

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 ENTERPRISE and DG ENVIRONMENT 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).

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

The Commission Services Directorate-General (DG) Enterprise & Industry and DG Environment with technical support from DG Joint Research Centre have drafted a proposal for a Regulation on classification and labelling of hazardous substances and mixtures which would introduce the GHS criteria into Community law.

The Commission consulted stakeholders on the draft regulation through a Public Internet Consultation (website: http://ec.europa.eu/enterprise/reach/ghs_consultation_en.htm) from 21 August till 21 October 2006, with the focus on three areas:

- the legislative proposal as such,
- the consultants' impact assessment study, and
- the analysis of potential effects on EU downstream legislation.

Approximately 370 contributions were received. 82% of these were sent by industry- companies or associations; out of the 254 company responses, 45% were received from enterprises with less than 250 employees. 10 NGOs responded. No response of a trade union was received.

From the Member States, 18 governments and/or public authorities sent comments, including from three new Member States. Public authorities from non EU Community countries (Iceland, Norway, Switzerland, and Romania) gave their input as well. No international organisation sent comments. About 5 individuals, mainly individuals who are or have been involved in the development of the GHS, provided some specific input.

97% of the responses support the implementation of the GHS in Community law. Overall the draft proposals of the Commission services were generally well appreciated by Member States authorities and industry.

The Commission Services have analysed the responses and adopted the draft proposal accordingly. It is the intention to have the Commission proposal adopted by end of this year to submit it to the European Council and Parliament to be discussed and passed as Community legislation.

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.
