



SUSTAINABLY

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Introduction

“The best waste is the waste that doesn’t exist”... The beauty industry faces an enormous challenge: to protect its products and ensure that the packaging used has the least possible negative impact on the planet. The current regulatory framework and consumer expectations are additional sources of pressure for professionals.

To meet these challenges, packaging suppliers are stepping up their efforts. They offer packaging made from bio-sourced materials, come up with refillable containers and even design genuine objets d’art to encourage consumers to keep their packaging.

To help companies better understand contemporary packaging issues, CosmeticOBS has designed this Minibook.

It provides an update on current regulations, illustrates consumer desires (using data from forward-looking agencies) and presents the latest innovations launched by packaging suppliers.

THE CHALLENGES OF PACKAGING RECYCLABILITY

At a time when the reduction and recyclability of household packaging, including cosmetics, have become compulsory, their implementation remains a challenge for companies. Between regulatory requirements and the reality of sorting centres, Marion Halby, Léko's Head of Institutional Affairs, and Nicolas Pont, Véolia's Ecodesign and Recycling Director, took stock of the subject during the JEST 2002 organised by Cosmed in September.

Léko is an French eco-organisation that is part of an extended producer channel for household packaging set up in 1992 on the basis of the "polluter pays" principle. In concrete terms: from the moment a piece of packaging is placed on the market, the person who places it on the market contributes financially to its end-of-life (the cost of collection, recycling and processing), in a mutualised manner, by paying a contribution to an eco-organisation, which is then responsible for organising the sector and redistributing financial support to the local authorities, which, for the most part, organise the collection and recycling.

Léko has been approved by the State since 2017. Its founder, the Reclay group, is approved in five countries: Germany, France, Austria, Slovakia and Canada.

Today, 830 million euros are collected annually by Léko from various sectors, including the cosmetics industry. Glass represents 49%, plastic 23%, paper and cardboard 22%... Recycling targets have been set for the past ten years at 75%, and have still not been reached since they were only 72% in 2021. Léko's objective is therefore to contribute to reaching the target of 75% of packaging recycled in France. To achieve this, the eco-organisation is working on collection, sorting and recycling, but also on reduction and reuse, through eco-design, deposits, reuse or bulk.

Its other actions:

- The simplification of companies' declarations to the eco-organisation, as well as scales and processes
- A better information for consumers (in particular via the new sorting sign that came into force this year in France)
- The collaboration with the other EPR sectors, in order to offer a shared approach to companies that depend on several sectors
- The development of international services
- Consultation via the creation of sectoral committees, by industry and by theme (deposit/reuse, real, composting, etc.)

New French regulations

They have been multiplying recently, in the wake of new environmental laws. Marion Halby has focused on four of them.

Sorting signage

The extension of the sorting instructions (the change of instructions for what can be put in the yellow bin) has led to **a change in the signage that must be affixed to the packaging**. It was validated by the public authorities on 9 September 2021.

A deadline was set for marketers to bring their packaging into compliance (until 8 September 2022), and an additional period was granted for the disposal of packaging manufactured or imported before 9 September 2021, until 8 March 2022.

It was further clarified that marketers of finished cosmetic products have the possibility to market products with packaging that does not carry the sort info after 9 March 2023, without a deadline, if such

packaging was manufactured before 9 September 2022 and handed over to the marketer or his subcontractor before 9 March 2023 (regardless of whether or not it was filled by that date).

The new info-sort can be affixed in a picto version, in a written version or in a multi-country version.

The Decree on the environmental characteristics of products

The purpose of **the Decree of 29 April 2022** is to provide consumers with information on the conditions for better waste prevention and management.

As regards packaging, the information to be given concerns compostability, the incorporation of recycled materials, the possibility of reusing the packaging and recyclability.

The obligation concerns marketers who sell at least 10,000 products, with a turnover of 10 million euros per year.

For the first time, this decree specifies what is meant by recyclability. A recyclable packaging is thus a packaging:

- Which has been collected and sorted
- Which does not contain any sorting interferences
- Which has a majority of recycled materials by mass: above 50%, the packaging can be described as “mainly recyclable”; above 95%, as “entirely recyclable”
- Which has an industrial-scale recycling system

The information must be available to the consumer at the time of purchase, at least by electronic means, on the website or on a dedicated website.

The Decree on reused packaging

The **Decree of 8 April 2022** introduces a further obligation regarding reuse.

The text gives a definition of reused packaging, which will be qualified as such:

- From its second use (second rotation)
- If it is used for a use of the same nature (and therefore not necessarily exactly for the same product, which leaves room for interpretation of what the same nature is)
- If the return system is organised by or for the producer (reuse by the consumer in his or her bathroom does not fall within the definition)
- If the traceability of the reuse is effective

The text specifies that bulk and refill are included in what can be defined as reused packaging.

These provisions cover both household and professional (industrial or commercial) packaging.

The minimum proportions of packaging to be re-used (and their deadlines) vary according to the turnover of the companies.

Another obligation is that reusable packaging must be recyclable. And logically, they will be exempt from contribution, since they will no longer represent a management cost at the end of their life. Only the first time they are placed on the market will contribute to EPR.

The prevention and ecodesign plan

In accordance with the provisions of Article 72 of **the AGECL law**, the marketer must draw up a prevention and ecodesign plan every five years and send it to his eco-organisation. The latter then makes a summary of all the plans received, which it sends to the public authorities.

The plan must include notions on reduction and reuse, the origin of raw materials (and the reduction of non-renewable resources), the consumption of recycled materials and recyclability. Its form, however, remains free, and the eco-organisations can assist companies in drawing it up.