



Joint Minutes of the Fourth Meeting of the Committee on Technical Barriers to Trade under the Agreement between the European Union and Japan for an Economic Partnership

Brussels and Tokyo (by video-conference), 5 October 2023

The fourth meeting of the Committee on Technical Barriers to Trade (“TBT”) under the Agreement between the European Union (“EU”) and Japan for an Economic Partnership (“EPA”) took place on 5 October 2023, by video-conference.

From the EU side, there were participants from DG TRADE and the EU Delegation in Tokyo. On the Japanese side, there were participants from MOFA, MOF, METI, MAFF, NTA and the Mission of Japan to the European Union.

The enclosed meeting agenda was adopted (cf. attachment).

Removal of Lot Codes from alcoholic beverages

Following earlier discussions at both the first and second meeting of the Committee on TBT, the EU underlined the concern of EU industry about lot code removal, which is important for traceability purposes and ultimately consumer safety. The EU asked Japan’s National Tax Agency, NTA, about a measure to prohibit the distribution of wine and spirits with lot codes removed, in particular, about the scope of the measure, its legal effect, how it would be enforced, the expected timeline for adoption and its application. The EU underlined its willingness to conduct cooperative activities with Japan on this matter. Japan emphasised that it was actively working on the lot code issue (exchanging opinions and ideas and conducting on-site research) and that NTA had meetings with business organisations in September 2022 and April 2023 and would have study groups towards introduction of a lot-code system in the future. In order to determine the scope of the issue, Japan asked the EU to provide concrete information about lot code removal, explaining that NTA could not find any imported alcoholic beverages with lot codes removed at the on-site research. The EU explained that it is difficult to attain concrete evidence as the removal could be done before arriving in Japan, but recent research had shown that decoding had been increasing. The EU confirmed that it would share the information it had with

Japan. Japan confirmed that nothing had been decided yet as regards the measure but would inform the EU when it had done so.

Japanese Conformity Assessment Procedures for electrical products (PSE)

At the EU's request, Japan gave a presentation about how the PSE mark functions. The EU explained that there was a lack of clarity, among EU industry, about the products requiring PSE labelling. Additionally, re-testing the product was an issue and the fact that every product needed to be tested, along with the obligation for importers to send information on the supplier and product type to the Japanese authorities within 30 days from starting sales. There was no claim of discrimination between foreign and domestic manufacturers, rather an open question on the potential for further alignment of Japan with international standards and best practices on that issue, aiming to reduce cumbersome conformity assessment procedures. The EU was interested in knowing Japan's reasons for deviation from international standards and the approximate frequency of such deviations.

The EU raised the possibility to use the "EU-Japan Mutual Recognition Agreement" (MRA) to solve some of the issues. Japan explained the relationship between MRAs and PSEs and proposed to add a detailed explanation at the next opportunity.

The EU suggested separate technical discussions on the issue, which Japan accepted.

Revision of the Packaging and Packaging Waste Directive (PPWD)

Japan referred to the EU's notification to the WTO TBT Committee in February 2023 of the new draft Regulation and noted that it was important not to restrict trade more than necessary. The three main issues Japan had with the notification were (i) multilayer film, (ii) bottle cap and (iii) polystyrene foam, which are necessary for food safety and for extending the shelf life of food products, leading to preventing food loss. Especially, multilayer film is difficult for developing recycling technologies. Japan asked the EU to exempt these from the Regulation or require a sufficient transitional period. The EU explained that the Commission proposed to revise the PPWD on 30 November 2022 and that the proposal was currently going through co-decision procedure, which involved the two co-legislators (i.e. Council and Parliament). Since the final measure might differ significantly from the Commission's proposal, there were no updates at this stage. The EU noted that, once the Regulation was adopted, they would be happy to provide clarifications.

Harmonised mandatory front-of pack nutrition labelling (FOPNL)

Japan asked about the status of the measure and noted that it was important to be consistent with the WTO TBT Agreement. Additionally, Japan underlined that the scope of the FOPNL should be limited to prepared meals that are eaten as a single serving, because, for instance, seasonings, cheese, and cooking oil are evaluated unfairly low if they are evaluated simply by nutrient content per 100g/100ml without considering the form of intake or the amount consumed. Japan asked the EU to be kept updated. The EU explained that the work to review the Regulation on Food Information to Consumers, including front-of-pack nutrition labelling, was ongoing. An impact assessment was being prepared, based on scientific evidence provided by the European Food Safety Authority and the Joint Research Centre, as well as on consultations with citizens, stakeholders and targeted surveys with Member States, businesses, SMEs and consumer/health organisations. At the current stage, the work was focussing on gathering robust evidence and data, particularly as regards impacts of food labelling on consumer behaviour, given the objective of empowering consumers to make informed, healthy and sustainable food choices. Japan underlined that new rules based on the Farm to Fork (F2F) strategy should be consistent with the WTO Agreement and other international rules. In addition, Japan strongly requested that new rules provide sufficient explanations to third countries, as well as the necessary period of time to express their opinions, which should be fully respected.

The EU and Japan Co-Chairs expressed appreciation for the productive meeting and will continue to exchange information and have close cooperation in the TBT area.
