



**eco-friendly**



# **ENVIRONMENTAL CLAIMS**

**MINIBOOK 2024**

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# Introduction

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For some years now, regulations have been proliferating all over the world, and environmental claims have never been as tightly regulated as they are today. The aim of legislators is clearly stated: to avoid greenwashing practices and claims likely to mislead consumers into believing that the product they are buying is more environmentally friendly than it really is.

The cosmetics industry has not been left out of this trend, which has resulted in precise rules that must be respected, not only on labelling but also in all communications aimed at the general public, with prohibited claims and information that must be published... The supervisory authorities, initially cautious and pedagogical in their interpretation of the new provisions, have now moved on to a phase of stricter controls.

This makes compliance with the regulations on environmental claims all the more crucial. This Minibook has been designed with this in mind. It recalls the basic regulations, details the new framework and gives concrete examples from France, Europe and the rest of the world.

# THE FRENCH AGECE LAW AND ITS IMPACT ON COSMETIC PRODUCTS

The French AGECE law, for Anti-Gaspillage and Circular Economy law, was published in the Official Journal of the French Republic on February 11, 2020. During the Perfumes & Cosmetics Congress, held in digital on November 4 and 5, 2020, H  l  ne Orliac, Director of International, Environmental and Economic Affairs of the FEBEA, presented the main lines of the law and detailed its implications on the cosmetics sector, particularly on its packaging.

The AGECE law is part of the will to act for a rapid and significant ecological transition. It deals with the saving of resources, raw materials, energy, water... but also with the limitation of waste and its reuse, the use of co-products...

*"It is a law that is extremely important for the cosmetics sector," warned H  l  ne Orliac, "and which provides for many things that impact us. It has 130 articles, 29 of which concern our sector, with major stakes and deadlines that are extremely short."*

This law includes about a hundred measures organised around five main axes.

1. Getting out of plastic, starting with the incorporation of recycled material and, by 2040, banning single-use plastic packaging ;
2. Better inform consumers of the possibilities for recycling and reusing products, and provide them with information on the environmental performance of products.
3. Fight against waste and promote solidarity-based reuse: a measure that should come into force on 31 December 2021.
4. Acting against the programmed obsolescence of products: a point that does not affect cosmetics.
5. Enlarge the responsibility of companies with the creation of new EPR channels (Extended Producer Responsibility) for products that do not have one or the revision of the specifications of existing EPR channels. *"Our sector is largely concerned by this point as a marketer of cosmetic products,"* said H  l  ne Orliac.

It is divided into six chapters, five of which (1, 2, 3, 4 and 6) concern the cosmetics sector, and its application is being put in place through the publication of a hundred application decrees and orders, of which only 5% have been published to date.

## Chapter I: The strategic objectives of waste management and waste prevention

In this chapter, Article 7 of the AGECE law foresees the disappearance of single-use plastic packaging by 2040. A gradual disappearance, since transitional stages are defined: the first is that 100% of plastic packaging should be recycled by 2025.

Other, more global objectives are also set by this law for plastics:

- A 15% reduction in household and similar waste produced per inhabitant by 2030 compared to 2010 (Article 3)
- A target of reducing the quantities of waste from economic activities per unit of value produced by 5% between 2010 and 2030 (Article 3)
- A target for reuse of household packaging of 5% in 2023 and 10% in 2027 (Article 9)

*"The cosmetics industry is concerned by all these objectives, but the most impacting for our products is the reduction of household packaging, which is extremely restrictive,"* commented H  l  ne Orliac.

## Monitoring of measures

In order to monitor the progress of these objectives, the law provides for the creation of a re-employment observatory (Article 9). It should be set up before 1 January 2021 and will have to assess the relevance of reuse solutions from an environmental and economic point of view.

According to the definition proposed by the ADEME, the reuse of household packaging is its reuse for the same purpose for which it was originally intended. The packaging does not pass through the status of waste, it is kept as an object and can be refilled, either by the consumer himself, or at the point of sale, or by other more complex logistical structures.

*We know that for cosmetic products, sales volumes are not always very significant. For a reuse of packaging that would go through a system of collection, cleaning and refilling in an industrial environment, some studies have shown that the environmental cost of the associated logistics, in terms of transport, storage and cleaning, does not necessarily have an interesting environmental impact. This observatory should analyse this,*” explained H el ene Orliac.

## **Chapter II: Consumer information**

In this section, Article 13 provides that the environmental characteristics of products (incorporation of recycled raw materials, use of renewable resources, compostability, recyclability, presence of hazardous substances, etc.) should be affixed and visible at the time of purchase. A decree in the Council of State must set out the terms and conditions for its application, and another, issued after an opinion from ANSES, must identify hazardous substances. Their publication is awaited.

### **Information on endocrine disruptors**

This article also provides for information by electronic means on the presence of endocrine disruptors which are known or suspected to be present in certain categories of products.

Article 14 also provides for the possibility of imposing a “Not recommended for pregnant women” logo on products containing endocrine disruptors, again proven, suspected or suspected. Two decrees must also be published after the ANSES has given its opinion, to define the implementing rules and the list of these endocrine disruptors.

### **Triman vs. Green Dot**

Still on the subject of consumer information, Article 17 provides that the Triman logo and precise sorting instructions on how the product should be sorted should be affixed to the product.

It should be noted that the draft decree that is to specify this point does not at this stage provide for the dematerialisation of this instruction. However, the industry has argued that this obligation to affix it on the packaging could, on the one hand, be counter-productive in terms of packaging savings if it obliges to increase the size of packaging for small products, and, on the other hand, become an obstacle to the free circulation of products since these instructions are Franco-French and could be misunderstood or even refused for export... To be continued, therefore.

At the same time, the Green Dot logo, which is often affixed to packaging and which means that the product is subject to eco-contribution, will have to be withdrawn, on pain of eco-modulation-malus, on the grounds that it may introduce confusion for the consumer.

### **Prohibition of environmental claims**

Another point, in Article 13: environmental claims will be prohibited from 1 January 2022. This concerns in particular “Biodegradable”, “Environmentally Friendly” or other equivalent claims.

Products or packaging that are compostable will have to be labelled “Do not throw in nature” *“because most often they are not compostable in the natural environment, but only in industrial composting,”* explained H el ene Orliac.