

Cosmetics Europe Position Paper on new product priorities under the Ecodesign for Sustainable Products Regulation (ESPR)

1- Introduction

Cosmetics Europe¹ is the European trade association for the cosmetics and personal care industry representing the industry in Europe. Ranging from antiperspirants, fragrances, make-up, and shampoos, to soaps, sunscreens and toothpastes, cosmetics and personal care products play an essential role in all stages of our life. European citizens use cosmetic products as part of their daily lives, serving their essential needs and expectations. The cosmetics and personal care industry in Europe is continuously committed to improving the sustainability and circularity of its products, as illustrated by the Commit for Our Planet initiative², launched in December 2022, which encourages all cosmetics and personal care companies to take part in a joint industry effort to reduce greenhouse gas emissions, improve packaging solutions and act for nature.

2- General remarks

This document complements Cosmetics Europe's contribution to the public consultation on product priorities under the upcoming Ecodesign for Sustainable Products Regulation (ESPR). Cosmetics Europe welcomes the European Commission's Proposal for Ecodesign for Sustainable Products Regulation setting a frame for ecodesign requirements on products to improve their environmental sustainability aspects. Further, Cosmetics Europe welcomes the Commission's "product-specific" approach, as opposed to horizontal provisions, and understands the European Commission's pragmatic approach to prioritize the sectors that should be in the first wave of delegated acts. Cosmetics Europe supports a strong European regulatory framework for regulating product sustainability aspects under the concept of Ecodesign and improving product profiles over time, provided it is done within the boundaries of the specific product type and taking into consideration product benefit/performance. To that effect, we carefully analysed the JRC report that aims at providing a preliminary ranking of the product groups and horizontal measures that could be considered as a priority under the ESPR framework.

Cosmetics Europe notes that many of the product parameters of the ESPR relate to the ease of repair and maintenance, upgrading, re-use, remanufacturing and refurbishment of a product. None of these product parameters are relevant for cosmetics, because of their consumable character. Further, cosmetics products represent a highly diverse portfolio (incl. toothpastes, deodorants, shampoos, skin care and decorative cosmetics) in a variety of forms (powders, liquids, sprays, etc) with diverse usage patterns by consumers (rinse-off, leave-on, in/out of shower, etc.). All the above cited elements, combined with the **predominantly low or medium levels of impact and potential improvement for most environmental categories for cosmetics products do not position cosmetics as a priority sector to be included in the Commission's workplan for regulated products**. More particularly, Cosmetics Europe would like to stress that identified environmental impact categories should be primarily treated under their respective regulations to ensure

¹ For more information on Cosmetics Europe, visit [Cosmetics Europe - The Personal Care Association :: Home](#).

² For more details on Commit for Our Planet, visit www.commitforourplanet.cosmeticseurope.eu.

legal consistency and certainty for companies, as will be shown below (3.a). Further, the cosmetics industry is currently working on several voluntary, industry-wide initiatives of relevance that respond to many of the concerns raised in the JRC report (3.b).

3- Cosmetics Europe assessment of the JRC report and horizontal policy recommendations for the Cosmetics sector

a. Identified environmental impact categories should be primarily treated under their respective regulations to ensure legal consistency.

Cosmetics Europe acknowledges that the JRC report identifies several environmental impact categories for cosmetics. However, as will be shown below, many of these impact categories are already covered by upcoming legislations and should not trigger any parallel measures under the ESPR, in order to preserve legal consistency and legal certainty in the application of legislations.

(i) Areas identified in the JRC report with high environmental impact

Water: The JRC report assesses that cosmetics products have a high impact on water with specific reference to the compounds used for manufacturing and their characteristics. However, several currently proposed legislations suggest addressing the potential impact on water stemming from the manufacturing of cosmetics and the use phases. The environmental aspect of substances in cosmetics products are addressed under the EU chemical legislations **CLP and REACH, with the revised CLP regulation introducing new hazard classes** directly linked to the environmental impact of chemicals, which will reflect on future cosmetics formulations. Furthermore, the recently voted **REACH restriction** on intentionally added microplastics and the ongoing work on intentionally added PFAS also cover cosmetic products. Cosmetics Europe would also like to highlight that micropollutants are being addressed in the on-going recast of the **Urban Wastewater Treatment Directive**, including for cosmetics, and the biodegradability targets under the ESPR could only be considered as complementary to the UWWTD. The Cosmetics Product Regulation is also set to be revised and could be made to evolve to capture environmental endpoints of cosmetic ingredients.

Biodiversity: According to the JRC, cosmetics have a high impact on biodiversity “mainly due to deforestation caused by the sourcing of some ingredients”. Cosmetics Europe would like to stress that cosmetic ingredients are subject to the **ABS Regulation**³ which brings the EU in line with the international commitments to contribute to the conservation of biological diversity and the sustainable use of its components. The cosmetics industry is actively implementing the ABS Regulation, including in sharing commercial benefits deriving from the use of natural ingredients for the benefit of local communities and the protection of biodiversity. In addition, according to a 2021 publication from the Boston Consulting Group (The Biodiversity Crisis Is a Business Crisis), four industries counted for about 90% of Pressure on Biodiversity. All other, including cosmetics, counted for 10% maximum⁴.

³ Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation in the Union; OJEU L 150/59, 20.05.14.

⁴ Source: <https://web-assets.bcg.com/fb/5e/74af5531468e9c1d4dd5c9fc0bd7/bcg-the-biodiversity-crisis-is-a-business-crisis-mar-2021-rr.pdf>

Finally, the JRC report focuses on the cosmetics industry use of palm oil with a strong impact on biodiversity loss. To that effect, it should be noted that palm oil is one of the commodities targeted by the recently proposed **EU legislation on Deforestation**.

(ii) Areas identified with medium environmental impact

Waste Generation & Management: Focusing on cardboard and plastic, the JRC report identifies medium impacts in terms of waste generation that are mainly related to the disposal of cosmetics packaging, and, for what concerns secondary packaging and refill options, Cosmetics Europe acknowledges that most of the recommendations are already tackled in the **Packaging and Packaging Waste Regulation (PPWR)**. Indeed, PPWR already aims to reduce waste generation, GHG and to avoid environmental externalities by 2030. More specifically PPWR measures should result in a decrease in fossil fuel needs. Further, the PPWR foresees recycled content targets for plastic packaging as well as the obligation for packaging to be recyclable by 2030 and recycled at scale by 2035. This means that cosmetic packaging will have to comply with D4R criteria, that will be set by the European Commission. Finally, the PPWR foresees minimization measures and bans of double walls and false bottoms and prescribes the need to reduce empty space.

Air: The JRC report identifies medium environmental impact and low improvement potential for air effect mainly due to VOC in deodorant/spray. Cosmetics Europe notes that cosmetics emissions have been discussed amongst other sectors, during a revision of Directive 2004/42/EC known as the '**VOC Paints Directive**'. As required under the review clause of the Directive, an assessment was performed on measures that could potentially result in a further reduction of VOC emissions (i.e. the widening of the scope of the Directive). In its conclusion the Commission stated (2011) that *"[...] regulating a very wide range of different products would deliver only modest potential emission reductions and this would come with significant implementation problems, as well as with increased administrative burden and costs"*. The Commission concluded that amending the scope or limit values of the Directive was not justified at that stage. Further, from the user perspective, replacement solutions for the specific issues concerned (pressurized products) are not applicable as it leads to different spray patterns that cannot deliver the consumer benefit. This is supported in the JRC report on the statement that in many cases a complete change of the application form is not possible.

(iii) Areas identified with low environmental impact

The JRC report identifies a low impact for the areas climate change, soil and life cycle energy consumption as well as medium to low improvement potential for lifetime extension and material efficiency, respectively. Cosmetics Europe agrees with the identification as low impact areas and wishes to complement with the following remark for climate change, soil and lifetime extension.

Climate change: In line with the analysis of the JRC, the cosmetics sector has already identified the energy use and CO₂ emissions emitted at production sites and during the use phase, as having a low environmental impact. To address these findings, most companies today work on measuring and reducing their greenhouse gas emissions. However, energy consumption during the use of cosmetics can be difficult to single out and should be part of overall energy consumption reduction. The industry initiative Commit for Our Planet (see further below under 3.b) provides guidance to companies on their Greenhouse Gas (GHG) reductions and provides a GHG calculator specifically developed for cosmetics companies to calculate their corporate carbon footprint. A reference study on GHG emissions generated by the cosmetics industry entitled "It's Time to Make up the Future", was published in 2020 by the Swiss consulting firm Quantis. According to the life cycle analysis (LCA) of a cosmetic product in this study - i.e. its design, the traceability of ingredients, its transport, its use and its end of life -, the cosmetics industry would be the source of 0.5 to 1.5% of the planet's GHG

emissions with a product use phase which is the main contributor⁵. Cosmetics Europe has also previously worked on information to consumers on how to reduce water consumption when using shampoo (thus reducing the energy to heat the water during the used phase). See for information [Cosmetics Europe - The Personal Care Association :: The environmental footprint of a shampoo and possible ways to reduce it](#)

Soil: Cosmetics Europe agrees with the JRC analysis that cosmetics products have a low impact on soil with low improvement potential. The report stresses that soil impact can be through land use due to the sourcing of biobased surfactants. To that effect, Cosmetics Europe notes that, through its initiative Commit for Our Planet, cosmetics manufacturers are invited to work on **sustainable ingredients sourcing**.

Lifetime extension: The JRC report identifies medium improvement potential for lifetime extension via clear indications on dosage requirements that could help inform consumers on using the products sparingly. Whilst Cosmetics Europe agrees with this statement, it notes that information on dosing is highly dependable on consumer habits and practices and particular consumer needs (gender, hair length, volume, softness, etc.).

b. The cosmetics industry is currently working on several initiatives of relevance to address the issues raised in the JRC report

Commit for Our Planet is an unprecedented industry-wide initiative of Cosmetics Europe launched in December 2022 to reduce the cosmetics sector's environmental footprint in Europe and across the global value chain through joint effort and action, in decreasing greenhouse gas emissions, improving packaging solutions and acting for nature. See for information [Commit for Our Planet by Cosmetics Europe](#).

The EcoBeautyScore (EBS) Consortium is elaborating a science-based method for measuring environmental impacts throughout the life cycle of products (formula, packaging and end of life) based on the principles of the European Union PEF scientific methodology. The primary objective of the Consortium is to develop a common environmental impact scoring system for cosmetic products, thus enabling consumers to make more informed purchasing decisions and foster eco conception within the cosmetics industry. This includes a common system for environmental impact assessment of cosmetic products and a common scoring mechanism & harmonized consumer-facing layout. A footprinting and scoring prototype is targeted for end of 2023. It will be verified by independent parties. The work developed by the Consortium will be published and may be used on a strictly voluntary basis by both Consortium participants and all other interested parties. See for information [The EcoBeautyScore Consortium a breakthrough initiative](#).

The Sustainable Packaging Initiative for CosmEtics — SPICE — is an initiative that brings together organizations in the cosmetics industry to collectively shape the future of sustainable packaging. Together, SPICE members co-create methodologies and tools to drive the future of sustainable packaging for cosmetics. SPICE allows the cosmetics sector to make significant progress in three key areas: (i) guide sustainable packaging policy development based on a science-driven methodology; (ii) drive packaging innovation with objective eco-design criteria; and (iii) provide transparency to consumers on packaging environmental performance.

See for information [SPICE - the Sustainable Packaging Initiative for CosmEtics \(open-spice.com\)](#).

Together with the existing and future regulatory framework, the above industry-wide initiatives provide a solid ground for cosmetics companies to improve their environmental performance and the eco-conception

⁵ <https://greenly.earth/fr-fr/blog/actualites-ecologie/quelle-est-l-empreinte-carbone-de-la-cosmetique>

of their products to continue addressing the major topics raised by the JRC report, whether they have a high, medium or low environmental impact.

4- Conclusion

Cosmetics Europe concludes, based on the above, that the levels of impact and potentials for improvement in relation to most environmental categories, in combination with current regulations/legislative proposals that cover the areas addressed by the JRC, do not justify the inclusion of cosmetics in the first wave of sectors regulated under the ESPR.

Ends.