

CTPA Response to Defra Consultation on introducing a Deposit Return Scheme in England, Wales and Northern Ireland

About you

1. Would you like your response to be confidential?

Yes / **No**

If you answered 'Yes' above, please give your reason:

2. What is your name?

Christine Lawson

3. What is your email address?

clawson@ctpa.org.uk

4. Please provide information about the organisation/business you represent.

[CTPA, the Cosmetic, Toiletry and Perfumery Association](#), is the trade association representing the UK's cosmetics industry. [Membership](#) covers 80 - 85% of the UK cosmetics market by value, and comprises large multi-national companies, SMEs and suppliers to the industry.

Market Value

The UK cosmetics market was worth £9.7 billion at retail sales price in 2018 **[1]** and the UK cosmetics industry employs 200,000 people. There are at least 320 cosmetic producers in the UK; many of these are small and medium-sized enterprises (SMEs). The UK has the fourth largest concentration of cosmetics SMEs in the EU. Every 10 workers employed by the industry will support two jobs in the value chain, such as professionals using cosmetics, beauticians, hairdressers and stylists **[2]**.

500 million people across the EU use cosmetic products each day, adding to their personal self-esteem and thereby contributing positively to growth and productivity as well as to society as a whole.

The Cosmetic, Toiletry and Perfumery Association Limited

4. Which of the following best describes you?

(Please tick only one option. If multiple categories apply to you please choose the one which best describes you and which you are representing in your response.)
(Required)

- **Business representative organisation/trade body**
- Product designer
- Manufacturer
- Distributor
- Retailer
- Waste Management Company
- Local Authority
- Reprocessor
- Community group
- Charity
- Social enterprise
- Independent consultancy
- Academic or researcher
- Individual
- Other

If you answered 'Other' above, please provide details:

What is the name of the organisation/business you represent? (Required. If you are responding on behalf of yourself please write 'individual')

Cosmetic, Toiletry and Perfumery Association

What is the approximate number of staff in your organisation? (If applicable)

12

5. Please provide any further information about your organisation or business activities that you think might help us put your answers in context. (Optional)

In the UK and across the EU the manufacture and supply of cosmetic products is governed by the EU Cosmetic Products Regulation (EU No. 1223/2009) and its amendments [3], hereafter referred to as the Cosmetics Regulation. This Regulation and its amendments are directly applicable in all 28 EU Member States and EEA countries. The Cosmetics Regulation stipulates the requirements for labelling, safety assessment, product notification, good manufacturing practice (GMP) and ingredients for cosmetic products. The primary objective of the Cosmetics Regulation is maintaining a high level of human safety, and each cosmetic product must be the subject of a safety assessment performed by a duly qualified professional before it is placed on the market. The Responsible Person is responsible for ensuring compliance with all aspects of the Cosmetics Regulation.

The Cosmetics Regulation is enforced in the UK via the UK Cosmetic Products Enforcement Regulations 2013 [4] which specifies the role of the authorities, the penalties and the enforcement process. The Competent Authority for implementing the Cosmetics Regulation in the UK is the Department for Business, Energy and Industrial Strategy (BEIS) and enforcement in the UK is carried out by Trading Standards.

A cosmetic product is clearly defined in the Cosmetics Regulation as:

“a substance or mixture intended to be placed in contact with the external parts of the human body (epidermis, hair system, nails, lips and external genital organs) or with the teeth and the mucous membranes of the oral cavity with a view exclusively or mainly to cleaning them, perfuming them, changing their appearance, protecting them, keeping them in good condition or correcting body odours.”

The Recitals to the Cosmetics Regulation also provide an indicative list of products that may fall within the scope of this definition:

“Cosmetic products may include creams, emulsions, lotions, gels and oils for the skin, face masks, tinted bases (liquids, pastes, powders), make-up powders, after-bath powders, hygienic powders, toilet soaps, deodorant soaps, perfumes, toilet waters and eau de Cologne, bath and shower preparations (salts, foams, oils, gels), depilatories, deodorants and anti-perspirants, hair colorants, products for waving, straightening and fixing hair, hair-setting products, hair-cleansing products (lotions, powders, shampoos), hair-conditioning products (lotions, creams, oils), hairdressing products (lotions, lacquers, brilliantines), shaving products (creams, foams, lotions), make-up and products removing make-up, products intended for application to the lips, products for care of the teeth and the mouth, products for nail care and make-up, products for external intimate hygiene, sunbathing products, products for tanning without sun, skin-whitening products and anti-wrinkle products. ”

It is important to note that there is a fundamental safety requirement under the Cosmetics Regulation that stipulates the requirement for each cosmetic product to be the subject of a safety assessment performed by a duly qualified professional before it is placed on the market. The safety assessor looks at the individual ingredients, how they are used in the final product and whether the finished product is safe. This evaluation includes the relevant characteristics of packaging material, in particular purity and stability and any potential interaction between packaging and product during the proposed life of the product.

Annex I of the Cosmetics Regulation describes the information that needs to be considered in the content of the Cosmetic Product Safety Report (CPSR). Section 4

provides details with regard to impurities, traces, information about the packaging material :

- The purity of the substances and mixtures
- In the case of traces of prohibited substances, evidence for their technical unavoidability.
- The relevant characteristics of packaging material, in particular purity and stability.

Point 3.4 of Commission Implementing Decision 2013/674/EU on Guidelines on Annex I to Regulation (EC) No 1223/2009 [5] further expands on this.

These requirements of the Cosmetics Regulation have been adopted by the UK within the UK Cosmetics Regulation in the case of a 'no deal' scenario where the UK leaves the EU.

6. Does your organisation have any recent experience of a DRS or related policy schemes? If so, can you please briefly explain your experiences?

NO

7. Are you content for the UK government, or in Wales, the Welsh Government, or in Northern Ireland, DAERA to contact you again in relation to this consultation?

YES

Basic principles for a DRS

8. Do you agree with the basic principles for a DRS?

Yes

No

I neither agree nor disagree

I don't know / I don't have enough information

Please briefly state the reasons for your response. Where there are principles you do not agree with, please outline them here. Where available, please share evidence to support your view

Whilst the products that fall into scope of the proposed DRS fall out of scope of the CTPA's remit, CTPA is concerned that the principle of DRS will detract from an improved kerbside recycling system for the following reasons;

- Abstract valuable material away from Local Authority
- Reduce the quality of material collected kerb-side
- Create a shortage of supply as, with preferential buy-back, material will be sequestered by members of the DRS over other recipients
- Confuse consumers who may feel that kerbside recycling is not as important if 'proper' recycling happens by DRS

- Require a different mind-set and behaviour from consumers for consumers
- If all drinks container metal is taken out of system, then other metal, such as from aerosols becomes uneconomic for Local Authorities to recycle

Whilst DRS is the most effective way to collect the maximum proportion of packaging efficiently and effectively to achieve high quality collection with low contamination, CTPA understands DRS to be a form of Extended Producer Responsibility. The European Waste Framework Directive [6] introduced extended producer responsibility to support the design and production of goods and facilitate the efficient use of resources during their whole lifecycle.

In addition, businesses contributing to any reformed EPR scheme will be doing so under an obligation to financially support and promote effective household collection, recycling 'on the go' and litter services. This could lead to conflicting obligations.

EPR funded schemes delivered by Local Authorities may still incur costs for managing DRS packaging that consumers may choose to recycle in their household collection scheme.

Proposed models for a DRS system

9. Should the following materials be in scope of a DRS:

Members of CTPA have expressed concerns over the removal of cans from kerbside recycling. Currently, the potentially hazardous impact of an aerosol container is mitigated by the presence of a high number of inert cans or containers. By removing these other cans, aerosols, which are widely collected kerbside, become concentrated during their collection thus increasing the hazardous potential dramatically.

Outcomes of what we are hoping to achieve

If introduced, we anticipate that a DRS will help us to achieve the following outcomes:

- Reduction in litter and litter disamenity
- More recycling of drinks containers in scope of a DRS, especially those disposed of 'on-the-go'
- Higher quality recycling
- Greater domestic reprocessing capacity through providing a stable and quality supply of recyclable waste materials.

77. Do you think a DRS would help us to achieve these outcomes? Please briefly state the reasons for your response. Where possible, please share evidence to support your view:

- a. Reduction in litter and litter disamenity (include expected % decrease where possible)
- Yes
 - No
 - Neither
 - I don't know / I don't have enough information
- b. More recycling of containers in scope of a DRS, especially those disposed of 'on-the-go'
- Yes
 - No
 - Neither
 - I don't know / I don't have enough information
- c. Higher quality recycling
- Yes
 - No
 - Neither
 - I don't know / I don't have enough information
- d. Greater domestic reprocessing capacity through providing a stable and high-quality supply of recyclable waste materials
- Yes
 - No
 - I don't know / I don't have enough information

78. Do you think a DRS, as set out in the consultation, is necessary in helping us achieve the outcomes outlined above?

- Yes
- No
- I neither agree nor disagree
- I don't know / I don't have enough information

Please briefly state the reasons for your response. Where available, please share evidence to support your view.

This should be possible with reform of the Extended Producer Responsibility system and consistency of recycling collections without adding to conflict and confusion in recycling behaviours.

Alternative approaches

79. Do you think the outcomes of what we are hoping to achieve could be reached through an alternative approach?

- Yes
- No
- I neither agree nor disagree Other (please state)
- I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

Please see response to question 78.

80. Do you think an alternative approach would be a better way of achieving the outcomes?

Yes

No

I neither agree nor disagree Other (please state)

I don't know / I don't have enough information

Please explain your answer, providing evidence where available.

For all the reasons highlighted previously - CTPA is concerned that the principle of DRS will detract from an improved kerbside recycling system for the following reasons;

- Abstract valuable material away from Local Authority
- Reduce the quality of material collected kerb-side
- Create a shortage of supply as material will be sequestered by members of the DRS over other recipients
- Confuse consumers who may feel that kerbside recycling is not as important if 'proper' recycling happens by DRS
- Require a different mind-set and behaviour from consumers for consumers
- If all drinks container metal is taken out of system, then other metal, such as from aerosols becomes uneconomic and potentially hazardous for Local Authorities to recycle

References:

[1] [Commission Implementing Decision](#) 2013/674/EU on Guidelines on Annex I to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products

[2] **The Cosmetic, Toiletry and Perfumery Association** "[Cosmetics Industry in Figures](#)" Kantar Worldpanel April 2019 (under preparation)

[3] **The Cosmetic, Toiletry and Perfumery Association** "[Getting the Best from Exiting the EU](#)"

[4] L342/59 "[Regulation \(EC\) No 1223/2009 of the European Parliament and of the Council of 30 November 2009 on cosmetic products \(recast\)](#)"

[5] Statutory Instruments 2013 No. 1478 "[The Cosmetic Products Enforcement Regulations 2013](#)"

[6] Directive [EU/2018/851](#) (the revised Waste Framework Directive)