

# Cosmetics Europe Proposed Amendments on the Packaging and Packaging Waste Regulation (PPWR) Proposal

## AMENDMENTS

### 1. GENERAL PROVISIONS

- Definitions (Article 3)

COMMISSION PROPOSAL	COSMETICS EUROPE SUGGESTED AMENDMENT
	<p><b><u>(new)</u></b></p> <p><b>Article 3 (xx)</b></p> <p><b>Recycling means the use of physical and/or chemical processes (including depolymerisation), to recycle a waste stream into recycled materials that includes an appropriate decontamination stage, where mechanical recycling is favoured as much as possible. This excludes the production of fuel from plastic.</b></p>
<p><b>JUSTIFICATION:</b> The recycled content targets within Article 7 will not be possible without early and explicit recognition of chemical recycling within legislative provisions to incentivise the necessary investments. Within the current proposal, ‘recycling’ is defined as laid down in Article 3 of the Waste Framework Directive (2008/98/EC). Whilst this does not explicitly exclude chemical recycling, it likewise does not explicitly include it as within the scope of the definition. This is creating delays in much needed investments to increase EU’s capacity in producing recycled plastics, while other regions like US and China are investing actively in this technology. While waiting for the revision of the Waste Framework Directive pushed back to the next Commission, we believe this amendment will provide much needed certainty for investment and give industry the means of the ambition of the proposal. We fully agree that the recognition of chemical recycling should be in full respect of the waste hierarchy, and mechanical recycling should be favoured whenever possible.</p>	

- Legal Basis

COMMISSION PROPOSAL	COSMETICS EUROPE SUGGESTED AMENDMENT
<p><b>Article 4 (5)</b></p> <p>In addition to the labelling requirements laid down in Article 11, Member States may provide for further labelling requirements, for the purpose of identifying the extended producer responsibility scheme or a deposit and return system other than those referred to in Article 44(1).</p>	<p><b>Delete Article 4 (5)</b></p>

**JUSTIFICATION:** Delete this paragraph to avoid the risk of divergent national measures for packaging, which disrupt the EU Single Market and create an overly complex regulatory environment for businesses.

## 2. RECYCLABILITY

- Recyclable Packaging (Article 6)

COMMISSION PROPOSAL	COSMETICS EUROPE SUGGESTED AMENDMENT
<p><b>Article 6 (1) &amp; (2)</b></p> <p>(1) All packaging shall be recyclable.</p> <p>(2) Point (a) shall apply from 1 January 2030 and point (e) shall apply from 1 January 2035.</p>	<p><b>Article 6 (1) &amp; (2)</b></p> <p>(1) All packaging shall be recyclable <b>from 1 January 2030.</b></p> <p>(2) Points (a <b>to d</b>) shall apply from January 2030 and point (e) shall apply from 1 January 2035.</p>
<p><b>JUSTIFICATION:</b> While the text specifies that 6(2)(a) shall apply from 01 January 2030, and 6(2)(e), from 01 January 2035, clarity is needed on the time frames for the other aspects linked to the definition of recyclable packaging (6(1) and 6(2)(b), (c) &amp; (d)). If this is with entry into force of the Regulation, this is inconsistent with the aligned objective of the Commission, Council and European Parliament that all packaging shall be recyclable by 2030. A confounding factor is the high variety in national capabilities that will not be resolved before 2025.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 6 (8)</b></p> <p>Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.</p> <p>Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.</p> <p>Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.</p> <p>All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.</p>	<p><b>Article 6 (8)</b></p> <p>Compliance with the requirements set out in paragraphs 2 and 3 shall be demonstrated in the technical documentation concerning the packaging as set out in Annex VII.</p> <p>Where a unit of packaging includes integrated components, the assessment of compliance with the design for recycling criteria and with the at scale recyclability requirements shall include all integrated components.</p> <p>Where a unit of packaging includes separate components, the assessment of compliance with the design for recycling requirements and with the at scale recyclability requirements shall be done separately for each separate component.</p> <p>All components of a unit of packaging shall be compatible with the state of the art collection, sorting and recycling processes and shall not hinder the recyclability of the main body of the unit of packaging.</p>

	<p><b>Small components (i.e., &lt;50 mm in two dimensions) represent a particular challenge to current packaging material recycling facility capabilities. By way of derogation from paragraphs 2 and 3, such small components may be placed on the market until the Delegated Act establishing the Design for Recycling criteria is adopted. The Design for Recycling criteria to be established under the Delegated Act as referred to in paragraph 4 shall consider the requirements for small components and be compatible with the state of the art collection, sorting and recycling processes.</b></p>
<p><b>JUSTIFICATION:</b> Small packaging containers are often considered as “non-recyclable” by recycling facilities, despite being fully designed-for-recycling. We stress that DfR guidelines should consider these challenges and avoid mandating requirements that are incompatible with current packaging material recycling facility capabilities.</p>	

### 3. RECYCLED CONTENT

- Minimum Recycled Content in Plastic Packaging (Article 7)

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 7 (1)</b></p> <p>From 1 January 2030, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> <p>(a) 30 % for contact sensitive packaging made from polyethylene terephthalate (PET) as the major component;</p> <p>(b) 10 % for contact sensitive packaging made from plastic materials other than PET, except single use plastic beverage bottles;</p> <p>(c) 30 % for single use plastic beverage bottles;</p> <p>(d) 35 % for packaging other than those referred to in points (a), (b) and (c).</p>	<p><b>Article 7 (1)</b></p> <p>From 1 January 2030, <del>the plastic part in</del> packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, <del>per unit of packaging</del>:</p> <p>(a) 30 % for contact sensitive <b>plastic</b> packaging made from polyethylene terephthalate (PET) as the major component;</p> <p>(b) 10 % for contact sensitive <b>plastic</b> packaging made from plastic materials other than PET, except single use plastic beverage bottles;</p> <p>(c) 30 % for single use plastic beverage bottles;</p> <p>(d) 35 % for packaging other than those referred to in points (a), (b) and (c).</p> <p><b>Targets per material shall be calculated as a percentage of the total number of units placed by a producer on the internal market.</b></p>
<p><b>JUSTIFICATION:</b> Setting recycled content targets per company/portfolio level, rather than per individual plastic packaging unit, will give manufacturers the flexibility to allocate recycled content based on available supplies and technical feasibility.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 7 (2)</b></p> <p>From 1 January 2040, the plastic part in packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, per unit of packaging:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p>	<p><b>Article 7 (2)</b></p> <p>From 1 January 2040, <del>the plastic part in</del> packaging shall contain the following minimum percentage of recycled content recovered from post-consumer plastic waste, <del>per unit of packaging</del>:</p> <p>(a) 50 % for contact sensitive plastic packaging, except single use plastic beverage bottles;</p> <p>(b) 65 % for single use plastic beverage bottles;</p> <p>(c) 65 % for plastic packaging other than those referred to in points (a) and (b);</p> <p><b>Targets per material shall be calculated as a percentage of the total number of units placed by a producer on the internal market.</b></p>
<p><b>JUSTIFICATION:</b> Same justification as proposed amendment to Article 7 (1).</p>	

#### 4. WASTE PREVENTION

- Packaging Minimisation (Article 9)

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 9 (1)</b></p> <p>Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality taking account of the material that the packaging is made of.</p>	<p><b>Article 9 (1)</b></p> <p><b>By 1 January 2030, p</b>Packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality <del>taking account of the material that the packaging is made of</del>, <b>for a given material and a given shape and in accordance with the definition of packaging in Article 3(1).</b></p>
<p><b>JUSTIFICATION:</b> Ensuring that packaging is designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality, for a given material and a given shape, would allow for a compromise between maintaining companies' flexibility in the design of packaging and minimising packaging. Moreover, realistic transition periods are needed for industry to ensure compliance with the new rules on packaging minimisation. The Commission proposal foresees that packaging minimization rules should apply 12 months after entry into force. This timeframe is, however, not realistic, as industry needs adequate transition times for developing design alternatives, changing manufacturing lines where needed and phase out the packaging types in scope. We therefore advocate for a suitable transition period, as per the suggested amendment.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 9 (2)</b></p> <p>Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the packaging design is subject to geographical indications of origin protected under Union legislation.</p>	<p><b>Article 9 (2)</b></p> <p><b>By 1 January 2030, p</b>Packaging not necessary to comply with any of the performance criteria set out in Annex IV and packaging with characteristics that are only aimed to increase the perceived volume of the product, including double walls, false bottoms, and unnecessary layers, shall not be placed on the market, unless the <del>packaging</del> design is subject to geographical indications of origin protected under Union legislation <b>or any other intellectual property rights.</b></p>
<p><b>JUSTIFICATION:</b> Realistic transition periods are needed for industry to ensure compliance with the new rules on packaging minimisation. The Commission proposal foresees that packaging minimization rules should apply 12 months after entry into force. This timeframe is, however, not realistic, as industry needs adequate transition times for developing design alternatives, changing manufacturing lines where needed and phase out the packaging types in scope. We therefore advocate for a suitable transition period, as per the suggested amendment.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 9 (3)</b></p> <p>Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:</p> <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</p>	<p><b>Article 9 (3)</b></p> <p><b>By 1 January 2030, e</b>Empty space shall be reduced to the minimum necessary for ensuring the packaging functionality as follows:</p> <p>(a) for sales packaging, in relation to the total volume of the packaged product and its characteristics;</p> <p>(b) for grouped and transport packaging, including e-commerce packaging, in relation to the total volume of the grouped or transported products and their sales packaging;</p> <p>For the purpose of assessing the compliance with this paragraph, space filled by paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene, styrofoam chips or other filling materials shall be considered as empty space.</p>
<p><b>JUSTIFICATION:</b> Realistic transition periods are needed for industry to ensure compliance with the new rules on packaging minimisation. The Commission proposal foresees that packaging minimization rules should apply 12 months after entry into force. This timeframe is, however, not realistic, as industry needs adequate transition times for developing design alternatives, changing manufacturing lines where needed and phase out the packaging types in scope. We therefore advocate for a suitable transition period, as per the suggested amendment.</p>	

- Obligations Related To Excessive Packaging (Article 21) Empty Space Ratio For E-Commerce

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 21 (1) &amp; (2)</b></p> <p>(1) Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is maximum 40 %.</p> <p>(2) For the purpose of this calculation:</p> <p>(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;</p> <p>(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging.</p> <p>Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.</p>	<p><b>Article 21 (1) &amp; (2)</b></p> <p>(1) Economic operators who supply products to a final distributor or an end user in grouped packaging, transport packaging or e-commerce packaging, shall ensure that the empty space ratio is <del>maximum 40 %</del>. <b>based on the following criteria:</b></p> <ul style="list-style-type: none"> <li><b>a. the package box is designed to fit the size of the biggest product;</b></li> <li><b>b. all the elements of buffer packaging are recyclable; and</b></li> <li><b>c. due consideration is necessary in respect of sales packaging with functional or ergonomic adaptations that result in non-regular or asymmetrical shapes that would otherwise impact the derived empty space ratios. Ratios based on external block (“cuboid”) dimensions of sales packaging are appropriate in such cases and require explicit documentation in any conformity assessment.</b></li> </ul> <p><b>2. For the purpose of this calculation:</b></p> <p><del>(a) empty space shall mean the difference between the total volume of grouped packaging, transport packaging or e-commerce packaging and the volume of sales packaging contained therein;</del></p> <p><del>(b) empty space ratio shall mean the ratio of the empty space as defined in point (a) of this paragraph and the total volume of the grouped packaging, transport packaging or e-commerce packaging.</del></p> <p><del>Space filled by filling materials such as paper cuttings, air cushions, bubble wraps, sponge fillers, foam fillers, wood wool, polystyrene or Styrofoam chips, shall be considered as empty space.</del></p>
<p><b>JUSTIFICATION:</b> Consumers often buy products of different shapes and sizes but want them to be delivered in the same packaging for convenience or to reduce packaging waste. However, the regulation’s methodology proposal fails to tackle the inevitable increase of empty spaces generated by grouped packaging and could lead manufacturers to send much more packaging than necessary – one for each product – to comply with it. Additionally, there should be an explicit consideration for non-standard shaped products, where ratios should be calculated using the external block (“cuboid”) dimensions of sales packaging.</p>	

## 5. LABELLING, MARKING AND INFORMATION REQUIREMENTS

- Labelling of Packaging (Article 11)

COMMISSION PROPOSAL	COSMETICS EUROPE SUGGESTED AMENDMENT
<p><b>Article 11 (1)</b></p> <p>From [OP: Please insert the date = 42 months after the entry into force of this Regulation], packaging shall be marked with a label containing information on its material composition. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging. Packaging subject to deposit and return systems referred to in Article 44(1) shall, in addition to the labelling referred to in the first subparagraph, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.</p>	<p><b>Article 11 (1)</b></p> <p>From [<del>OP: Please insert the date = 42</del> <b>36</b> months after the <del>entry into force of this Regulation</del> <b>publication of the implementing acts referred to in paragraphs 5 and 6</b>], <del>packaging shall be marked with a label containing information on its material composition</del> <b>information on the material composition of packaging shall be marked on the packaging or shall be available through digital means according to art 11(4)</b>. This obligation does not apply to transport packaging. However, it applies to e-commerce packaging. Packaging subject to deposit and return systems referred to in Article 44(1) shall, in addition to the labelling referred to in the first subparagraph, be marked with a harmonised label established in the relevant implementing act adopted pursuant to paragraph 5.</p>
<p><b>JUSTIFICATION:</b> Manufacturers of packaged products must be allowed at least 36 months, after publication of the Commission implementing acts, to adjust their product labels and manufacturing processes to be able to comply with the new labelling requirements. This is especially important for SMEs, given the complexity of the supply chain which impacts the time and the process needed for the collection of information from multiple packaging suppliers, the necessary calculations, documentation, artwork changes processes, etc. Given that the manufacturers' compliance with the requirements of this Regulation will directly rely on the harmonised methodology for identifying the material composition of packaging and on the harmonised label, the deadline for manufacturers' compliance must be linked to the actual publication of the implementing acts referred to in paragraphs 5 and 6. If that is not the case, and the manufacturers' deadline for compliance is linked to the adoption of this Regulation, any delay in the publication of the implementing acts will effectively reduce, by the same amount, the time available to manufacturers to implement the labelling changes.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 11 (2)</b></p> <p>From [<del>OP: Please insert the date = 48 months after the date of entry into force of this Regulation</del>], packaging shall bear a label on packaging reusability and a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and</p>	<p><b>Article 11 (2)</b></p> <p>From [<del>OP: Please insert the date = 42</del> <b>36</b> months after the <del>entry into force of this Regulation</del> <b>publication of the implementing act referred to in paragraph 5</b>], <b>information on packaging reusability shall bear be marked on</b> a label on packaging <del>reusability and</del>, <b>or shall be available through</b> a QR code or other type of digital data carrier that provides further information on packaging reusability including the availability of a system for re-use and of collection points, and that facilitates</p>

distinguished from single use packaging at the point of sale.	the tracking of the packaging and the calculation of trips and rotations. In addition, reusable sales packaging shall be clearly identified and distinguished from single use packaging at the point of sale.
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**JUSTIFICATION:** Manufacturers of packaged products must be given at least 36 months, after publication of the Commission implementing acts, to adjust their product labels and manufacturing processes to be able to comply with the new labelling requirements. This is especially important for SMEs, given the complexity of the supply chain which impacts the time and the process needed for the collection of information from multiple packaging suppliers, the necessary calculations, documentation, artwork changes process, etc. Furthermore, given that the manufacturers' compliance with the requirements of this Regulation will directly rely on the harmonised label, the deadline for manufacturers' compliance must be linked to the actual publication of the implementing acts referred to in paragraph 5. If that is not the case, and the manufacturers' deadline for compliance is linked to the adoption of this Regulation, any delay in the publication of the implementing acts will effectively reduce, by the same amount, the time available to manufacturers to implement the labelling changes.

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
	<p><b>(new)</b></p> <p><b>Article 11 (x)</b></p> <p><b>Packaging referred to in paragraphs 1, 2 and 3, manufactured or imported before these deadlines, may be marketed until the stocks of the products are exhausted.</b></p>
<p><b>JUSTIFICATION:</b> It is necessary to allow the exhaustion of stocks of packaging manufactured or imported before the application of the different obligations. Without allowing for this, packaging that is not complying would go to waste, which contradicts the objectives of this initiative.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 11 (4)</b></p> <p>Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging.</p> <p>Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for</p>	<p><b>Article 11 (4)</b></p> <p>Labels referred to in paragraphs 1 to 3 and the QR code or other type of digital data carrier referred to in paragraph 2 shall be placed, printed or engraved visibly, clearly legibly and indelibly on the packaging. Where this is not possible or not warranted on account of the nature and size of the packaging, they shall be affixed to the grouped packaging <b>or provided via digital means.</b></p> <p>Where Union legislation requires information on the packaged product to be provided via a data carrier, a single data carrier shall be used for</p>



<p>providing the information required for both the packaged product and the packaging.</p>	<p>providing the information required for both the packaged product and the packaging.</p> <p><b>From [Please insert the date = 24 months after the entry into force of this Regulation] the Commission shall adopt guidance regarding provision of information by digital means.</b></p>
<p><b>JUSTIFICATION:</b> Many consumer products have significant on-pack space limitations and must comply with the, sometimes extensive, labelling requirements of other applicable legislation. In such cases, on-product/on-pack labelling in a legible manner is difficult or even impossible to ensure. Adding a layer of packaging or other material means (e.g. leaflets, tags, etc.) would impact the environment and go counter the objectives of this Regulation. Digital means are the only solution for effectively communicating the required information to consumers or other end users while avoiding additional impacts on the environment. It will be essential to provide guidelines on digitalisation at the EU level to avoid misinterpretation.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 11 (5)</b></p> <p>By [OP: Please insert the date = 18 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste EN 63 EN receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>	<p><b>Article 11 (5)</b></p> <p>By [OP: Please insert the date = <del>18</del> 12 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish a harmonised label and specifications for the labelling requirements and formats for the labelling of <b>or the digital provision of information related to</b> packaging referred to in paragraphs 1 to 3 and the labelling of waste EN 63 EN receptacles referred to in Article 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 59(3).</p>
<p><b>JUSTIFICATION:</b> The manufacturers' implementation of the requirements of this Regulation will directly rely on the publication of the implementing acts establishing a harmonised label and specifications for the labelling requirements and formats for the labelling of packaging referred to in paragraphs 1 to 3 and the labelling of waste EN 63 EN receptacles referred to in Article 12. Therefore, such implementing acts should be published as soon as possible.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 11 (6)</b></p> <p>By [OP: Please insert the date = 24 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be</p>	<p><b>Article 11 (6)</b></p> <p>By [OP: Please insert the date = <del>24</del> 12 months after the date of entry into force of this Regulation], the Commission shall adopt implementing acts to establish the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Those implementing acts shall be</p>

adopted in accordance with the examination procedure referred to in Article 59(3).	adopted in accordance with the examination procedure referred to in Article 59(3).
<p><b>JUSTIFICATION:</b> The manufacturers' implementation of the requirements of this Regulation will directly depend on the publication of the implementing acts establishing the methodology for identifying the material composition of packaging referred to in paragraph 1 by means of digital marking technologies. Therefore, such implementing acts should be published as soon as possible.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 11 (7)</b></p> <p>Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.</p>	<p><b>Article 11 (7)</b></p> <p>Without prejudice to requirements concerning other harmonised EU labels, economic operators shall not provide or display labels, marks, symbols or inscriptions that are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.</p> <p><b>From [OP: Please insert the date = 24 months after the entry into force of this Regulation] the Commission shall adopt guidance regarding aspects that are likely to mislead or confuse consumers or other end users.</b></p>
<p><b>JUSTIFICATION:</b> In the interest of legal clarity, economic operators should be provided with guidance on what aspects the labels, marks, symbols or inscriptions they use are likely to mislead or confuse consumers or other end users with respect to the sustainability requirements for packaging, other packaging characteristics or packaging waste management options, for which harmonised labelling has been laid down in this Regulation.</p>	

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
<p><b>Article 11 (8)</b></p> <p>Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) may be identified by means of a corresponding symbol throughout the territory in which that scheme or system applies. That symbol shall be clear and unambiguous and shall not mislead consumers or users as to the recyclability or reusability of the packaging.</p>	<p><b>Article 11 (8)</b></p> <p>Packaging included in an extended producer responsibility scheme or covered by a deposit and return system other than that referred to in Article 44(1) <del>may</del><b>shall</b> be identified by means of a <del>corresponding</del><b>harmonised</b> symbol <del>throughout the territory in which that scheme or system applies to</del><b>be established via an implementing act by the Commission in accordance with the examination procedure referred to in Article 59(3). That symbol shall be clear and unambiguous and shall not</b></p>

	<del>mislead consumers or users as to the recyclability or reusability of the packaging.</del>
<b>JUSTIFICATION:</b> Harmonised labelling rules across the Member States are essential to avoid the risk of divergent national measures for packaging, which disrupt the EU Single Market and create an overly complex regulatory environment for businesses.	

## 6. ANNEX IV - METHODOLOGY FOR PACKAGING MINIMISATION ASSESSMENT

- Part I – Performance criteria

COMMISSION PROPOSAL	COSMETICS EUROPE PROPOSED AMENDMENT
1. <b>Product protection:</b> packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality.	1. <b>Product protection:</b> packaging design shall ensure the product protection from the point of packaging or filling until the end use, with a view to prevent significant product damage, loss, deterioration or waste. Requirements may consist of protection against mechanical or chemical damage, vibration, compression, humidity, light, oxygen, microbiological infection, pest, deterioration of organoleptic properties etc. and include references to specific legislation setting out requirements on product quality. <b>Protection measures may include necessary anti-tamper, anti-theft and anti-counterfeit provisions.</b>
<b>JUSTIFICATION:</b> The Performance Criteria should be updated to accommodate various functions of packaging relating to adverse practices on the part of consumers or other actors. This would ensure that key protection measures are not adversely impacted by the Performance Criteria. All such measures would need to be acknowledged and explicitly highlighted in the technical documentation that supports the conformity assessment.	