

April 2023

European Cultural and Creative Industries Alliance (ECCIA)

Position paper on the Packaging and Packaging Waste Regulation

The [European Cultural and Creative Industries Alliance \(ECCIA\)](#) is composed of seven European cultural and creative industries organisations - Altagamma (Italy), Circulo Fortuny (Spain), Comité Colbert (France), Gustaf III Kommitté (Sweden), Laurel (Portugal), Meisterkreis (Germany), and Walpole (UK) - who between them represent over 600 brands and cultural institutions.

Based on art, culture and creativity, our work is underpinned by continuous innovation, a relentless focus on quality, highly skilled employment, and strong exports abroad. Our members strive for the highest quality in all they do, from products and services all the way to the experience offered to consumers.

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Introduction

The European Cultural and Creative Industries Alliance ([ECCIA](#)) supports the European Commission's Green Deal and its global ambition towards a more sustainable and circular economy. We recognize that minimizing the environmental impact of packaging and packaging waste is one of the key alleys for the achievement of the Green Deal, and therefore wish to contribute to the impactful, meaningful, and enforceable revision of the Packaging and Packaging Waste Regulation (PPWR).

High-end and luxury industries are renowned for their products' excellence and exceptional creativity. Their design and product presentations are celebrated throughout the world, and they are a key asset to the EU's cultural influence and competitiveness in the global economy. Our commitment to creating high-quality products that last over time and value the finest materials through unique designs is precisely what makes the luxury industry a key component of the European cultural and creative heritage. **High-end and luxury goods are designed to be sustainable by nature – embracing both quality and durability.** Produced in limited quantities, they **can be repaired and restored**, thus enhancing their ability to be reused, given a second life, or **passed from one generation to another**. This creative approach, which values timeless products, is at the very core of our business strategy.

Packaging is an extension of high-end and luxury goods and a major component of our customers' buying decisions. **It is therefore essential for ECCIA members to retain the creative freedom to offer their customers packaging that reflects the high quality, innovation, and creative know-how that they embody.** We firmly believe that our ability to combine our products' aesthetics and sustainability should not be mutually exclusive and that the PPWR should strike the right balance between both.

The following sections look at some of the PPWR's key provisions, their potential impact on our sector and ECCIA's recommendations.

Our suggestions

High-end cultural and creative industries are proud to have integrated sustainability commitments at the core of their products. As this Regulation will undoubtedly have a strong impact on global supply chains, ECCIA encourages the EU policymakers to, in particular:

- **Ensure the highest level of harmonisation:** The EU should set clear, binding objectives that can be applied and interpreted uniformly throughout the Single Market, therefore avoiding diverging environmental requirements at the EU level.
- **Establish a level-playing field with third countries:** Efficient controls are needed to prevent a distortion of competition that would be detrimental to EU businesses and "Made in Europe" products.
- **Preserve our industry's competitiveness & creative freedom:** The implementation of new policies should not weaken the leadership of European high-end and luxury industries and preserve their ability to provide meaningful solutions and innovate while remaining competitive in the global market.
- **Involve industry in the elaboration of sector-specific targets:** Defining criteria for packaging design in collaboration with the industry which must be involved in the definition of sector-specific targets.

- **Guarantee adequate time to adjust:** When changes are deemed necessary, reasonable transition timelines should be provided, notably for existing products to find substitutions.

I. Finding the right balance between innovation, creativity and circularity of packaging (Packaging minimization - Article 9 and Annex IV)

Research, development, and innovation have driven significant improvements in our product packaging circularity. The perfume industry is one of the best examples, constantly innovating to reduce the environmental footprint of its glass packaging¹ (reducing the thickness of bottles, incorporating recycled glass, etc. while retaining purity, brilliance, and transparency).

While we support the overall objective of packaging minimization, we believe that overly restrictive provisions could lead to the gradual standardization of packaging, which would have a catastrophic impact on our industries on several levels:

- **Limiting European added value,** by taking away the key ability for European high-quality products to demonstrate their uniqueness, quality and brand to European customers.
- **Increase in counterfeiting²,** which is in constant geographical expansion. Its scope is now comparable to the strongest European industrial sectors. Standardization of packaging formats, in the perfumery and cosmetics or wine and spirits sectors, for example, would unnecessarily facilitate the action of counterfeiters who would simply have to copy a few formats. Fake packaging would also lure the consumers into believing they are buying genuine products and thus potentially put their health at risk through the consumption of counterfeit products.
- **Impact on our global competitiveness,** as competitors from outside the EU would retain the ability to offer more attractive packaging outside of Europe. As a reminder, high-end and luxury industries export on average 60% of goods produced³.
- **Disappearance of traditional European know-how:** the standardization of packaging would put at risk thousands of European artisans' jobs (e.g., glassmakers, wood and leather artisans) rooted in several generations of traditional European savoir-faire.

In order to strike a balance between the Commission's objective of packaging minimization while preventing the potentially devastating impact that packaging standardization would have on our industries, we suggest the following adjustments:

¹ In 2020, in the EU27 + the UK, on average 79% of glass packaging was collected for recycling (data published by Close the Glass Loop: [link](#))

² According to recent studies, the counterfeiting of alcoholic beverages remains a significant public health concern and has a substantial impact on both the legitimate sector and state revenue. Wine, spirits, distilled beverages, liqueurs, and beer are all targets for counterfeiters. In 2019, perfumes and cosmetics were the third most seized IPR-infringing goods at the EU's external border (in terms of the number of seizure procedures). These counterfeit perfumes and cosmetics were valued at approximately EUR 40 million at the time of the seizure. Packaging materials for perfumes became one of the most-seized fake goods at the EU's external border in 2020. In 2019, packaging materials were the third most frequently encountered counterfeit articles seized at the EU's external border, continuing the trend from 2018. In 2020, it was the top category. In 2020, packaging materials were also among the five most frequently encountered categories of counterfeit articles seized in the internal market, together with the category of labels, tags and stickers. (Data from EUIPO & Europol 2022, Intellectual Property Crime Threat Assessment 2022, Publications Office of the European Union, Luxembourg: [link](#))

³ Contribution of high-end CCIs to the European economy, Bain Report 2020:[link](#))

- 1) **Protecting our brands’ intellectual property:** Intellectual property rights play a vital role for sectors whose businesses rely directly on the added value of their innovations and on the tangible and intangible values of their products. We thus welcome the proposed Article 9(2) which legitimately exempts certain packaging from minimization requirements: *“Packaging (...) unless the packaging design is subject to geographical indications of origin protected under Union legislation”*. To better protect the EU’s heritage and creativity – through design, regional specificities, and know-how – as well as citizens from counterfeit products, we believe **the draft proposal should be more ambitious and encompass all intellectual property rights**.
- 2) **Packaging should be able to demonstrate the quality and value of the brand:** Art. 9(1) states that *“packaging shall be designed so that its weight and volume is reduced to the minimum necessary for ensuring its functionality”*. We suggest clarifying that the minimization of packaging should be **related to its material and shape, and in accordance with the definition of packaging in Article 3(1)**. By doing so, we believe a reasonable compromise would be struck between maintaining our brands’ creative freedom, while at the same time requiring them to limit the weight and volume of the packaging to a strict minimum.
- 3) **Presentation should remain a performance criterion:** “Presentation” is rightly included in the definition of packaging in Article 3(1) of the Regulation, as it is a fundamental characteristic of packaging, especially for high-end and luxury goods. However, it is not reflected in the list of performance criteria in Annex IV of the proposal. While we agree that marketing and consumer acceptance should not justify – on their own – additional packaging weight and volume, their role should be recognized in packaging design. Annex IV already includes 7 criteria. Adding “marketing and consumer acceptance” to the list would recognize its role – among other criteria – in packaging design.

II. Revising the criteria for determination of empty space ratio for e-commerce (Article 21)

Consumers often buy products of different shapes and sizes but want them to be delivered in the same packaging for convenience or to reduce packaging waste. However, the regulation’s methodology proposal fails to tackle the inevitable increase of empty spaces generated by grouped packaging and could lead manufacturers to send much more packaging than necessary – one for each product – to comply with it. This comment is also true for gift sets.

Therefore, instead of determining a fixed maximum rate empty space ratio (40%), we believe that the empty space ratio for grouped products should be defined based on the following criteria:

- a. the package box is designed to fit the size of the biggest product; and
- b. all the elements of buffer packaging are recyclable.

III. Welcoming the digitalization of information requirements as a practical and flexible solution (Article 11)

We strongly welcome the digitalisation of information as a practical, flexible, and waste-minimizing solution to meet consumer needs for detailed and accurate information on environmental characteristics, durability, and recyclability of packaging.

It allows for more information to be communicated – thereby overcoming certain space constraints on product labels and/or packaging. It also offers the possibility to easily adapt the information and prevent the unnecessary manufacturing of new packaging in the eventuality of regulatory changes. This is particularly necessary as we observe a multiplication of regulatory requirements on consumer information across Member States and beyond.