

To the attention of PPWR trilogue negotiators at:
The European Parliament
The Council of the European Union
The European Commission

Brussels, 30 January 2024

Re: EU Packaging and Packaging Waste Regulation (PPWR): call for a holistic approach to packaging minimisation; informative and sustainable digital labelling solutions; and rationalised and clear rules on cosmetics' secondary packaging

Honourable negotiators,

I am addressing you on behalf of Cosmetics Europe and its undersigned members in the context of the ongoing interinstitutional negotiations on the proposal for a Packaging and Packaging Waste Regulation (PPWR), to raise your awareness on three key elements that should be taken into account to ensure the final text will allow the cosmetics industry to successfully meet its objectives while maintaining its competitiveness in Europe: packaging minimisation, digital labelling of packaging, and restrictions on cosmetics' secondary packaging.

1. Holistic packaging minimisation rules that promote sustainable packaging while preserving product differentiation and brand creativity

The packaging shape of cosmetics products is an essential tool to communicate the brand identity to consumers, recognise distinctive products, and a key contributor to the intangible value of these products. This is why we welcome the European Parliament's position acknowledging that the "shape" of the packaging should be taken into account when implementing minimisation in the packaging design (Article 9(1)), alongside the packaging material and functions listed in Annex IV. The reference to the shape of packaging ensures that packaging minimisation can be implemented while preserving packaging differentiation and product/brand recognition, and their intrinsic value. This is the case for perfumes which reflect a long-standing heritage and which are a symbol of European *savoir faire*, as well as for shampoos, shower gels, creams, mouthwash, and other products benefiting from iconic packaging that has become an integral part of their identity and value. Without a reference to shape, this provision could be narrowly interpreted and

lead to standardisation, irremediably limiting the consumer choice and creative freedom of companies to develop new and inventive packaging, hampering the competitiveness of the sector.

On a similar note, we also appreciate the institutions' effort to take into consideration certain Intellectual Property Rights such as trademarks and design rights under Article 9(2) and Annex IV as per Council and European Parliament's texts respectively, and we invite the institutions to find a compromise text that would foster incentives to competitiveness and innovation in new and sustainable packaging solutions, granting the same rights to packaging protected by rights registered both before and after the entry into force of the regulation.

Thirdly, the European Parliament and the Council suggest that the Commission should give standardisation bodies the mandate to develop standards specifying maximum weight and volume limits from most common packaging types and formats (Article 9(2a)). While we recognise the role of standardisation in verifying compliance with packaging minimisation rules, we wish to highlight that horizontal standards are unlikely to capture the needs and characteristics of the wide diversity of products and their corresponding packaging, which depend on their use, filling, functioning, expected lifespan. Therefore we invite the negotiators to mandate standardisation bodies to only develop standardised methodologies for the calculation and measurement of compliance with the requirements concerning packaging minimisation, as envisaged in the first part of the paragraph.

2. Digital labelling solutions which contribute both to consumer information and packaging and packaging waste reduction

The use of digital means is the most effective way to address the tension between the increasing amount of mandatory consumer information and labelling requirements at the EU and national level on the one hand, and the upcoming packaging minimisation requirements on the other. This is particularly the case for the packaging of cosmetic products, given the significant space limitations dictated by the packaging size and the amount of mandatory on-pack information (e.g., list of ingredients, functions, use precautions, allergenic substances, instructions for disposal, sustainability information, packaging composition, etc.). These objective limitations can be overcome by introducing additional packaging e.g., in the form of markings, fold-out labels, tie-on tags; but this practice would go against the waste reduction and sustainability goals of the EU. This concern is well reflected in the European Parliament's position on Article 11(4), suggesting that packaging whose size or nature hinders the fulfilment of labelling requirements of the PPWR, shall instead carry a single digital data carrier. We invite the negotiators to reflect this provision in the text of the final interinstitutional agreement. With accessibility of digital means steadily increasing across all age groups in the EU population, this would also be an opportunity to future-proof the labelling provisions under the PPWR.

3. Clarity over the restriction of secondary packaging for cosmetic products

The European Parliament introduces an amendment to Annex V to restrict cosmetics, hygiene, and toiletry products' secondary packaging that is not necessary to comply with the performance criteria of annex IV (Annex V, row 5b). This additional provision is redundant with article 9 since packaging not necessary to comply with any of the performance criteria set out in Annex IV is already banned from being placed on the market under Article 9(2) as per Commission's proposal. Moreover, the proposed wording is contradictory

and misleading as it appears to exempt perfumes, hygiene, and toiletry products from the restriction, but then it proceeds to present a hygiene product (toothpaste) and a toiletry product (cream) as illustrative examples of banned uses. To ensure legal certainty around packaging minimisation and the prohibition of certain packaging formats, we invite the institutions to let article 9 prevail and align to the original Commission's proposal as also reflected in the Council's General Approach.

We thank you in advance for your consideration of the points raised in this letter and remain available for further information.

Yours Sincerely,



John Chave
Director General of Cosmetics Europe

Cosmetics Europe is the European trade association for the cosmetics and personal care industry. Our members include cosmetics and personal care manufacturers, as well as associations representing our industry at national level, right across Europe. Our key priority is to ensure that our consumers have access to safe, innovative, and sustainable cosmetics and personal care products, while maximizing the potential of our industry for innovation and growth. Cosmetics Europe is officially registered in the EU Transparency Register under the following ID number: 83575061669-96.