



Japan Machinery Center  
for Trade and Investment

14th June, 2024

UK TBT Enquiry Point  
Trade Policy Group  
Department for Business and Trade  
Old Admiralty Building  
London  
SW1A 2DY

Dear Sirs,

**Our comments on WTO/TBT Notification (Ref. No.: G/TBT/N/GBR/87) regarding “Draft Regulations The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024”**

The Japan Machinery Center for Trade and Investment (“JMC”) is a non-profit organisation. It was established in December 1952 in accordance with the Japanese Export and Import Trade Law under the authorisation 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/GBR/87) regarding “Draft Regulations The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024”.

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

Sincerely yours,

A handwritten signature in black ink that reads 'Kanno Yasuhiko' in a cursive style.

KANNO Yasuhiko

Chairman

Environment Law Committee

**Our comments on WTO/TBT Notification (Ref. No.: G/TBT/N/GBR/87) regarding “Draft Regulations The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024”**

The Japan Machinery Center for Trade and Investment appreciates the opportunity to express its views on The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 (Draft Regulations 2024) through the WTO-TBT notification.

[members.wto.org/crnattachments/2024/TBT/GBR/24\\_02787\\_00\\_e.pdf](https://members.wto.org/crnattachments/2024/TBT/GBR/24_02787_00_e.pdf)

We agree with the UK Government and Devolved Administrations’ ambitious goals to protect the climate, drive green growth, and drive down unnecessary waste. We also agree that the EPR for packaging plays a key part in delivering those goals.

We are energetically committed to protecting human health and the environment, reducing plastic waste worldwide, voluntarily promoting assessment activities that take into account the entire life cycle, and complying with national regulations. In particular, we have been active in complying with the regulations on plastic waste of a number of countries, including those in Europe and the USA.

After diligent consideration of the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024, we are concerned about several provisions that make it difficult for producers to comply with these regulations in practical terms and about their effectiveness, and we would like to submit the following comments.

**1. Recycling Information (Part 3 CHAPTER 2)**

(1) Recyclability varies depending on the recycling facility and the demand of recycled materials.

Thus, it is not beneficial to display recyclability on the packaging itself because it risks misinformation over time. In particular, in the case of electrical and electronic equipment packaging, it is recommended to keep the packaging material until the time of disposal of the product or sending back for repair, and it is quite conceivable that about 10 years will have passed between the production of the product and the disposal of the packaging material, with the recyclability having changed during that time and thus being incorrectly displayed when the packaging material is actually disposed of.

(2) It is recommended that packaging should be labeled with information that contributes to recycling that does not change, i.e., material information.

## **2. General labelling requirements (regulation 30)**

(1) Currently in the UK market, symbols and phrases such as ‘Recycle’ and ‘Do Not Recycle’ in the labelling requirements of the proposed regulation are widespread in the packaging of food and daily goods, but not in the packaging of electronic products.

We would like to propose electronic products to remain out of scope of this labelling requirement, as this labelling method is not suitable for packaging of electronic products for the following reasons:

1) It may result in discarding unused packaging, which will have a negative impact on environmental protection.

Packaging of electronic products (electrical and electronic equipment) are often worldwide designs. Excessive labelling requirements result in running out of space for labelling. Some states in the US will forbid the use of chasing arrow symbols, so UK recycling symbols cannot be labeled on packaging for the US market. The proposed UK law will necessitate designing different packaging for different sales regions, resulting in the discarding of unused packaging.

2) Different labelling requirements and symbols in various countries and regions may confuse users. In European industries, packaging is designed to common specifications both in the EU and the UK. Please refer to the AmCham EU (The American Chamber of Commerce to the European Union) opposition to separating some EU Member States’ packaging waste labelling regulations.

<https://www.amchameu.eu/position-papers/joint-industry-call-eu-approach-packaging-waste-labelling>

Hence, we believe labelling requirements should be harmonised as far as possible and would like the UK authority to re-consider introducing unique symbols and labelling requirements in the UK.

3) Labelling may become obsolete by the time packaging is discarded.

We do not support the proposed phrases of ‘Recycle’ and ‘Do Not Recycle’. Since such information is highly dependent on the local collection and recycling infrastructure and recycling technology, which always leave potential room for improvement, and hence information quickly becomes out of date and incorrect information at the time of disposal of packaging. Unlike food, electronic products may be stored in stock for several years, and information may be incorrect by the time the product is delivered to the user.

Also, waste collection by municipalities is sorted by material, not by recyclability. (Consider the example of paper waste in Manchester.)

[https://www.manchester.gov.uk/info/200084/bins\\_rubbish\\_and\\_recycling/6026/see\\_which\\_recycling\\_bin\\_to\\_use](https://www.manchester.gov.uk/info/200084/bins_rubbish_and_recycling/6026/see_which_recycling_bin_to_use)

For these reasons, recyclability indications are considered to be information that is not very useful to the general public.

4)The indication ‘Do not recycle’ can be interpreted as prohibiting recycling even if the recipient of the packaging material is capable of recycling it in special circumstances, for example, even if it is recyclable at the production facility operated by the recipient but is contrary to the promotion of recycling.

Nevertheless, if the labelling in the proposed design is unavoidable, we would like to propose the acceptance of website communication in order to provide up-to-date information instead of a physical label.

(2) We would like to propose that the packaging of business products that are not reasonably likely to be disposed of in a household bin or public bin to be out of the scope the labelling requirement.

1) We believe that labelling is unnecessary for products that are supplied and installed by professional personnel or a company, as it is the practice for the companies to also return their packaging materials for proper disposal. Therefore, we believe that packaging used for B2B products, such as office equipment, industrial equipment, broadcasting equipment, medical equipment, and their accessories, should be excluded.

We would like to request that the labelling requirement be clearly limited to products that consumers purchase and whose packaging materials they dispose of, such as daily necessities and general consumer goods.

2) We also believe that labelling is unnecessary for packaging for large-size appliances and furniture such as air-conditioners, refrigerators, tables, and sofas that are delivered and installed by professional personnel or a company, as the packaging materials will also be returned to the companies for proper disposal.

### **3. Recyclability assessment (regulation 27)**

(1) While the criteria of recyclability assessment are not clear from the draft, it should not add further complexity to existing reporting requirements. It should be noted that the brand owners of packaging often cannot influence packaging design, do not possess all packaging specifications, but rely on the upstream of the supply chain such as the packaging manufacturer or raw material provider. Hence, assessment criteria should be such that recyclability can be easily determined based on widely available information, such as material composition, and should be criteria that producers can evaluate themselves.

(2) The recyclability assessment is carried out in accordance with the methodology and guidance published by the scheme administrator under paragraph 7 of Schedule 7 (regulation 27(b)).

Forcing assessments to follow this kind of guidance, which can be described as local law, makes it significantly more difficult for companies outside the UK to gather information. In addition, In the case of electrical and electronic products, power cords, etc. are often included in equipment packaging as they are packaged by upstream suppliers, and the scheme administrator's method of issuing guidance on assessment methods makes it difficult to ensure that upstream suppliers are aware of the guidance. The scheme administrator's method of issuing guidance on assessment methods is difficult to disseminate to upstream suppliers. This can result in substantial import barriers for companies outside the UK, particularly manufacturers of electrical and electronic products. Assessment methods should be incorporated into the Regulation.

(3) When the recycling situation in the UK changes and the assessment method is revised, it is necessary to notify as the WTO-TBT notification each time in order to inform WTO Members outside of the UK.

#### **4. Recycling information: additional requirements (regulation 33)**

(1) We cannot understand the meaning of the size requirement 'the symbol must be at least 9.5mm in height where the symbol is displayed in portrait orientation, or 3.5mm in height where it is displayed in landscape orientation' (regulation 33(b)(ii)).

It should be an easy-to-understand display standard that includes illustrations.

(2) In the case of product packaging subject to the CE/UKCA mark, there are some labeling items required by other laws, such as information on the manufacturer, authorised representative, importer, etc., and in the case of chemical products, information on the safety of the chemicals, and there are some products for which it is difficult to increase the labeling. It should be taken into account that products with small packaging have indications on the packaging because the product itself is small and there is no place to display information such as the manufacturer, authorised representative, importer, etc. on the product itself. We do not believe that recyclability labeling itself is necessary, but even if it is introduced, it should be optional for packaging of a certain size (e.g., 100 cubic centimeters or less in volume) bearing in mind that such other regulatory labeling is also necessary.

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