

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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Item 5 (a) of the provisional agenda

IMPLEMENTATION OF THE GHS

Reports from Governments or organizations

Transmitted by the representatives of the European Commission
(DG ENTERPRISE and DG ENVIRONMENT)

BACKGROUND

1. 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.

EU IMPLEMENTATION UPDATE

Supply and use

2. On 27th of June 2007, the European Commission 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 Regulation would align the EU system of classification, labelling and packaging substances and mixtures with the United Nations Globally Harmonised System (GHS). It included a transitional period which proposed that the deadline for substance reclassification and re-labelling would be 1 December 2010, and for mixtures 1 June 2015.
3. The proposal has been notified to the Committee on Technical Barriers to Trade (TBT) and was published by the World Trade Organization (WTO) in September 2007 under the reference number G/TBT/N/EEC/163. One comment has been received from China relating to that notification.
4. A more detailed summary of the aim, scope and provisions of the proposed Regulation was provided in the information document UN/SCEGHS/15/INF.24 presented by the Commission experts at the meeting in July 2008 and can be found on our website:

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

5. Since the Commission's proposal was published, it has been subject to the legislative co-decision procedure. Both the Council and the European Parliament considered the Regulation implementing the GHS as a high priority, and were working with a tight agenda to secure final adoption in the autumn 2008. A milestone on the way to adoption within this timescale was reached at the end of June 2008 under the Slovenian Presidency, when the Presidency and the representative of the European Parliament agreed on a text of the Regulation. On the 3 September 2008 a large majority of the European Parliament supported the "compromise package" for a new Regulation on classification, labelling and packaging of substances and mixtures. On the 28 November 2008 the Council adopted the Regulation. Publication of the adopted act in the Official Journal is foreseen for 31 December 2008, thereby making the EU one of the international leaders in the actual uptake of the UN GHS.
6. The Classification, Labelling and Packaging (CLP) Regulation will, after a transitional period, replace the current rules on classification, labelling and packaging of substances (Directive 67/548/EEC) and mixtures (Directive 1999/45/EC). After entry into force, the deadline for substance classification according to the new rules will be 1 December 2010 and for mixtures 1 June 2015.
7. Together with the compromise package for the CLP Regulation, the EP voted with large majority on two related acts which aim to adapt further Community acts to the new rules on classification and labelling. These acts were also adopted by the Council and it is envisaged to publish them on the same date as the CLP Regulation.

NEXT STEPS

Safety Data Sheets

8. One of the next tasks of the Commission services will be to adapt Annex II of the REACH Regulation which includes the provisions on Safety Data Sheets, to align them fully with the UN GHS provisions.

Guidance documents

9. The preparation of detailed guidance for the application of the GHS criteria is under development in the framework of REACH Implementation Project 3.6 (RIP 3.6), taking account of the expertise of EU Member State experts, cf. <http://ecb.jrc.it/reach/> (first click on 'documents / restricted access' on top of the page, then enter user name (segr) and password (segr07)). It is expected that the guidance will be finalised around summer 2009.
10. In parallel to specific guidance, general guidance is also being developed, focussing on basic features and procedures related to classification and labelling in the EU context. The guidance is addressed to those who want to have a quick overview of the new legal requirements for classification and labelling in the EU, i.e. suppliers of chemicals and non-EU target groups. This guidance document should be made available around spring 2009.

LINKS TO THE LEGISLATIVE PROPOSAL

Supply and use

11. The text on which agreement had been reached between the Council and the European Parliament is available via the following website:

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

Please, note that the text is still undergoing legal-linguistic finalisation.

12. It is envisaged that the Regulation will be published in the Official Journal 31 December 2008 and all 23 language versions of the Regulation should be available in Eur-Lex shortly after:

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

13. The Commission will soon provide a link to this text on its website.

Transport

14. The Commission Services responsible for transport have already introduced the GHS in Directives on the Transport of Dangerous Goods, based on the "Recommendations on the Transport of Dangerous Goods, Model Regulations" itself amended to reflect the current GHS.

- 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;
- The Directive, 2008/68/EC, published 30 September 2008, to be implemented by MS by 30 June 2009, amalgamating the road and rail provisions and extending the scope to inland waterways, hence applying the GHS amendments included in the 2009 transport revisions, as reflected in the international agreements, to the transport sector.

15. The consolidated versions of the Directives including the above-mentioned amendments and the new Directive can be found on the following websites:

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1994L0055:20061124:EN:PDF>

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1996L0049:20061124:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:260:0013:0059:EN:PDF>

16. We will keep the SCEGHS informed about further progress.
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