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**COMMITTEE OF EXPERTS ON THE
TRANSPORT OF DANGEROUS GOODS**

**(Twentieth session,
Geneva, 7-16 December 1998,
agenda item 3 (a))**

**GLOBAL HARMONIZATION OF SYSTEMS OF CLASSIFICATION
AND LABELLING OF CHEMICALS**

Implementation mechanism

**Reconfiguration of the Committee of Experts
on the Transport of Dangerous Goods**

Note by the Secretariat

1. The representative of the International Labour Office (ILO) informed the Sub-Committee of Experts on the Transport of Dangerous Goods at its fifteenth session (29 June-7 July 1998) of the results of the discussions at the twelfth session of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) Co-ordinating Group for the Harmonization of Chemical Classification Systems (CG/HCCS), and in particular of the adoption of a proposal to establish a mechanism for the implementation and follow-up of the Globally Harmonized System (see ST/SG/AC.10/C.3/30, paras. 183-199).
2. The final report on status and progress on the implementation of the globally harmonized system, as prepared by the IOMC secretariat for consideration by the Intersessional Group of the Inter-Governmental Forum on Chemical Safety at its third session (ISG 3, Yokohama, 1-4 December 1998), is reproduced hereafter.

**INTER-ORGANIZATION PROGRAMME FOR THE
SOUND MANAGEMENT OF CHEMICALS**

IOMC Coordinating Group for the Harmonization of Chemical Classification Systems

**IMPLEMENTATION OF THE GLOBALLY HARMONIZED SYSTEM
REPORT ON STATUS AND PROGRESS**

Note: Although the present document may be reformatted for presentation to the ISG 3 (Yokohama, 1-4 December 1998), the text below is final and will not be modified in any way.

INTRODUCTION

1. In response to an IFCS II (Ottawa, 1997) recommendation, the CG/HCCS reviewed at its 12th Consultation (London, 23-24 June 1998) the report of a Working Group - hosted by the UK (London, May 1998) - on mechanisms to implement the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS). At previous meetings of the IOMC CG/HCCS a wide range of options for a suitable mechanism were examined. Advantages and disadvantages of alternative implementation systems, including the options of separate committees and sub-committees were discussed (see Annex). As a result, the CG/HCCS agreed to the conclusions described below.

GENERAL CONSIDERATIONS

2. Due to the reluctance expressed by some countries to see the proliferation of additional committees, and to the fact that resource limitations make it difficult to establish a new international organization devoted to the GHS at this time, it is considered that the most realistic way forward is to use the existing framework of UN Committee of Experts on Transport of Dangerous Goods (UN CETDG) under the auspices of the UN Economic and Social Council (ECOSOC). At the same time, the CG/HCCS acknowledges that the work of the UN CETDG should not be disrupted by implementation of the GHS and its transport functions should continue with the same scope and same operating rules as at present.

3. The Globally Harmonised System (GHS) is the consolidation of the technical criteria that have been developed covering the classification of health, physical, and environmental hazards end points, and the related harmonised hazard communication tools that constitute Programme Area B of Chapter 19 of the UNCED Agenda 21. The GHS will be an amalgamation of the technical work carried out in various international fora such as OECD, UN CETDG and ILO.

4. The Coordinating Group recognizes that in addition to being debated through the IOMC, ISG III and the UN CETDG, the impetus for making the necessary political decision on implementation could come from the UN ECOSOC, which is an appropriate body to house the GHS.

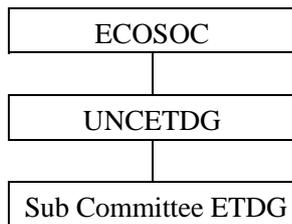
5. The Coordinating Group also recognizes that whatever implementation mechanism is chosen there are a number of important issues that will have to be addressed in other fora. In particular, if the benefits of the GHS are to be realised in terms of improvements in health, environmental protection and trade, then there will be a need for a coordinated adoption of the GHS by countries and organisations. It will be necessary in due course to consider an implementation timetable. The examination of their own systems and subsequent amendments by participating countries and organisations needs to take place in an orderly and timely fashion.

6. Thus far, the Coordinating Group has not considered whether a mechanism is needed for resolving differences in the application of the GHS, what such a mechanism might be, or where it might reside. Further, participating countries that may require assistance with capacity building will need to use the existing network of arrangements and organisations developing within the wider framework of Chapter 19, rather than rely on any new GHS resources.

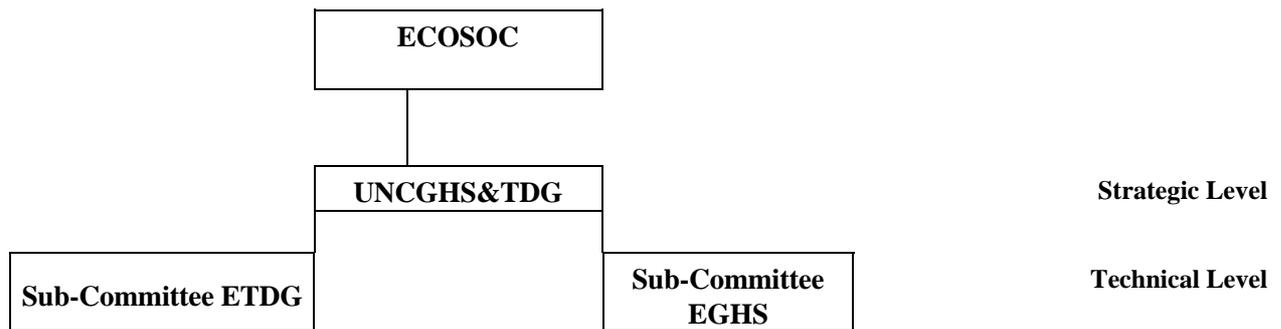
PROPOSED IMPLEMENTATION MECHANISM

Structure

7. The current structure of ECOSOC/UNCETDG is as follows:



8. The proposed new structure would be as follows:



Legend : The names and titles used are purely for illustrative purposes.

UNCGHS&TDG	United Nations Committee on the Globally Harmonised System & Transport of Dangerous Goods
ETDG	Experts on the Transport of Dangerous Goods
EGHS	Experts on the Globally Harmonised System

FUNCTIONS AND PARTICIPATION

Functions of the UN CGHS&TDG Committee

9. In reviewing the options described in Annex 1, the Coordinating Group first focussed on clarifying the functions the GHS body would be expected to carry out and attempted to maximise the advantages, whilst minimising the disadvantages of the options considered. On balance, it agreed that the proposal for reconfiguring the existing UN CETDG and its Sub-Committee into a Committee with a new extended mandate with a Sub-Committee on the Transport of Dangerous Goods and a Sub-Committee on GHS represents a practical and acceptable option.

10. The reconfigured committee would deal with strategic issues rather than technical issues. It is not envisaged that it would review, change or revisit technical recommendations of the sub-committees. Accordingly, its main functions would be to:

- (a) approve the work programmes for the sub committees in the light of available resources;
- (b) coordinate strategic and policy directions in areas of shared interests and overlap;
- (c) give formal endorsement to the recommendations of the sub committees and provide the mechanism for channelling these to ECOSOC;
- (d) facilitate and coordinate the smooth running of the sub-committees.

Functions of the Sub-Committee on GHS

11. Functions of this Sub-committee would be to:

- (a) act as custodian of the GHS, managing and giving direction to the harmonisation process;
- (b) keep the GHS system up to date as necessary, considering the need to introduce changes ensure its continued relevance and practical utility, and determining the need for and timing of the updating of technical criteria, working with existing bodies as appropriate;
- (c) promote understanding and use of the GHS and to encourage feedback;
- (d) make the GHS available for world wide use and application;
- (e) make guidance available on the application of the GHS, and on the interpretation and use of technical criteria to support consistency of application;
- (f) prepare work programmes and submit recommendations to the committee.

Functions, Participation and Operating Principles of the Sub Committee of ETDG

12. As already stated above, the Coordinating Group agreed that the proposed mechanism should be such as not to disrupt, interfere or change the current functions, constitution and voting arrangements of the Sub-Committee of Experts on the Transport of Dangerous Goods.

Participation in the reconfigured Committee and the Sub-Committee of Experts on GHS

13. Although it is hard to determine its exact size and format at present, for the UN CGHS&TDG Committee to be effective, it is necessary to have as wide a participation and membership as practically possible. This is to be drawn from the representation in the sub-committees.

14. Similarly, for the GHS sub-committee to be effective in supporting and maintaining a global system, it is necessary to have as wide a participation and membership as practically possible. This would include Governments, Inter-Governmental Organisations (IGOs) and Non Governmental Organisations (NGOs.), including representatives of international organizations of employers and workers. Also, NGOs may wish to be represented by regional constituents to put forward particular view points. The ECOSOC rules and the use of the "List of Non-Governmental Organisation in Consultative Status" should allow for adequate NGO participation. If the number of interested countries and organisations is so large as to be practically unmanageable, consideration should be given to how the numbers of formal participants could be limited by using methods already available under ECOSOC rules such as the rotation of member countries.

15. Once the principle of reconfiguring the current UN CETDG on the basis of the present proposal is eventually agreed by the ECOSOC, definitive membership would then need to be established. This would be done in accordance with the usual UN procedures on the basis of ECOSOC decisions which may require the UN Secretariat to evaluate the interest of Member States, IGOs and NGOs in providing significant input in the work of the proposed Committee and the GHS sub-committee. The UN CETDG and ECOSOC should be invited to take the necessary steps to this end.

Operating Principles for the UNCGHS&TDG Committee and GHS Sub Committee

16. The Coordinating Group suggests that, in accordance with the spirit and practice established by the bodies in implementing the recommendations of Chapter 19 and developing the GHS, the Committee and Sub-Committee on GHS should work by consensus. However, consideration should be given as to whether it is appropriate to introduce a formal resolution mechanism, such as voting in accordance with the rules of procedure normally applicable to UN ECOSOC subsidiary bodies.

17. The Coordinating Group notes that the GHS Sub-committee would need to conform to the UN rules with respect to the languages used. Normally at meetings interpretation would be required in the 6 UN languages dependent upon actual participation. For the existing CETDG, the working languages for meeting documentation are the working languages of the UN Secretariat, i.e. English and French. The decision to publish recommendations adopted by the Committee in the 6 UN official languages is made by ECOSOC. The Coordinating Group notes also that translation and interpretation may involve significant costs, compared to current GHS development activities, which are generally conducted in English only.

Resources - Meeting Time

18. The Coordinating Group recognises that the existing UNCETDG structure, which currently works on a biennial basis, provides an effective model for the GHS. It also notes that the number of meeting days used by the UNCETDG in the past four years had slightly decreased and that further reduction to meeting days required for the existing UNCETDG could be anticipated once the GHS has been established and if certain activities concerning classification criteria for physical hazards were transferred to the new Sub-Committee on GHS. Transference of these meeting days to the new Sub-Committee on GHS would then be expedient and appropriate. However, in general terms it is not envisaged that the overall level of meeting days available to the committee and sub committees would be extended beyond the current 38 days per biennium.

19. Meetings of the Committee and the two sub-committees should be envisaged back to back taking into account the need to economise travel expenses for participants to one or more of the committees. At such an early stage it is not possible or desirable to identify the exact time commitment to the committee or each sub committee. Detailed issues of Secretarial support still need to be addressed.

RECOMMENDATIONS THE ISG 3 MAY WISH TO MAKE

20. The ISG may wish to:
- (a) take note of the progress made under Programme Area B;
 - (b) request the CG/HCCS to develop terms of reference for the proposed ECOSOC body in close cooperation with the UN CETDG, based on the approach described, and report progress to IFCS III.
 - (c) request that the President of the Forum send a letter and the present document to the UN ECOSOC to have this issue introduced at their March 1999 Preparatory Meetings with the aim of including it as a discussion and decision item at the June 1999 formal Session.

Annex

ANALYSIS OF INSTITUTIONAL OPTIONS FOR A GHS IMPLEMENTATION MECHANISM

1. Existing UN Bodies (UNEP, ILO, UN CETDG).

Advantages:

- Broad participation.
- Expertise in particular aspects of chemical safety.

Disadvantages:

- Need for broader mandate: GHS crosses jurisdictional and sectoral boundaries, involving environmental, worker protection, consumer product and transportation issues.
- No single existing body has requisite range of expertise; creating a new inter-organisational entity could lead to unnecessary bureaucracy and excessive cost burden.
- Practical difficulties of start up costs and time scales involved.

2. Other formal international bodies (OECD, IPCS).

Advantages:

- OECD: expertise in test methods, experience with chemical management strategies, established mechanisms for involving non-governmental stakeholders.

Disadvantages:

- OECD: because membership is restricted to developed countries is not as broadly representative as is desirable for effective implementation of the GHS, lack of communications expertise.
- Objectives of OECD programme difficult to reconcile with global harmonisation to satisfaction of wider audience.
- Inter-Organization co-operative basis of the IPCS make this an unsuitable forum to take this forward on a formal setting.

3. Use of the International Standards Organisation (ISO) to develop the GHS as an international standard.

Advantages:

- ISG is well recognised internationally as a standard setting body.

Disadvantages:

- Creation of an international standard could lead to trade disputes based on countries' implementation of the GHS in flexible ways to fit in with their own regulatory frameworks.
- ISG lacks appropriate representation in terms of governments and other stakeholders. As a result, this option would likely face strong opposition from countries and other non-governmental organisations.

4. Reconfiguring the existing UNCETDG.

This option would create a new sub-committee on Harmonised Classification and Labelling and maintain the existing transport sub-committee (with no change in the existing sub-committee's mandate except where there may be a need to avoid duplication of work between the two entities). The parent Committee would be reconstituted with a revised mandate to deal with GHS and transport policy issues and reconstituted membership to reflect the full range of expertise appropriate to this task.

The Committee would continue to report to ECOSOC. Technical work would be handled by the sub-committees; the parent committee would have a more strategic role. Meetings would be short and infrequent, possibly amounting to fewer total meeting days for both the new Committee and its two Sub-Committees than the existing UNCETDG and its Sub-Committee require.

Advantages:

- Builds on an existing ECOSOC organisation with proven experience in this type of work.
- Uses a well tested mechanism which has wide support and commands respect.
- Subsuming harmonisation issues under a broadened UNCETDG agenda would avoid the risk of duplicating effort on cross-cutting concerns and create a single focus for addressing classification and labelling issues.
- Makes effective use of existing expertise.
- Is consistent with national governments concerns about the need to avoid the proliferation of UN committees and unnecessary bureaucracy.
- Offers realistic prospect of coming close to achieving Agenda 21 targets and time scales.
- ECOSOC achieves the widest governmental representation.
- Appropriate non-governmental involvement can be achieved through official accreditation.
- Widening mandate of an existing structure should allow a mechanism to be put in place more quickly and gain commitment, with minimal resource costs (in terms of meeting days and secretariat support) and no start up costs.
- Although a new subcommittee would be created, it is likely to involve less cost/bureaucracy than a new committee.

Disadvantages:

- There may be a need to address some concerns that reconfiguration of the UN CETDG would disrupt the smooth functioning of existing transport activities. UN CETDG's agenda is considerably broader than harmonisation.

5. **Establishment of a parallel Working Group reporting to ECOSOC (independently or hosted by the UNCETDG, sharing the UNCETDG secretariat).**

Advantages:

- UNCETDG recommendations are regarded as a good model for GHS instrument. This option would have the advantages of building on UNCETDG experience and the broad representativeness of an ECOSOC mechanism.
- Would allay fears about disrupting ongoing transports function.
- Mandate of the group could be structured to further minimise costs, for example by using the Co-ordinating Group for much of the preparatory work on recommendations, limiting meetings to once every 2-3 years or upon request of a certain number of countries.

Disadvantages:

- If hosted by and reporting through the UNCETDG, the Working Group could be in an awkward organisational position, subsidiary to a Committee that lacks the full range of GHS expertise. If, to avoid this concern, a completely separate Working Group were created, some of the advantages of plugging into an existing institutional would be lost.
 - Would require decisions to be taken at a political level (national and international) with no guarantee of agreement and a new dimension of time scales.
 - The creation of a new committee/working group could result in excessive resource demands. Efforts to minimise these could lead to an ineffective mechanism.
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