

Cosmetics Europe contribution to the European Commission Inception Impact Assessment for the legislative proposal on Substantiation of 'Green' Claims

Cosmetics Europe represents the cosmetics and personal care industry in Europe. From dermo-cosmetics, fragrances, make-up and shampoos, to soaps, sunscreens and toothpastes, cosmetics and personal care products play an essential role in consumers' every-day lives.

We welcome the opportunity to engage on the legislative proposal on substantiating green claims. Naturally, we support the objective to move towards a more harmonised approach for providing consumers with reliable environmental information, increasing simplification and reducing administrative burdens, especially for SMEs.

We would like to contribute the following considerations to the inception impact assessment:

1. Regulatory context for cosmetic product claims (including environmental claims)

As recognised by the European Commission in its Report to the European Parliament and Council (COM (2016) 580 final), the “existing European regulatory framework for claims and advertising of cosmetic products is very comprehensive and ensures a high level of consumer protection.” It already includes a legal requirement for all claims to be supported by evidence, in addition to them being legally compliant, truthful, honest, fair and allowing informed decision-making. This system establishes key principles that must be complied with whilst allowing a certain degree of flexibility for their application, to accommodate cultural and linguistic differences, scientific progress, evolving societal trends and consumer expectations, etc. In addition to having been proven to effectively protect consumers from being misled, this system also promotes innovation and fosters competition.

2. Preservation of the Internal Market – need for a European approach

Cosmetics Europe supports a common European basis, e.g. a framework of principles or criteria, for the substantiation of environmental claims. This would avoid different national approaches and methods leading to a fragmented internal market which would be detrimental to consumers and companies alike.

Such a single European approach should be scientifically based, workable and simple, therefore also appropriate for use by SMEs. It should also be adaptable to the various sectors and product categories within those sectors.

3. Environmental Footprint Methodology

In our view, it is unlikely that one method alone (such as the Product Environmental Footprint (PEF)) could be used for all the sectors concerned. Furthermore, as it stands today, there are general issues with the PEF method concerning data quality and availability, standardisation, comparability etc., and therefore further development is necessary. A PEF case study that has been conducted on shampoo by Cosmetics Europe revealed that the PEF would not be specific enough to allow differentiation

between products in a similar product category and has not provided indications on how its results could be clearly and meaningfully communicated to consumers.

4. Suggested approach

For the reasons outlined above, a European sectoral / value chain harmonised framework would make sense for the cosmetics industry, using reliable and scientifically robust standards or methods to maintain flexibility and adaptability to the different cosmetic product categories and to the diversity of environmental claims.

As the cosmetics industry is investing significantly in the development of more sustainable products, a flexible framework or standards would allow companies to voluntarily communicate those improvements to consumers with the necessary agility. It would also be essential for maintaining the incentive to innovate in this fast-moving domain, both at the product and at the methodology level, to ultimately support the Commission's goals in this area.

Facilitation of value chain and sectoral collaboration on methodology, data collection, provision and metrics would be necessary to make the process as simple and efficient as possible.