



June 12, 2023

Saudi Standards, Metrology & Quality Organization
P.O. Box: 3437
Riyadh 11471
Kingdom of Saudi Arabia

VIA U.S. TBT enquiry point

RE: Notification G/TBT/N/SAU/1286 – Technical Regulation for Packaging

Dear Sir/Madam:

These comments are provided on behalf of The Toy Association in response to Saudi Arabia's notification (G/TBT/N/SAU/1286) to the World Trade Organization on April 13, 2023. We appreciate the opportunity to comment on the Saudi Standards, Metrology & Quality Organization (SASO) Technical Regulation for Packaging. Our comments, which are detailed below, affirm our earlier comments sent to SASO via U.S. TBT enquiry point on December 1, 2022, in response to what we assume was an earlier draft of this regulatory proposal (G/TBT/SAU/1257).

As we outlined in our December 2022 submission, The Toy Association is supportive of SASO's efforts to enhance its approach to manage packaging waste; however, we have identified several questions as to some of the requirements proposed and a few concerns. Several of the issues identified will create an unnecessary trade barrier for international toy manufacturers supplying the Saudi Arabian market if they remain as proposed. Again, we remain supportive of SASO's intent, but we respectfully request further consideration to our comments and concerns, this includes:

Section 4.1 - Basic Requirements:

Several of the provisions detailed under Section 4.1 would benefit from further clarification as to their governing intent. In some cases, the provisions detailed are vague and are open to interpretation. In other instances, several of the sections specify requirements that go beyond traditional packaging approaches to reduce impacts and overlap with regular product risk assessment practices. For example:

- Section 4.1.2 (Conformity Assessments) – It is not clear how this section should be applied and what specific information SASO is looking for. A company's risk assessment and the process to evaluate the safety of a product is already well documented prior to a product entering the marketplace. We are concerned that Section 4.1.2 will trigger unnecessary administrative duplication for companies as part of their compliance protocols.
- Section 4.1.5 – Section 4.1.6 – These provisions suggest that suppliers would be required to list packaging materials used with a product, as well as the toxicity of the packaging materials and ingredients without providing the parameters by which such toxicity would be assessed. Such a requirement is concerning and would create many challenges for suppliers. It is important to underline that such an evaluation of the safety of packing material used with a product is already applied by product

manufacturers and importers as part of their overall risk assessment of a product before it enters the marketplace. These proposed provisions will impose an unnecessary regulatory burden on industry without adding any additional safety or environmental protection benefit. We believe additional specifics are necessary here.

- Section 4.1.9 - We would suggest further clarification be provided by SASO. As it currently reads, this provision suggests that for a manufacturer to claim recyclability, it would have to comply with this provision. It is unclear as to how this provision should be applied and how companies would demonstrate their compliance. Also, there is ambiguity in that it seems that this section applies to the product rather than the packaging; this too requires clarification.

Section 4.2 – Chemical Requirements:

Further clarification is required for:

- Section 4.2.1 - context is required and the approach to measuring total concentration of specified heavy metals. We recommend that SASO allow suppliers to demonstrate compliance to either of the existing US (NERC/CONEG) or EU (94/62/EC) requirements.

Again, the toy industry welcomes SASO’s proposed regulation on packaging, but further clarification needs to be incorporated into the technical standard to avoid confusion and to assure compliance. As SASO works to update its draft regulation, we would be pleased to offer any assistance. Please do not hesitate to contact me or my colleague Joan Lawrence if you have questions or would like further information. I can be reached at jhuxley@toyassociation.org, and Ms. Lawrence at jlawrence@toyassociation.org.

Sincerely,



Jos Huxley
Senior Vice President, Technical Affairs

About The Toy Association and the toy industry:

The Toy Association is the North American based trade association; our membership includes more than 850 businesses – from inventors and designers of toys to toy manufacturers and importers, retailers, and safety testing labs – all involved in bringing safe, fun toys and games to children. The toy sector is a global industry of more than US\$90 billion annually, and our members account for more than half this amount.

Toy safety is the top priority for The Toy Association and its members. Since the 1930s, we have served as leaders in global toy safety efforts; in the 1970s we helped to create the first comprehensive toy safety standard, which was later adopted under the auspices of ASTM International as ASTM F963. The ASTM F963 Toy Safety Standard has been recognized in the United States and internationally as an effective safety standard, and it serves as a model for other countries looking to protect the health and safety of their citizens with protective standards for children.

The Toy Association is committed to working with legislators and regulators around the world to reduce barriers to trade and to achieve the international alignment and harmonization of risk-based standards that will provide a high level of confidence that toys from any source can be trusted as safe for use by children. Standards alignment assures open markets between nations to maximize product availability and choice.