



Japan Machinery Center
for Trade and Investment

7th June, 2023

Dear Sirs,

**Our comments on WTO/TBT Notification (Ref. No.: G/TBT/N/SAU/1286) 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 WTO/TBT Notification (Ref. No.: G/TBT/N/SAU/1286) on the Draft Technical Regulation for Packaging

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

Sincerely yours,

KANNO Yasuhiko

Chairman

Environment Law Committee



**Comments of the Japan Machinery Center for Trade and Investment (JMC) Regarding
WTO/TBT Notification (Ref. No.: G/TBT/N/SAU/1286) on
the Draft Technical Regulation for Packaging.**

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/2023/TBT/SAU/23_8947_00_x.pdf

We are energetically committed to protecting human health and the environment, reducing packaging waste worldwide, voluntarily promoting assessment activities that take into account the entire life cycle, and complying with national regulations.

We submitted our comments on the first draft of the TBT notified in 2022 (Ref. No.: G/TBT/N/SAU/1257). We would like to thank you for reflecting some of our comments in this second draft (Ref. No.: G/TBT/N/SAU/1286).

We have carefully and conscientiously examined the proposed document regarding modified Draft Technical Regulation for Packaging and would like to offer the following comments aimed at identifying several legal provisions that are difficult to address practically and require further clarification in order to comply with them. 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. Article (2) Scope

- (1) 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 those on the HS code list in Appendix (1) B).

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

If 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 provisions. It is impractical for packaging suppliers to prepare a declaration of conformity and associated evidence in order to obtain a certificate of conformity for these various products, creating a non-tariff barrier that prevents imports without compliance with this law, to the detriment of Saudi citizens.

Article (6) Conformity assessment procedures

Electrical, electronic, and mechanical products consist of a vast number of packaging components. In practice it is unfeasible for suppliers to identify each and every one of these components and prepare a Declaration of Conformity for each. If implementation is absolutely necessary, we would like you to clearly limit the target components.

We would like to request that the legal text clearly state that the specific items covered are those on the HS code list in Appendix (1) B).

2. Article (4) Obligation of the suppliers

It is stipulated that the technical requirements listed in the relevant standards in Appendix (1) of Article 4 1/1 be met, but Appendix (1) lists many different standards, and it is not feasible to meet all of these requirements. Some of the standards do not affect safety, health, or the environment, which are the Basic Requirements specified in Article (1) of this regulation, and we would like to request a review to carefully select standards that are in line with the Basic Requirements.

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 a clear statement in the law to the effect that the content limits are limited to the four heavy metals mentioned in 4/2/1 in consistency with EU and US requirements.

(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.

3. Article (11) Transitional provisions

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 defined grace period be set after promulgation (e.g., two years for requirements related to any packaging design change and one and a half years for marking, from the date of publication in the Official Gazette, etc.).