

GENERAL AGREEMENT ON

TARIFFS AND TRADE

RESTRICTED

TRE/W/3/Add.1

16 November 1992

Special Distribution

Group on Environmental Measures and International Trade

AGENDA ITEM 3: PACKAGING AND LABELLING REQUIREMENTS

Addendum

Note by the Secretariat

1. This addendum updates the note on packaging and labelling in light of five new communications to the Secretariat from delegations regarding their national packaging and labelling programme. Since the purpose of the note is to provide generic information on types of packaging and labelling programmes, new information containing types of programmes already described in the original note has not been included. This addendum presents types of packaging and labelling programmes that have not yet been described in TRE/W/3.

Part I: Packaging

A. Mandatory requirements

2. One country restricts the number of sizes in which a product may be packaged for sale to consumers in order to facilitate reuse. Products covered include toothpaste, shampoo, skin cream, facial tissue, cookies, powdered laundry detergent, wine, aerosol deodorants, aerosol hair spray, shaving cream, syrup, peanut butter, and perfume.

3. Also, in parts of this country, restrictions on landfill disposal of certain waste materials such as corrugated cardboard and wooden pallets exist in order to reduce the flow of reusable/recyclable packaging waste to the landfills.

4. Another country has legislation on the packaging of agrototoxic products which, among its provisions, provides that packaging of agrototoxic products should not be reused by final users, traders, cooperatives, etc., and shall contain information against reuse on them. Producers may be authorized to reuse packaging of agrototoxic products by the registering authority. Also for certain agrototoxic products, aerosol packaging is not allowed and glass containers are allowed only when more adequate packaging is not available.

5. Another country requires that the use of any new packaging materials for food on the domestic market is to be authorized by the relevant national body, in agreement with the governmental environmental protection authority.

B. Voluntary recommendations

6. In parts of one country curbside and depot collection programmes exist for the voluntary sorting or recyclable waste by material and its collection and diversion from the disposal stream. These programmes are not limited to packaging waste but such waste accounts for 75 per cent of total weight collected. Their purpose is to reduce the flow of waste to landfills and promote recycling.

Part II: Labelling

A. Other types of labelling programmes

7. One country requires metal cans filled with beverages to be labelled in order to identify that they are metal (aluminum, steel), so that they can be separately collected and utilized by garbage collectors, and to contribute to environmental protection. The legislation provides for transitional measures to waive the obligation for cans to be manufactured or imported until April 1993. It assures equal treatment regardless of the origin of the cans and was notified to the GATT.

8. Two countries have labels that designate agricultural products as "organic". They have regulations which restrict the use of this term to products produced, certified, and documented according to specified criteria regarding sustainable and/or biological processes. These are in order to protect consumers from fraudulent or misleading statements regarding environmental benefits, and to promote national organic products. One of these programs extends its regulations to the packaging of the product, which must be manufactured with biodegradable materials of which the manufacturing process is environmentally friendly. It also provides that imported products bearing this label must come from a country having regulations equivalent to those of this country and shall enter the country with a certificate from the country of origin to that effect, following approval of such certificate by the relevant national body.

B. Concerns of the environmental community regarding environmental labelling programmes

9. One country provided information from its environmental community regarding concerns and suggestions for labelling programmes. One suggestion was that environmental certifying groups should refrain from using life cycle assessments and life cycle inventories as the basis for certifying a product or a package's impact on the environment in view of the fact that there is no consensus regarding the methodology used in such assessments and no peer review mechanisms have been established. However, this delegation added a note that some environmental certifying groups are aware of, and are participating in, on-going efforts at the federal level and elsewhere to examine and develop appropriate life cycle assessment methodology.

10. The environmental community also added that environmental certifying groups may be less biased if they operate as not-for-profit entities and they should limit or avoid business or financial ties with manufacturers or retailers affected by the certification. Regarding terminology, they believed there was a need for national standards for environmental labelling of recycled content. A label stating a product/package is recycled or contains recycled materials should be used only where the product/package:

- meets minimum post-consumer recycled content standards for any unqualified use of the term; or
- lists the percentages of its recycled content or the actual recycling rate. Such labels should make clear whether the recycled content claim applies to the product or its package.

11. The term recyclable is likely to be deceptive to consumers unless the term is applied to products/packages which meet a minimum standard supplemented by disclosure of both relevant qualifications and the actual national/regional recycling rate.

12. Finally, environmentalists added that consumer perception of package/product information (standards) on recycled or recyclable does not distinguish between materials. Therefore there should be one standard for the use of the term "recycled" and one for "recyclable" regardless of the material. However, if different standards must exist, recycled or recyclable standards should be set by broad product/material categories and should be material neutral within those categories. For example, there should be one standard for all beverage containers, not a separate one for aluminum, glass, etc.