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**COMMITTEE OF EXPERTS ON THE TRANSPORT OF
DANGEROUS GOODS AND ON THE GLOBALLY
HARMONIZED SYSTEM OF CLASSIFICATION
AND LABELLING OF CHEMICALS**

Sub-Committee of Experts on the Globally Harmonized System
of Classification and Labelling of Chemicals

Eighth session, 7-9 December 2004
Item 6 of the provisional agenda

PROGRAMME OF WORK

Future publication of the Globally Harmonized System of Classification
and Labelling of Chemicals (GHS)

Note prepared by the Chairperson and the secretariat

Background

Issue:

1. At the last session, the Sub-Committee discussed whether modifications to the GHS should be consolidated and published each biennium or every other biennium (ST/SG/AC.10/C.4/14, paras. 54-56).

Discussion:

2. The GHS is a non-legally binding instrument. The incentives for its implementation derive from the commitment from governments to give effect to:
 - (a) Agenda 21 and the recommendations of the World Summit on Sustainable Development;
 - (b) the United Nations Economic and Social Council (ECOSOC) resolutions; and
 - (c) Recommendations of the Intergovernmental Forum for Chemical Safety.
3. Similarly the UN Recommendations on the Transport of Dangerous Goods are non-binding but have efficiently served, for more than 50 years, as the basis for harmonization of modal international and national regulations governing the transport of dangerous goods, and their harmonized updating every two years, due to the commitment of UN Member States and organizations/programmes of the UN system to implement ECOSOC resolutions.

4. The system works well, for transport, since international trade would not be possible without harmonized transport conditions. Most countries with economic interests in international trade of dangerous goods, have implemented the UN Recommendations through legislation applicable to domestic transport in order to avoid discrepancies between rules applicable to domestic transport and those applicable to international transport, since these discrepancies would constitute a heavy burden for all economic actors concerned. On the other hand, many developing countries and those countries which do not produce or export significant quantities of dangerous goods, have not enacted legislation for regulating national transport given the needed technical and/or administrative capacities. If these countries have enacted legislation governing national transport, they often have difficulty updating the legislation to be in line with international transport recommendations or regulations.
5. The GHS covers hazardous chemicals used in a number of sectors including transport, consumers and workplace. Amending the GHS too frequently would imply initiating regular legislative action in many different sectors which governments, even in the most developed countries, would be reluctant to do because of the administrative burden.
6. To maintain a harmonized system, it is desirable to have a stable system, which is not amended too frequently since not all governments have the same capacity to accommodate changes to the system. Even in the transport sector, it should be underlined that the vast majority of changes occurring every two years are in fact related to transport conditions themselves, but the classification criteria and the labelling requirements are very stable and usually remain unchanged for many years. Any change to the classification criteria entails downstream effects on all transport conditions which require an entire revision of the related regulations. For this reason, the transport authorities themselves, in the process of development of the GHS, were not keen on amending a system which had proved to be efficient, and all efforts have been made to ensure that the GHS would be consistent, to the extent possible, with the existing transport classification criteria and labelling requirements as well as with other existing major systems.

Existing situation

7. The Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals formally adopted the GHS in December 2002.
8. The World Summit on Sustainable Development, the UN Economic and Social Council and the Intergovernmental Forum for Chemical Safety encouraged countries to implement the GHS as soon as possible with a view to having the system fully operational by 2008.
9. Countries are now implementing the GHS for the first time. Implementation time depends on many factors including: the number of sectors affected; the amendment of existing legislative and regulatory requirements; or the development of new legislative and regulatory requirements.
10. The Sub-Committee and its technical focal points continue to address issues to improve the GHS. As countries gain experience with the GHS, it is expected that further improvements will be made.

11. Under the current process, the GHS document could be revised and published at the end of each biennium to take account of decisions made by the Committee.
12. At the end of this biennium, several corrections, amendments and new texts will be adopted by the Sub-Committee and endorsed by the Committee. Since most governments have not yet completed the process of implementation and since the target date is 2008, there is still time for them to take account of these changes and implement them by 2008.
13. The first editions of the English, French, Spanish versions of the GHS document were subjected to a thorough checking of texts by experts before publication. However the Russian, Arabic, Chinese versions were published before such checking could be made and need improvement with the support of experts of the countries concerned.

Future situation

14. The Sub-Committee is expected to adopt amendments, new guidance material or new criteria in the next biennium (2005-2006). If these changes are issued in 2007, it would not be possible to implement these changes by 2008, the target date for GHS implementation. Therefore the Sub-Committee will have to consider, at the end of the next biennium, when implementation can reasonably be expected, and whether or not to publish these changes need be published and how.
15. Technical corrections to the GHS document will be of interest to all governments and organizations and should be issued officially.
16. Amendments to existing texts, as well as the addition of new texts for new hazards, might also be of immediate interest, but for the purposes of harmonization, it should be necessary to consider the time needed for implementation in all sectors and/or in all countries and to recommend implementation dates.
17. Guidance material does not necessarily affect legislation, and therefore publication of such material, as supplement to the GHS, might not be a problem.
18. Editorial review of lay-out, presentation, etc. may also be of interest for the purposes of clarification, but should normally be combined with the publication of major revisions and should not, per se, justify the publication of a revision.

Recommendations

19. The Chairperson and the secretariat recommend the adoption of the following principles:
 - (a) A first revised edition of the GHS document should be published in 2005 to incorporate the decisions taken during the 2003-2004 biennium;
 - (b) In 2007, the secretariat should publish a supplement(s) to the GHS document which would incorporate:
 - (i) a list of corrections, as needed;
 - (ii) amendments to the GHS;
 - (iii) new texts for the GHS;
 - (iv) guidance material (if appropriate);

- (c) The Sub-Committee, when preparing, in December 2006, the draft resolution to be adopted by ECOSOC in July 2007, should include a recommended date for implementation of amendments/new texts referred to in (b) (ii) and (iii) above, and should clearly explain how to implement corrections and guidance material;
 - (d) At the end of subsequent biennia, and depending on the number and nature of changes, the Sub-Committee should consider whether to apply the same approach as in (b) and (c) above, or to publish a revised edition, in which case an implementation date should also be recommended.
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