
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:

- (a) the Dangerous Substances Directive (67/548/EEC);
- (b) the Dangerous Preparations (i.e. mixtures of chemicals) Directive (1999/45/EC);
- (c) Annex II of the REACH Regulation (EC) 1907/2006; originally the Safety Data Sheet Directive (91/155/EEC).

These Directives and the Regulation are very closely linked. They have Internal Market (Article 95 of the EU Treaty) objectives (i.e. the approximation of laws aiming at the establishment of an Internal Market, in this case in the trade of chemicals, in the EU, taking as a basis a high level of protection of health, safety, consumers and environment).

The EU Context

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

Implementation update

On 27th of June 2007, the European Commission has adopted the "Proposal for a Regulation of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, and amending Directive 67/548/EEC and Regulation (EC) No 1907/2006" (COM(2007) 355 final). The proposed act aligns the EU system of classification, labelling and packaging substances and mixtures to the United Nations Globally Harmonised System (GHS).

The GHS was developed by international organisations, with participation of various stakeholders. Similarly, in the EU there have been continuous technical discussions with Member States and other

stakeholders over the past years regarding supply and use. Following the publication of the White Paper “Strategy for a future Chemicals Policy”, the Commission consulted widely with experts. The results of the technical working group on classification and labelling convened by the Commission in preparation for REACH¹ as well as the result of further studies² and recommendations resulting from consultation with stakeholders, including a public stakeholder consultation (from 21/08/06 till 21/10/06)³, have been taken into account in drafting the proposal which addresses supply and use of chemicals.

As we are striving for international harmonization, a Regulation was chosen as regulatory instrument, which will lead to the direct application of the legislation throughout the European Community which eases the application in an enlarged Community of 27 Member States. The proposed Regulation is based on Article 95 of the EC to ensure a level playing field for all suppliers of chemical substances and mixtures in the internal market, while at the same time ensuring a high level of protection of health, safety, environment and consumers.

The scope of the proposal for a Regulation for supply and use covers the provisions for the classification and labelling of substances and mixtures including Plant Protection Products and Biocides consistent with the current EU system.

During drafting the Commission services have applied the general principles as laid out in the UN GHS document.

The criteria for the classification of substances and mixtures as hazardous, including the building block approach that enables the legislator to choose the appropriate hazard classes and categories have been developed at international level. To ensure proportionality, the Commission services selected those hazard classes and categories which are comparable with existing legislation.

Therefore, firstly, the proposal does not include the following categories, as they are not part of current EU legislation and are not needed for consistency with transport legislation: “flammable liquids category 4”, “acute toxicity category 5”, “skin corrosion/irritation category 3”, “aspiration hazard category 2” and “acute aquatic toxicity category 2 and 3”.

Secondly, those elements which are part of current EU legislation, but which have not yet been included in the GHS are also part of the proposal, e.g. “ozone depletion”.

To be consistent with the GHS, those elements which have only led to additional labelling requirements under current EU legislation but which are now part of the GHS classification system have been included in the proposal, e.g. “effects on or via lactation” and “narcotic effects”. For consistency with transport legislation, the proposal incorporates some hazard classes or categories which are not included in current EU legislation for supply and use, but are part of the existing EU transport system or will be implemented in transport legislation. These are “gases under pressure”, “self-reactive substances and mixtures, Type C to G”; “self-heating substances and mixtures”; “oxidising liquids category 3”; oxidising solids category 3”; and “corrosive to metals”.

However, hazard classes or categories which were added for consistency reason to current EU legislation are specified in the Regulation as they should not trigger obligations under REACH or other downstream legislation such as “gases under pressure”, “corrosive to metals” or “narcotic effects”.

As safety data sheets are the main tool for communication under the REACH Regulation, the provisions on safety data sheets remain there.

¹ ECBI/03/02: White Paper Working Group on Classification and Labelling: Summary of Recommendations from Technical Working Group on Tasks 1 and 2.

² Final report: Technical Assistance to the Commission on the implementation of the GHS. Ökopol Institute for Environmental Strategies, July 2004.

³ Recommendations resulting from an informal stakeholder discussion 18 November 2005 and from a public internet consultation August to October 2006: http://ec.europa.eu/enterprise/reach/ghs_consultation_en.htm

The proposed regulation also takes over provisions of the REACH Regulation regarding the notification of classifications, the establishment of a list of harmonised classifications and the creation of a classification and labelling inventory.

The proposal is currently undergoing the legislative co-decision procedure, seeking agreement of the European Parliament and the Council. After entry into force the deadline for substance reclassification is proposed to be 1 December 2010 and for mixtures 1 June 2015.

The proposed Regulation, the executive summary of the Commission impact assessment and the full Commission impact assessment are available via the following website:

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

All 23 language versions of the proposed Regulation and of the executive summary of the Commission impact assessment are available in Eur-Lex:

http://europa.eu.int/eur-lex/lex/RECH_naturel.do

Click: Com final, enter year:2007, enter number: 355

The Commission Services responsible for implementation in transport have introduced GHS, in the framework of the Directives on Transport of Dangerous Goods, based on the "Recommendations on the Transport of Dangerous Goods, Model Regulations".

- ADR/RID 2005: directives 94/55 and 96/49 (amendments 2004/111 and 2004/110) included most elements;
- ADR/RID 2007: directives 94/55 and 96/49 (amendments 2006/89 and 2006/90) added some further categories;
- Proposed Directive, COM(2006)852, published 22 Dec.2006, implementation by MS by 31 December 2008.

We will keep the SCEGHS informed about further progress.
