



Brussels, 26<sup>th</sup> January 2024

**Re: Call for a fair, non-discriminatory, and workable Extended Producer Responsibility (EPR) scheme within the revision of the Urban Wastewater Treatment Directive (UWWTD)**

Dear MEP Torvalds,

In the context of the inter-institutional negotiations on the recast of the UWWTD, the European cosmetics and personal care industry would like to bring your attention to the concerns raised by the legislative proposal and call for a delay in the adoption of the text.

We recognize and support the overall objective of effectively tackling water pollution, one of the main challenges of current times, and achieving the zero-pollution ambition in Europe, and we are ready to financially contribute based on our fair share of responsibility. Nevertheless, we believe that **fairness and equal treatment of all polluters should be guaranteed**, and an EPR scheme should serve the ultimate purpose of **incentivising the eco-design of products** by investing in more sustainable substances.

First, we consider that the proposal is **lacking a sound scientific evidence** and therefore the polluter pays principle stated in the EU Treaty has not been adequately implemented. In this respect, we regret that the proposed sector based EPR is not supported by a robust impact assessment on the identification of the sources of micropollutants. The identification of cosmetics as the second polluter to water environment is rather the result of several **technical mistakes and assumptions**. The EPR feasibility study – part of the Commission’s Impact Assessment – does not provide solid

methodology nor data to substantiate the claim that cosmetics is the second polluter. A study carried out by the Joint Research Centre demonstrates on the contrary that the impact of cosmetics to water pollution accounts to around 1% of the total toxic load (out of the 50 substances responsible for water pollution only 7 are used in cosmetics and in other sectors as well).

The sectorial approach, not being based on sound scientific justifications, does not guarantee an equal treatment of all polluters, breaches core principles of the EU Treaty, and ultimately fails its main objective of providing an incentive to all polluters to improve their environmental footprint.

Therefore, we strongly recommend that an **approach based on substances**, i.e., relevant micropollutants, is adopted. Setting up a **defined and harmonized list of micropollutants** will allow for a **proper and transparent distribution of the financial burden of costs among all polluters**, regardless of sectors.

Furthermore, we are very concerned that a purely sector based EPR generates legal uncertainties as regards the scope of the Directive, i.e., which substances are to be considered as micropollutants. Diverging implementation by Member States would in turn lead to a fragmentation of the internal market. An EU harmonized list of micropollutants would help counteract such situation and would ensure legal clarity and certainty.

A list of micropollutants is necessary to allow the economic operators concerned to identify and report the products for which they have to pay the EPR contribution. In the case of cosmetics, obtaining the information will be extremely complex, given that the economic operators concerned also include actors down in the supply chain (e.g., shops and retailers of cosmetic products).

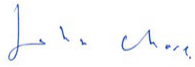
Ultimately, a substance based EPR would not only result in a genuine application of the polluter pays principle but also **incentivize all polluters to reformulate their products by using more sustainable substances**. In fact, without a defined list of substances (i.e., micropollutants) producers will not be able to identify which substances would need to be substituted.

On the other hand, when it comes to the **analysis of the economic impact**, the EPR feasibility study did not take into account the impact of proposed measures on SMEs which could be huge.

For the above-mentioned reasons, we would like to call for a delay in adopting the legislative proposal to allow the necessary analysis of the impact on SMEs, and the development of a workable, fair and transparent EPR scheme which is fit for the purpose of ensuring better quality of water bodies throughout the EU. Furthermore, considering that the objective for the implementation of quaternary treatment could be 2035, there will be the necessary time for further reflection, and a delay to improve the legislative text will not result in a delay of the deadline for the implementation of new treatments.

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.

**Co-signatories national associations members of Cosmetics Europe**

*Asociacion Nacional de Perfumeria y Cosmética – STANPA*

*Fédération des Entreprises de la Beauté – FEBEA*

*Industrieverband Körperpflege- und Waschmittel – IKW (The German Cosmetic, Toiletry, Perfumery and Detergent Association)*

*Cosmetica Italia*

*The Polish Union of the Cosmetics Industry – Kosmetyczni.PL*

*Polish Association of Cosmetics and Detergent Industry – PACDI*

*Romanian Union of Cosmetics and Detergent Manufacturers – RUCODEM*

*Bulgarian National Association for Essential Oils, Perfumery, Cosmetics – BNAEOPC*

*Associação dos Industriais de Cosmética, Perfumaria e Higiene Corporal – AIC*

*The Hellenic Cosmetic Toiletry and Perfumery Association – PSVAK*

*Nederlandse Cosmetica Vereniging – NCV*

*Kosmetik- och hygienföretagen – KoHF (The Swedish Cosmetics, Toiletries and Detergents Association)*

*Kosmetiikka- ja hygienieollisuus ry (The Finnish Cosmetic and Hygiene Industry Association)*

*Slovak Association for Branded Products – SZZV*

*Irish Cosmetics & Detergents Association – ICDA*

*Estonian Chemical Industry Association – ECIA*

*Lithuanian Cosmetics and Household Chemicals Producers Association – LIKOCHEMA*

*Detergents and Cosmetics Affiliation of the Croatian Chamber of Economy*

*Association of Cosmetics and Detergents Producers of Slovenia – KPC*

*Czech Association for Branded Products – CSZV*