JMC Japan Machinery Center for Trade and Investment

30th November, 2022

Saudi Standards, Metrology and Quality Organization (SASO)

Dear Sirs,

Our comments on the Draft Technical Regulation for Packaging

The Japan Machinery Center for Trade and Investment ("**JMC**") is a non-profit organization. It was established in December 1952 in accordance with the Japanese Export and Import Trade Law under the authorization of the Minister of Economy, Trade and Industry of Japan. The objective of the JMC is to engage in activities that enhance the common benefit of member companies and promote the sound development of international trade and investment by the machinery industry. JMC comprises member companies engaged in machinery and systems-related exports and foreign investments such as machinery manufacturers, trading houses and engineering companies. At present, the total number of JMC member companies is about 240.

Our committee handles environmental and product safety issues regarding products for trade and is strongly concerned with overseas environment- and product safety-related regulations on products. From this standpoint, we would like to comment on the Draft Technical Regulation for Packaging via WTO/TBT notification dated 3 October, 2022.

If you have any questions, please feel free to contact our secretariat (Mr. Chiaki Morikawa, E-mail: morikawa@jmcti.or.jp)).

Sincerely yours,

Chairman
Environment Law Committee

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JMC Japan Machinery Center for Trade and Investment

30th November, 2022

Comments of the Japan Machinery Center for Trade and Investment (JMC) Regarding WTO/TBT Notification (REF. No.: G/TBT/N/SAU/1257) on the Draft Technical Regulation for Packaging.

We, the Japan Machinery Center for Trade and Investment, would like to express our gratitude to the government of the Kingdom of Saudi Arabia for inviting comments via WTO/TBT on the proposed Gulf Technical Regulation for Packaging.
https://members.wto.org/crnattachments/2022/TBT/SAU/22_6731_00_x.pdf

We are vigorously committed to protecting human health and the environment, to reducing packaging waste worldwide, to voluntarily promoting assessment activities that take into account the entire life cycle, and to complying with national regulations.
In this spirit, we have carefully and conscientiously examined the proposed document regarding Draft Technical Regulation for Packaging and would like to offer the following comments toward making identified several legal provisions that require further clarification. We would greatly appreciate it if you could take them into careful consideration.

Please note that as our comments are based on the English translation rather than the original Arabic, we are concerned that the English text may contain misunderstandings or inaccuracies. In such cases, we would appreciate the opportunity to understand exactly what the proposed technical regulation requires.

1. The impact of regulations

First of all, this draft regulation requires a wide range of packaging to comply with standards related to packaging which are generally adopted as voluntary standards, and also requires approval by a third party and declaration of conformity. No other country or region has such regulations on packaging, and it would be a considerable burden on manufacturers and importers. Imposing such requirements only in Saudi Arabia would be an obstacle to the import and sales of products in Saudi Arabia and would not be favourable to consumers in Saudi Arabia. We therefore respectfully request reconsideration on introducing these regulations. If, nevertheless, regulations will be issued, we would like to propose the following:

2. Clarification of Scope

Third-party certification and declaration of conformity schemes for packaging do not exist worldwide. If implemented at all, each of the vast number of packaging components would have to be identified and have its conformity certified or declared. It requires a huge amount of time and effort for both suppliers and conformity assessment bodies and is practically unfeasible. If implementation is absolutely necessary, we would like you to clearly limit the target components.

In addition, Article 2 states, "This technical regulation applies to all types of packaging products manufactured from paper, cardboard, plastic, glass, wood, metal or textiles used in packaging, protection, handling and display of products." We would like to request that the legal text clearly state that the specific items covered are the HS code list in Appendix (1) B).

3. Products Subject to supplier's declaration of conformity

We believe that Article 6/2 lacks clarity and may leave room for interpretation and expansion. We would like to request that the text be revised to clearly indicate that this provision applies only to products listed in Appendix (1) B) and that only products imported under the relevant HS code are subject to the regulation.

4. Exemption of this Technical Regulation

For the following reasons, we would like to request that the legal text clarifies that packaging materials packing imported products are not covered.

(1) If the application is extended to packaging materials for imported products, the packaging materials for the majority of imports into Saudi Arabia would be subject to such application. In order to obtain a certificate of conformity for these various products, packaging suppliers must provide a declaration of conformity and evidence of conformity, and obtaining further certification incurs considerable time and expense that results in an increase to the product price to the detriment of the consumer. In addition, failure to obtain certification for many different types of packaging products can delay the distribution of products, which can lead to delays in delivering goods to consumers.

This Conformity Assessment Procedure is too burdensome and impractical, especially considering that some products may be SASO certified for product safety, energy efficiency, etc., and the manufacturer already has the burden of obtaining such certification.

Therefore, we believe that this Conformity Assessment Procedure is not feasible.

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(2) Article (4) 4/1/1 states, "Satisfying the technical requirements mentioned in the relevant standards set out in Appendix (1)."

Appendix (1) lists a variety of many standards, and it is impractical to satisfy these all requirements. In addition, obtaining those certifications would incur significant costs, which would be passed on to the product price to the detriment of consumers.

In addition to the above, we note below our comments on the proposed rule that would be strictly mandatory on the supplier side.

1. Article (4) 4/1/6 stipulates the provision of information on the toxicity or hazard of packaging materials and ingredients used in their manufacture.

   However, there are no specific technical standards regarding toxicity or hazard. We would like to request that you harmonize the requirements regarding toxicity or hazard in packaging with those of the EU and the US, limit the requirement to the restriction of the four heavy metals mentioned in 4/2/2, and remove the obligation to provide information.

2. Article (4) 4/1/7 stipulates the numbering or labelling of materials to facilitate reuse, recycling, or collection.

   However, we believe that this requirement should be withdrawn because it is more effective to educate consumers about sorted collection first in order to facilitate reuse, recycling, or collection.

3. Article (4) 4/1/10 states, "That the product features and characteristics enable it to be used according to the normal and expected conditions of use, including the use of more than one time."

   This requirement to be able to use the product, including more than one time, should be limited to refillable containers such as detergents and food products because not all packaging can accommodate this requirement.

.4, Preparation period for compliance with packaging requirements

Article (11) 11/2 states, "suppliers are given a grace period to correct their situations in the market, in accordance with the requirements of this technical regulation, within a period not exceeding 365 days from the date of its publication in the Official Gazette.

In order to change the packaging to meet the requirements, it will take time to switch over if the supply chain is taken into account. Therefore, we would like to request that a certain amount of grace period (e.g. two years for requirement related to any packaging design change, one and half years for marking, from the date of its publication in the Official Gazette, etc.) be set after promulgation.

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