

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

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IMPLEMENTATION OF THE GHS

Implementation information

Transmitted by the experts from DG ENVIRONMENT and DG ENTERPRISE of the European Commission

Background

In its Plan of Implementation, adopted in Johannesburg on 4 September 2002, the **World Summit on Sustainable Development** encouraged countries to implement the new GHS as soon as possible with a view to having the system fully operational by 2008.

The Current EU System

The current EU classification and labelling system for chemicals is set out in three key instruments:

- the Dangerous Substances Directive (67/548/EEC);
- the Dangerous Preparations (i.e. mixtures of chemicals) Directive (1999/45/EC);
- the Safety Data Sheet Directive (91/155/EEC and 2001/58/EC).

The three Directives are very closely linked. They have Single Market (Article 95 of the EU Treaty) objectives (i.e. the establishment of a Single Market in the trade of chemicals in the EU while protecting health and environment). Preparations make up about 95% of all chemicals on the market.

The EU Context

The recommendation of the World Summit on Sustainable Development have been signed up to by all the then EU Member States. The Member States in several instances called upon the Commission to implement the GHS. Accordingly, the Commission services have indicated in various fora that the GHS will be implemented.

On 29 October 2003, the Commission stated in the explanatory memorandum to the amendment to Directive 67/548/EC, linked to the proposal of REACH Regulation, that:

“it is the intention of the Commission to propose the inclusion of the internationally agreed GHS into Community law as soon as possible”

and, more specifically, that:

“the Commission will come forward with the necessary proposals for having it adopted at the same time as the final adoption of the REACH legislation”.

Implementation update - new

At the beginning of 2004 the European Commission commissioned a study on “Technical assistance to the Commission on GHS implementation” to assess the differences between the current system of classification and labelling of substances and preparations in the European Community (EC) and the GHS as adopted in July 2003. The outcome of the study is available on the Commission website at:

http://ec.europa.eu/enterprise/reach/ghs_en.htm

An analysis of the possible impact of GHS implementation has been conducted by external contractors during 2005/2006. In addition, a study on the potential consequences of the GHS-implementing legislation for EU "downstream" legislation was prepared. EU "downstream" legislation comprises those European acts which make use of the current EU legislation on classification and labelling; they might have to be amended as a consequence of GHS implementation in the EU. The study demonstrates that potential effects on most of the EU downstream acts are either marginal or can be marginalised through appropriate consequential changes.

Technical consultations with EU Member States and stakeholders (i.e. industry, consumer and environmental NGOs) as well as with other Commission Services responsible for downstream legislation (i.e. transport of dangerous goods, workers safety, control of major-accident hazards) on GHS implementation are ongoing to seek recommendations and input to the implementation of the GHS. Moreover, several Member States coordination meetings have been organised under the auspices of the respective European Presidencies, e.g. in the Netherlands in November 2004, in Finland in June 2005, in Geneva in December 2005 (organised by the UK Presidency) and in Vienna in March 2006. The coordination meetings provided a platform for the exchange of information and ideas on issues related to the GHS and its implementation in the EU regulatory systems for transport, supply and use. The European Commission Services DG Enterprise, DG Environment and JRC organised an informal stakeholder discussion on the implementation of the GHS in Community legislation in November 2005.

The European Commission have drafted a proposal for a GHS-implementing Regulation for supply and use. The application of the regulation will cover the criteria for classification and labelling of substances and mixtures for the workers and consumer sector including the C&L of Plant Protection Products and Biocides.

During drafting care has been taken to apply the principles of the GHS and to ensure consistency with the implementation by transport. The Commission draft takes up all GHS hazard classes, but does not include subcategories which are not part of the current EU system.

Therefore the subcategories as follows will most probably not be included in the draft proposal:

- ❖ Flammable Gases category 2
- ❖ Flammable liquids category 4
- ❖ Acute aquatic toxicity category 2
- ❖ Acute aquatic toxicity category 3
- ❖ Skin corrosion/irritation category 3
- ❖ Aspiration hazard category 2
- ❖ Acute Toxicity category 5

However to maintain the current level of protection our so called "EU left-overs" such as ozone depletion, which are not yet covered by the GHS, have been included in the draft proposal of the GHS implementing regulation.

For workability reasons a transitional period will be needed, we think about a phased approach e.g. first re-classification of substances and after completion re-classification of mixtures.

It is the intention to submit the draft legislation as well as the related studies to a public stakeholder consultation probably in 2006.

The Commission services responsible for implementation in transport, in the framework of the Directives on Transport of Dangerous Goods, intend to update in 2007 and 2009 based on the "Recommendations on the Transport of Dangerous Goods, Model Regulations".

We will keep the SCEGHS informed about the progress of implementing the GHS.
