

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:

possible development of a list of chemicals classified in accordance with the GHS

Study on the role of international trade agreements for the implementation of GHS

Transmitted by the expert from Sweden

Background

1. One of the anticipated outcomes of the introduction of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) is to facilitate international trade in chemicals (GHS section 1.1.1.4).
2. It is stated in GHS section 1.1.3.2. that one of the functions of the GHS Sub-Committee is to make GHS available for worldwide use and application (GHS section 1.1.3.2).
3. Many governments are increasingly recognizing the need to ensure that trade agreements reflect environmental concerns to help achieve overarching environmental goals and to increase their public acceptability. Environmental provisions in regional trade agreements are increasing in terms of their number and variety. Given the extensive global trade in chemicals, and the need to develop national programs to ensure their safe use, transport and disposal, an internationally harmonized approach to classification and labelling would enhance the protection of human health and the environment on a global scale.
4. On this background, the Swedish Chemicals Agency (KemI) commissioned a study addressing the issue of international trade agreements as a driving tool for GHS implementation.
5. The purpose of the study was to investigate whether environmental provisions in regional trade agreements have been used to promote the implementation of GHS.
6. Information was collected on 330 free trade agreements signed by about 190 countries from January 2002 to July 2020. By means of computational linguistics, the investigators studied whether GHS was mentioned in the agreements. Interviews with experts and review of the existing literature and data on the status of GHS implementation was used in order to determine if regional cooperation has supported GHS implementation.
7. The study found that the word “Chemical” is quite common in international agreements, as it appears in 159 of the agreements analysed. Moreover, such word appears often in the context of chemicals used in agriculture, concerning the elimination of custom duties, tariff schedules and product specifications.
8. In contrast, to date, GHS has only been mentioned in four rather recent international agreements: the EU-Japan free trade agreement (in force since February

2019), the United States –Canada- Mexico agreement (in force since July 2020), and the UK agreements with the EU and with Japan signed in 2020 in connection with BREXIT.

9. The fact that GHS is only being referred to in four rather recent international trade agreements reflects the fact that GHS implementation is rather recent even in countries deemed as leaders in the development of environmental regulations. GHS has been referred much more often in the notifications to technical barriers to trade – in conformity with the WTO Technical Barriers to Trade (TBT) agreement.

10. Regarding the role of regional cooperation encouraging and supporting implementation, trade openness and regional cooperation are positively correlated with GHS implementation. Anecdotal evidence also suggests that aspirations to join regional economic organizations and the OECD have provided the political support required for GHS implementation. Nevertheless, regulatory constraints seem to be the major factor explaining the gap in GHS implementation. This is confirmed by the fact that there is a great deal of variation in the rate of GHS implementation across regional economic organizations. Full implementation in 'associations' comprising developed nations, while little or no implementation in economic organizations in regions with capacity constraints.

11. The study has been published by the Swedish Chemicals Agency and is available on the website www.kemi.se¹.

12. The Swedish Chemicals Agency will continue to explore the possibilities to include requirements for classification and labelling in line with GHS in international trade agreements.

13. In addition, we have initiated a pilot study to investigate to what extent information required for classification and labelling in accordance with GHS is made available for countries importing chemicals.

14. The Sub-Committee will be informed on the progress of the work

¹ <https://www.kemi.se/en/publications/pms/2021/pm-4-21-have-international-trade-agreements-supported-implementation-of-the-globally-harmonized-system-of-classification-and-labelling-of-chemicals>