trademark, or
- (3) for holders of an individual license in accordance with an individual license agreement, by notice of termination or other termination of the individual license agreement.

## **Section 8 Transferability**

The right to use the DOWNAFRESH trademark in accordance with these Statutes shall not be transferable.

## **Section 9 Relationship to the Statutes for the Collective Mark “DOWNAFRESH”**

The present Statutes shall apply in addition to the Statutes for the Trademark No. 002773034 “DOWNAFRESH”, which stipulate the worldwide condition for use of the mark “DOWNAFRESH”. For the use of the Certification Trademark No. 017949847 “DOWNAFRESH” (word mark), the present Statutes for the Certification Trademark shall prevail in case of any deviations.

### **Enclosures:**

Enclosure 1 – *DIN EN 12935*

Enclosure 2 – *“Terms of Use of the Certification Mark DOWNAFRESH (EDFA)”*

Enclosure 3 – *“EDFA Code of Conduct”*

Enclosure 4 – *“EDFA Traceability Standard”*

Enclosure 5 – *“Special Conditions and Rules inherent to Monitoring the Compliance with the Cleanliness and Hygiene Requirements for the Certification Trademark DOWNAFRESH, governing applicable sanctions”*

English version

## Feather and down - Hygiene and cleanliness requirements

Plumes et duvets - Exigences d'hygiène et de nettoyage

Federn und Daunen - Anforderungen an Hygiene und  
Reinheit

This European Standard was approved by CEN on 10 May 2001.

CEN members are bound to comply with the CEN/CENELEC Internal Regulations which stipulate the conditions for giving this European Standard the status of a national standard without any alteration. Up-to-date lists and bibliographical references concerning such national standards may be obtained on application to the Management Centre or to any CEN member.

This European Standard exists in three official versions (English, French, German). A version in any other language made by translation under the responsibility of a CEN member into its own language and notified to the Management Centre has the same status as the official versions.

CEN members are the national standards bodies of Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and United Kingdom.



EUROPEAN COMMITTEE FOR STANDARDIZATION  
COMITÉ EUROPÉEN DE NORMALISATION  
EUROPÄISCHES KOMITEE FÜR NORMUNG

Management Centre: rue de Stassart, 36 B-1050 Brussels

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## Foreword

This European Standard has been prepared by Technical Committee CEN/TC 222 "Feather and down as filling material for any article, as well as finished articles filled with feather and down", the secretariat of which is held by UNI.

This European Standard shall be given the status of a national standard, either by publication of an identical text or by endorsement, at the latest by January 2002, and conflicting national standards shall be withdrawn at the latest by January 2002.

This document does not supersede any existing European Standard.

This standard includes a Bibliography.

According to the CEN/CENELEC Internal Regulations, the national standards organizations of the following countries are bound to implement this European Standard: Austria, Belgium, Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom.

## Introduction

Feather and down for use as filling material should meet the requirements of the present standard in order to ensure a high level of hygienic and sanitary conditions in conformity with the provisions of Art. 100 A of the Treaty as asked for by the Consumer Policies Service of the EC Commission.

The selection of analyses has taken into account the existing information in literature and the requirements of the present European standard have taken into account the use of the finished feather and/or down material or as a filling material of a manufactured article.

In this way the industry that processes feathers and down can verify the degree of efficiency of the processing itself.

## 1 Scope

This European standard provides the requirements necessary to satisfy the hygiene and cleanliness of feather and/or down filling materials. This European standard applies to finished feather and/or down materials used as a filling of a manufactured article.

## 2 Normative references

This European Standard incorporates by dated or undated reference, provisions from other publications. These normative references are cited at the appropriate places in the text and the publications are listed hereafter. For dated references, subsequent amendments to or revisions of any of these publications apply to this European Standard only when incorporated in it by amendment or revision. For undated references the latest edition of the publication referred to applies (including amendments).

EN 1162 Feather and down - Test methods-Determination of the oxygen index number

EN 1883 Feather and down - Sampling in view of tests

EN 1884 Feather and down - Test methods-Determination of microbiological state

## 3 Sampling

The sampling shall be carried out according to EN 1883.

As far as the determination of the microbiological state is concerned, the sampling and packaging of the laboratory bulk sample should be performed to avoid inadvertent contamination and significant alterations to the numbers and nature of micro-organisms in the sample.

## 4 Requirements regarding the hygiene and cleanliness

The mandatory requirements for finished feather and/or down material are given in Table 1.

For finished milled feather only microbiological state applies.

Other optional impurity indicators are mentioned in Table A.1.

**NOTE** The bacterial species and related limits of acceptability have been established to ensure that the feather and/or down filling material has been thoroughly washed and suitably processed.

A limited amount of the specified micro-organisms can be considered as indicating "non contamination".

Table 1 — Mandatory requirements for finished feather and/or down material

Impurity Indicators	European standard referred to	Limits of acceptability
Oxygen index number <sup>a</sup>	EN 1162	less than 20
Microbiological state <sup>b</sup>	EN 1884  Selective medium and count plate method	
- Mesophil aerobic bacteria count		less than 10 <sup>6</sup> CFU/g
- Faecal streptococci count		less than 10 <sup>2</sup> CFU/g
- Sulphite reducing clostridium count		less than 10 <sup>2</sup> CFU/g
- Presence of salmonella		absent in 20 g
<p><sup>a</sup> This oxygen index number is indicative of the cleanliness of the analysed material and shall be considered as a first level screening and not as a direct indicator of the hygienic state.</p> <p>If the oxygen index number is below or equal to 20 the filling material is considered as hygienically suitable and no further analysis of the microbiological state is necessary.</p> <p>If the oxygen index number is between 20 and 50 the required limits of acceptability of the microbiological state are to be met.</p> <p>If the oxygen index number is above 50 the filling material is not considered to be hygienically suitable and it has to be reprocessed.</p>		
<p><sup>b</sup> In case any of the limits for the microbiological state is exceeded, the filling material cannot be considered hygienically suitable.</p>		

## 5 Marking

Each bag, bale or other package of feather and/or down material as such and each manufactured product filled with such a material shall be provided with an indelible wording or an undetachable label stating that the finished material used as a filling meets the requirements of the present European standard.



**Annex A**  
(informative)**Table A.1 — Optional impurity indicators and recommended values for finished feather and/or down material**

Impurity indicators	European standard referred to	Recommended values
Oil and fat content	EN 1163	0,5 % to 2,0 %
Turbidity	EN 1164	min. 300 mm
pH	EN 1413	6,6 to 8,0

## **Bibliography**

- EN 1163 Feather and down - Test methods - Determination of the oil and fat content
- EN 1164 Feather and down - Test methods - Determination of the turbidity of an aqueous extract
- EN 1413 Textiles - Determination of pH of aqueous extract

## **Terms of Use of the Certification Trademark "Downafresh" (EDFA)**

§1 The European Down and Feather Association is the owner of trademark "Downafresh".

§2 The marking of bedding with the "Downafresh" brand requires that

1. The trademark user is an EDFA member which uses either filling material processed in its own business or fillings that were supplied by another approved business.
2. the raw feathers were washed in water to remove any impurities and dried at a temperature of at least 100 degrees C.
3. The finished feathers and down must comply with the cleanliness and hygiene requirements of DIN EN 12935.
4. The trademark user has successfully passed an initial testing in order to obtain the right of use for the trademark.

For this purpose, 10g of filling material must be sent to an accredited hygiene laboratory to have this filling material undergo a hygiene examination as per table 1 of the EN 12935. The testing institute will send the test report to both the applicant and the EDFA office. Provided the test was completed successfully, the initial testing is considered passed. The applicant has to pay the cost of the initial testing.

5. The proof of the treatment processing mentioned in point 2 is provided by company records (electronic or manual) or by supplier declarations, which are submitted if required.

Hygiene compliancy of the goods (point 3.) is checked once a year on the brand user's own initiative by a hygiene laboratory recommended by EDFA without being asked. An overview of the hygiene laboratories approved by the EDFA is provided by the EDFA office. Accreditation according to EN ISO 17025 is a requirement for hygiene laboratories.

In addition to this hygiene test, random checks must be carried out in the trade.

For hygiene control, at least one sample of finished feathers and down processed according to Downafresh criteria must be sent to the hygiene laboratory approved by EDFA without invitation or reminder. Products are tested according to EN 12935 and all costs associated with the test are borne by the brand user.

The brand user must arrange annual testing by 1 October each year, instructing the testing institute to send a copy of the test report to EDFA. Alternatively, the trademark user may forward a copy of this report to EDFA.

EDFA is free to verify the contents of this report with the hygiene laboratory concerned.

If the report is not available by 1 October of a year, it may be submitted retrospectively by 1 November of that year. To extend the deadline until 1 November or, in

exceptional cases, until 20 November of a year, an application must be submitted to the EDFA office.

The decision on acceptance/rejection is made by the President and/or one of his deputies and/or the Executive Board member.

The procedure of the Random checks to monitor cleanliness and hygiene compliance with EN 12935 as well as the liability for non-compliance with the requirements are set in the "Special conditions and Rules inherent to monitoring the compliance with the cleanliness and hygiene requirements of the Certification Trademark Downafresh, governing applicable sanctions".

6. The brand user recognizes the "*EDFA Code of Conduct*" and the "*EDFA Traceability Standard*" (in the current versions). Evidence of documentary traceability must be provided to EDFA, e.g. in the form of declarations, certificates issued by neutral third parties (e.g. lawyers, tax consultants, auditors, veterinarians).
7. The brand user acknowledges the "Statutes for the Certification Trademark "Downafresh"" and the " Special conditions and Rules inherent to monitoring compliance with the cleanliness and hygiene requirements of the Certification Trademark Downafresh, governing applicable sanctions" and reimburses EDFA for the justified costs of maintaining the system and for maintaining the brand.
8. The user of the trademark on labels of bedding with the designation "Downafresh" must indicate both his registration number (which he receives from the EDFA office) and the address of the Certification trademark website.
9. The trademark user agrees to the publication of his name in a list of users of the term "Downafresh" on the Internet. The consent is deemed to have been granted, provided that he has not explicitly objected to the publication upon inclusion in the group of brand users.

§ 5 An admission fee of currently € 1,800.00 is due when a company is admitted to be a holder of rights of use. This is charged both upon new entry and upon re-entry. The amount of this admission fee is based on the preliminary work already performed by the brand users. It is due immediately.

Any further administrative costs or expenses for public relations and advertising shall be charged equally to the brand users by the EDFA Office and shall be paid to EDFA within one week of receipt of the invoice.

In the event of non-payment of the costs charged by the Office to the holder of rights, the Member's right of use shall be withdrawn immediately.

§6 If the holder of rights leaves the European Down and Feather Association, he must inform EDFA where and when the "Downafresh" brand was used and must assure that the Trademark will no longer be used after termination of membership.

§7 The right to use the trademark "Downafresh" shall also terminate upon withdrawal of such right by EDFA e.V., or by withdrawal/expulsion of the member from the association, and/or if the trademark user has been forbidden.

There is no compensation for returns of the trademark labels still in the possession of the trademark user, which may no longer be used.

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Date, Signature  
(user of the trademark)

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Date, Signature  
(owner of the trademark)

# Codex of the European Down & Feather Association (EDFA)

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## **Preamble**

The welfare of the animals and species-appropriate husbandry are of vital importance for our society. This does not only apply to the actual well-being of the animals, but also to a high degree to public health, commerce and the international competitiveness of the European economy.

The over 90 European bedfeather and bedding companies that formed the European Down and Feather Association (EDFA) in 1980, produce and market about 80% of the turnover volume and thus by far the largest fraction of the products sold in Europe. Ever since its establishment, the association has advocated species-appropriate husbandry and the production of down and feathers in compliance with the community legislative references on animal protection. The respective legal provisions within the EC on animal husbandry and feather harvesting are automatically part of this codex.

## **Duties of the members of the EDFA**

The members of the European Down and Feather Association (reg. ass.) obligate themselves to comply with the following code of conduct:

1. The members distance themselves from live plucking, i.e. cruelty to animals. All members pledge not to use and obtain any down and feathers sourcing from live plucking which constitutes an act of cruelty to the animals.
2. The members incorporate a corresponding declaration on the use of feathers and down in their contracts of sale and General Terms and Conditions.
3. The origin of the down and feathers are comprehensibly entered in a documentation system.

4. Bedding produced and marketed in keeping with this codex may be clearly labelled, thus making the production of the down and feathers discernible to the consumer.
5. The association encourages authorities and commissions to advocate for uniform European legislation for the husbandry of geese and ducks according to the rules as well as conservative use of down and feathers.
6. Violations against this code of conduct according to animal welfare issue may be prosecuted by expulsion from the association and the loss of the label.

### **Traceability**

The codex presents an essential element to establish by means of a provable documentation system the determination of origin of the applied filling materials sourcing from the production of poultry meat. The codex is the starting point of a documentary chain of evidence for filling materials which have been obtained according to the rules and consist of down and feathers used as filling for finished articles.

The European Down and Feather Association (reg. ass.) promotes the interests of its members by supplying written information, performing committee work, organizing meetings and by external representation of the interests of the members.

Mainz, Date

Signatures of the Members of the Association

## **EDFA traceability standard intended to trace back the origin of down and feathers which are used as filling material for finished articles**

### **Introduction**

Goose and duck feathers and down are by-products of poultry meat production. In accordance with article 3 of Council Directive 98/58/EC of 20 July, 1998 the member states shall make provision to ensure that the owners or keepers take all reasonable steps to ensure the welfare of animals under their care and to ensure that those animals are not caused any unnecessary pain, suffering or injury. This rule laid down in article 3 is included in the EDFA Traceability standard as general guideline. Feathers and down are usually removed from the carcasses mechanically or by hand after the slaughter of the animals.

In very rare cases feathers are also harvested in live animals which is only acceptable, if the outer and under plumage of the birds shed due to the moulting process.<sup>1</sup>

The harvesting of feathers in live animals outside the moulting season is prohibited in the member states of the European Union (EU 27).<sup>2</sup>

The members of the EDFA, among others, pursue the goal of distributing products deriving from animals which have been raised properly. These products may be labelled accordingly. The members of the EDFA strictly condemn the practice of plucking feathers and down in live animals outside the moulting season.

The members of the EDFA commit themselves to the weighing up of interests in an ethically justifiable way. On the one hand, it can be true that human interests, such as for instance nutrition, should take precedence over the interests of animals, on the other hand not every human interest justifies any suffering of animals. The practice of plucking live geese outside the moulting season and, in doing so, injuring the animals for the purpose of plucking down and feathers is contrary to a responsible weighing up of interests.

Standardized traceability is a necessary prerequisite to obtain information on the harvesting of the material. The EDFA Traceability Standard shall serve as a basis for establishing such a system.

The EDFA Traceability Standard is a binding recommendation to the members of the EDFA and to none-members who want to orientate themselves on the traceability of finished feathers and down by means of this standard.

The members of the EDFA will especially be obliged to meet the standard, once the EDFA Traceability label “downafresh” has been applied for labelling of the filling material. Product labelling with “downafresh” involves that the filling material

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<sup>1</sup>Council Directive 98/58/EC of July 1998 on the protection of animals kept for farming purposes, OJ L 221, 08.08.93, Article 3.

<sup>2</sup> ibid.



displaying the label has been obtained according to the EDFA codex (2010) from the animals after the slaughter.

This standard is available to the public as a whole.

### 1. Objective of the EDFA traceability standard

The EDFA traceability standard was set up for the purpose of drafting a guideline for documentary traceability of the filling material down and feathers.

### 2. The documentation is based on the EDFA code of conduct and on valid legal provisions

In a code of conduct, the members of the EDFA commit themselves to a responsible behaviour of man towards animals. Moreover, the legal provisions on the protection of animals kept for farming purposes are respected as well when harvesting the filling material down and feathers.

The members of the EDFA draw up a documentation on the traceability of down and feathers which serves to trace back finished products. The documentation is to be standardized in order to facilitate application. Working title of this standard: "EDFA Traceability Standard".

### 3. Scope

The EDFA traceability standard is applicable to processed and unprocessed feathers and down deriving from geese and ducks. It establishes requirements for documenting the traceability of the afore-mentioned filling material sourcing from

- 1) The EU and EFTA member states<sup>3</sup>
- 2) The member states of the Council of Europe<sup>4</sup>
- 3) The third countries not covered by points 1) or 2)

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<sup>3</sup> Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Latvia, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, Spain, Switzerland, United Kingdom

<sup>4</sup> "Council of Europe": The Council of Europe was provided with its formal statutes on 5 May 1949. The following countries are members of the Council of Europe: Albania, Andorra, Armenia, Azerbaijan, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovakia, Slovenia, Sweden, Spain, Switzerland, Turkey, Ukraine and United Kingdom.

The countries of the Council of Europe are not identical with the member states of the European Union, although both the European Union and the Council of Europe use the same flag and the same hymn. The Council of Europe must not be confused with the Council of the European Union (council of ministers) or the European Council (council of the heads of states of the EU member-countries).

Principles of the Council of Europe: It serves as a forum for debates on general issues regarding Europe. The statutes of the Council of Europe provide general cooperation of all member-countries for the purpose of promoting economic and social progress.

#### 4. References

- Council Directive 98 / 58 / EC of 20 July
- HACCP-system and the legal regulations in keeping of it<sup>5</sup>
- national and European laws on the keeping of waterfowl (geese and ducks) and on the harvesting of feathers
- EDFA Code of conduct inclusive of the commentary

#### 5. The EDFA traceability standard

- 5.1 Purpose of the EDFA traceability standards  
Feathers and down harvested from geese and ducks

The traceability standard applies to:

- 5.1.1 Feathers and down originating from slaughterhouses in the EU that are subject to the regulations of the HACCP system and monitored by veterinarians.
- 5.1.2 Feathers and down from the countries belonging to the Council of Europe (as far as those of the EC are concerned, see point 5.1.1) which have been removed from the carcasses mechanically or by hand after the slaughter.
- 5.1.3 Feathers and down from third countries (5.1.2) which have been removed from the carcasses mechanically or by hand after the slaughter.
- 5.1.4 Goose feathers and down sourcing from the regions mentioned under points 5.1.1 to 5.1.3 and harvested from live geese according to the rules in a procedure permitted by law. This filling material is covered by the EDFA traceability standard, it is possible to mark these products with the “downafresh” label.

- 5.2 Structure of the traceability standard  
Pursuant to the structure established in item 5.1, the traceability is to be set up as follows:

- 5.2.1 Feathers and down deriving from geese and ducks which were raised and slaughtered in Europe.

This merchandise is covered by the HACCP system. For the purpose of labelling feathers and down, this legally binding registration system is to be

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<sup>5</sup> Verordnung über Anforderungen an die Hygiene beim Herstellen, Behandeln und Inverkehrbringen von Lebensmitteln (Lebensmittelhygiene-Verordnung - LMHV), Ausfertigungsdatum: 08.08.2007 (regulation on hygiene requirements for the production, treatment and placing on the market of food; food hygiene regulation; date of issue: 8<sup>th</sup> August, 2007)

(Note: HACCP stands for hazard analysis and critical control points. The primary goal of the HACCP system is to ensure consumer health in food production.)

continued on a voluntary basis. For the purpose of reselling these feathers and down, the HACCP licence number of the slaughterhouse / breeding establishment can be indicated as component of the delivery note/commercial document/ invoice in addition to the quantity of the merchandise to be disposed. Alternatively, the bedfeather factory can make its own coding based on the HACCP system.

5.2.2 Feathers and down deriving from geese and ducks which were raised and / or slaughtered in the countries belonging to the Council of Europe.

5.2.2 The EDFA code of conduct forms the basis for the traceability of this material. The code of conduct was signed by the supplier / collector / breeder and certifies that the feathers and down source from slaughtered animals or were harvested according to the rules from live geese during the moulting period in a procedure permitted by law. The code of conduct shall contain the signature, full name and address of the supplier / collector / slaughterhouse and / or breeding farm. For the purpose of resale of these feathers, the bedfeather factory may develop a coding based on this code of conduct.

5.2.3 Feathers and down deriving from geese and ducks which were raised and / or slaughtered in other third countries.

The basis for traceability of this merchandise is provided by:

- the EDFA code of conduct, which was signed by the supplier, collector / slaughterhouse / breeding farm and certifies that the feathers and down were plucked from slaughtered animals (meat plucked) or were harvested according to the rules from live geese during the moulting period in a procedure permitted by law. The EDFA code of conduct is to be provided with the signature, full name, address of the supplier / collector / slaughterhouse and / or breeding farm and
- a certificate of origin issued by the country of origin showing that the material originates from slaughtered animals or harvested according to the rules from live geese during the moulting period in a procedure permitted by law or
- a certificate issued by the trading enterprise attesting that the material was obtained from dead animals or harvested according to the rules from live geese during the moulting period in a procedure permitted by law.

6. Audits / monitoring will be performed at regular intervals to verify these statements. These audits/monitoring pursue the aim of verifying the thoroughness of the documentations at plant.

7. The users of the EDFA traceability standard commit themselves to provide the audit / surveillance companies <sup>(note1)</sup> approved by the EDFA with all records and details required to perform controls.

8. The merchandise originating from the sources listed in points 5.2.1 to 5.2.3 that fulfils the above-mentioned qualifications can be traced back and may, if necessary, be labelled accordingly for the production of finished products (e. g. duvets, pillows, clothing, upholstery) or blends available in bulk. The quality

of retraceable feathers and down shall be specified in the commercial documents which have been attached to the merchandise.

9. Finished down and feathers purchased and/or manufactured in accordance with this standard thus meeting the requirements of the EDFA brand Downafresh, may be labelled with the brand. Another prerequisite for making use of the brand involves the member of the EDFA signing the necessary licence agreement and meeting the contractual obligations.

Note1: Could be accountant, lawyer, veterinarian etc.

## **Special conditions and Rules inherent to Monitoring the Compliance with the Cleanliness and Hygiene Requirements for the Certification Trademark Downafresh® , governing applicable sanctions**

According to the Terms of use of the certification mark „Downafresh®“ the trademark may be used for filling material (consisting of feathers and down) which complies with the requirements of the Statutes for the Certification Trademark Downafresh®.

This document "Special conditions/Fine regulations" regulates the procedure for monitoring Compliance with the cleanliness and hygiene requirements of pre-packaged products marked with the trademark Downafresh®.

In addition, measures are defined to punish violations of the terms of use.

### **• 1 • Procurement of test samples - Random sample inspection**

Pre-packaged products (e.g. bedding) marked with the trademark "Downafresh®" (hereinafter referred to as "test samples") are purchased from retailers (mystery shopping). A randomly determined group of users is inspected annually.

Representatives of EDFA e. V. procure the test samples.

In exceptional cases, samples will be taken from current production at the production sites.

### **• 2 • Number of products per production site**

In principle, a single unit is to be purchased/pulled per point of sale/obtained at production/distribution site; however, an overall maximum of two units are to be purchased/obtained. As an exception to the selection procedure, products may also be purchased at the suggestion of the members or the office.

### **• 3 • Coordination of the acquisition**

The business office is responsible for coordinating the acquisition.

### **• 4 • Carrying out the test**

The testing is carried out in a neutral testing institute which has an accreditation standard for hygiene laboratories according to EN ISO 170205. The test laboratory of EDFA is commissioned.

### **• 5 • Evaluation of test results**

The hygiene laboratory receives the test-pieces from the buyer(s) and sends the test results to the EDFA office for evaluation.

### **• 6 • Conformity**

If the test result meets the requirements of the Statutes for the Certification Trademark Downafresh® and the Terms of Use of the Certification Mark Daunafresh, the office sends the test report to the manufacturer determined via the control number.

### **• 7 • Non-compliance with the requirements**

If the result of the test report shows that the requirements defined in the Statutes for the Certification Trademark Daunafresh® and the Terms of use of the certification mark „Downafresh®“ have not been met, the applicable sanctions shall apply without exception and as stipulated, with immediate effect.

## • 8 • Applicable Sanctions

Penalties will be imposed if the test results deviate from the requirements of the Statutes for the Certification Trademark Daunafresh® and the Terms of use of the certification mark „Downafresh®“.

Non-conformity to EN 12935 will be sanctioned if the requirements described in Table 1 of DIN EN 12935 are not met.

**Category I** infringement occurs when one of the microbiological status limits (mesophilic aerobic bacterial count or faecal streptococci count or sulfide-reducing clostridium count or the presence of salmonella test) is exceeded. The Category I infringement provides a fixed penalty of EUR 1,000.00 for each infringement, with the 10th infringement being punished in accordance with Category II.

**Category II** infringements occur if 2 of the above mentioned limit values for the microbiological state are not observed. In the event of a Category II violation, a fixed penalty of EUR 2,000.00 is due in each case, the subsequent violations will be punished with a fixed penalty of EUR 3,000.00 in each case.

**Category III** infringement occurs if the limit of acceptability for the oxygen index defined in Table 1 of DIN EN 12935 is exceeded. A Category III infringement will result in a fine of EUR 4000.00. In addition, the rights to use the trademark "Downafresh" can be withdrawn; the general assembly decides on this.

In the case of all infringements, the costs associated with the detected infringements (e.g. lawyer's fees, court expert fees, administrative costs, costs for research) are to be reimbursed to the EDFA e.V. by the trademark user.

The statute of limitations period is 12 months, beginning with the first infringement becoming known to the business office. Therefore, an infringement becomes statute-barred 12 months after EDFA becomes aware of it.

Violations of the provisions of the *EDFA Code of Conduct* and the *EDFA Traceability Standard*, i.e. violations of the documentation obligation for traceability, will be punished with an appropriate penalty of at least EUR 1,000.00 to a maximum of EUR 10,000.00.

A committee of five board members of the EDFA e. V., of which the president and the managing board member are automatically members, decides on the specific amount of the penalty. The persons implicated in the proceedings can not join this committee.

Edinburgh, September 2018