

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

Relationship between the Sub-Committee on GHS and the United Nations Economic Commission for Europe (UNECE) Environmental Conventions and Programmes

Note by the secretariat

Possibilities of cooperation with the UNECE

1 The UNECE is strongly involved in environmental protection. The broad aim of UNECE's environment activities is to safeguard the environment and human health, and to promote sustainable development in its 55 member countries* in line with Agenda 21. The UNECE Committee on Environmental Policy brings together governments to formulate environmental policy and support its implementation. It takes an active role in certain regional processes such as the "Environment for Europe" Ministerial Process, and cross-sectoral processes, especially the environment, transport and health tripartite cooperation.

2. As a first step in raising awareness about the GHS at regional level, the Ministerial Declaration of the fifth "Environment for Europe" Ministerial Conference (Kiev, 2003) encouraged the countries of the UNECE region *to implement the GHS without delay* (part III, para 55).

3. The UNECE is also administering a series of regional environmental treaties, most of which are now in force. At least, two of these are of relevance to the GHS:

- The Convention on the Transboundary Effects of Industrial Accidents;
- The Protocol on Pollutant Release and Transfer Register (PRTR) of the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (i.e. the Aarhus Convention).

Their governing bodies are serviced by the UNECE secretariat, which also helps them to monitor the implementation of the treaties.

4. These two agreements contain provisions of relevance to the GHS, including the characterization/classification and labelling of chemicals and the communication of information about them as explained in Annex 1 and Annex 2 to this document.

5. The Sub-Committee may wish to note that the secretariat intends to draw the attention of the Parties to these agreements to ECOSOC Resolution 2003/64 and inform them about the GHS and its implementation

* Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San-Marino, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the Former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, United Kingdom, United States, and Uzbekistan.

ANNEX 1

UNECE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS

Note by its secretariat

The UNECE Convention on the Transboundary Effects of Industrial Accidents aims at protecting human beings and the environment against industrial accidents by preventing them as far as possible, by reducing their frequency and severity and by mitigating their effects. It promotes active international cooperation between the contracting Parties, before, during and after an industrial accident.

The Industrial Accidents Convention entered into force on 19 April 2000. 32 UNECE member countries and the European Community are currently Parties to it.

One of the concrete obligations under the Convention is to identify hazardous activities that fall within its scope. Hazardous activities are defined in the Convention as any activity in which one or more hazardous substances are present or may be present in quantities at or in excess of the threshold quantities listed in annex I, and which are capable of causing transboundary effects.

Annex I gives a list of thirteen named hazardous substances and eight categories of substances and preparations not specifically named as well as their threshold values for the purposes of defining hazardous activities and thus is key in defining the Convention's scope.

In order to ensure a common approach used by Parties when identifying their hazardous activities in terms of whether they are capable or not of causing a transboundary effect, the Conference of the Parties, the Convention's governing body adopted the Guidelines to facilitate the identification of hazardous activities for the purposes of the Convention (ECE/CP.TEIA/2, annex IV, decision 2000/3) and further amended the Guidelines at its third meeting on 27-30 October 2004 (ECE/CP.TEIA/12 – not yet published).

At the same meeting, the Conference of the Parties, also decided to review annex I to the Convention. Both the substances and their quantities will be reviewed. To this end, a Working Group on the Development of the Convention was established and mandated to carry out the review and suggest possible amendments to the annex for consideration and decision by the Conference of the Parties at its next meeting in 2006.

More information on the UNECE Convention on the Transboundary Effects of Industrial Accidents and related activities can be found at the following web address: <http://www.unece.org/env/teia/welcome.html>

ANNEX 2

UNECE PROTOCOL ON POLLUTANT RELEASE AND TRANSFER REGISTERS (PRTR)

Note by its secretariat

The Protocol on Pollutant Release and Transfer Registers (PRTRs) is the first legally binding international instrument on pollutant release and transfer registers. Its objective is "to enhance public access to information through the establishment of coherent, nationwide pollutant release and transfer registers (PRTRs) ..." Thus, the Protocol regulates information on pollution, rather than pollution directly. It implies reporting obligations for the private sector. By increasing the flow of information from private companies to the general public, it may be seen as promoting the transparency of chemicals management practices and corporate accountability.

The Protocol was signed by 36 States and the European Community. It is open for accession to all States and regional economic integration organizations. The European Commission has proposed a regulation to implement the requirements of the PRTR Protocol, which would have direct effect in its member States. Once this regulation has been adopted and implemented, the European Community member States are expected swiftly to ratify the instrument in their own right. It is expected that the Protocol will come into force in late 2006 or early 2007.

PRTRs are inventories of pollution from industrial sites and other sources. Under the Protocol, Parties are obligated to establish national PRTR systems that would require certain facilities (specified in Annex I Activities of the Protocol) to report on their releases and transfers of 86 listed pollutants (specified in Annex II of the Protocol) that may be harmful to the environment or to human health on account of their properties and of their introduction into the environment. The list of pollutants in Annex II was compiled taking into account relevant international instruments.¹

The Protocol also regulates the design of national registers (article 5) as well as public access to information collected by national PRTR systems (article 11). The register is to be designed for maximum ease of public access through electronic means, such as the Internet. Each Party should provide links in its register to its relevant existing, publicly accessible databases on subject matters related to environmental protection. Parties in the design of their national registers may choose to include additional activities or pollutants.

The Meeting of the Parties to the Protocol will review the reporting requirements under the Protocol and consider its further development, including revision of the list of reported substances contained in Annex II (article 6). It is suggested that once experience is gained from the development of national registers, the Meeting of the Parties could take into account the GHS classifications of substances when considering amendments to the Annex II list of pollutants.

GHS classifications may also be taken into account by individual Parties when considering the inclusion in their national registers of pollutants additional to those required under the Protocol.

It is further suggested that public use of the registers will increase demands for contextual information on the substances released and transferred to the environment. Linking national registers to the GHS could help provide such contextual information for certain hazardous chemicals.

More information on the UNECE Protocol on Pollutant Release and Transfer Registers can be found at the following web address www.unece.org/env/pp/prtr.htm.

¹ The list of pollutants in Annex II was compiled taking into account:

- (a) All the substances of the European Pollution Emission Register (EPER);
- (b) All the substances regulated by the Kyoto Protocol to the United Nations Framework Convention on Climate Change, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Stockholm Convention on Persistent Organic Pollutants, the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), Action Plan 1998-2003, Update 2000, Annex 2: Chemicals for Priority Action, the UN/ECE Protocol on Persistent

Organic Pollutants, the UN/ECE Protocol on Heavy Metals and the UN/ECE Protocol to Abate Acidification, Eutrophication and Ground-Level Ozone have been included in annex III;

(c) Most of the substances regulated under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Annex I, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the European Union (EU) list of priority substances in the field of water policy and the EU list of priority substances for further evaluation of their role in endocrine disruption have been included in annex III;

(d) All substances on the four priority lists adopted under Council Regulation 793/93/EEC on the evaluation and control of the risks of existing substances.