



C/2025/2685

19.5.2025

Action brought on 7 March 2025 – Cosmetics Europe v Parliament and Council

(Case T-169/25)

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Language of the case: English

Parties

Applicant: Cosmetics Europe - the personal Care Association (Auderghem, Belgium) (represented by: J.-P. Montfort and A. de Moncuit, lawyers)

Defendants: European Parliament, Council of the European Union

Form of order sought

The applicant claims that the Court should:

- annul Articles 9, 10 and Annex III, and to the extent necessary, Article 30.1, second indent, (c) of Directive (EU) 2024/3019 of the European Parliament and of the Council of 27 November 2024 concerning urban wastewater treatment (recast) ⁽¹⁾ insofar as it introduces an extended producer responsibility scheme for cosmetic products; and,
- order the European Parliament and the Council of the European Union to pay the costs of these proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on six pleas in law.

1. First plea in law, alleging that the EU legislature has breached its duty to state reasons when adopting the above Articles of Directive (EU) 2024/3019 as regards the selection of the cosmetic sector to be subject to the extended producer responsibility scheme set forth by this Directive.
2. Second plea in law, alleging that the EU legislature has made a manifest error of assessment and breached Article 191(3) of the TFEU by failing to consider all facts and circumstances of the case, and by relying on evidence that is not factually accurate, reliable and consistent when selecting the cosmetic sector as the second sector to be subject to the extended producer responsibility scheme set forth in Directive (EU) 2024/3019.
3. Third plea in law, alleging that by selecting the cosmetic as the second sector to be subject to the extended producer responsibility scheme, Directive (EU) 2024/3019 breaches the polluter-pays principle, as well as the principle of non-discrimination.
4. Fourth plea in law, alleging that the uncertainties as regards the extended producer responsibility scheme set forth in Directive (EU) 2024/3019 are such that producers of cosmetic products cannot ascertain unequivocally what their rights and obligations are, in breach of the principles of legal certainty and good administration.
5. Fifth plea in law, alleging that Directive (EU) 2024/3019 breaches the principle of proportionality and Article 191 of the TFEU notably in that the burden on the producers of cosmetic products will be significant, without any evidence that the benefits of the quaternary treatment justify such burden, and while the adoption of a list of micropollutants would have been more efficient and less burdensome on the cosmetic industry.
6. Sixth plea in law, alleging that Article 9 of Directive (EU) 2024/3019, by imposing an extended producer responsibility scheme in conditions that are in breach of the above principles, cannot be justified on the basis of the precautionary principle.

⁽¹⁾ OJ 2024 L 3019.