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### **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

## Report of the Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals on its forty-sixth session

held in Geneva from 3 to 5 July 2024

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## I. Attendance

1. The Sub-Committee of Experts on the Globally Harmonized System of Classification and Labelling of Chemicals held its forty-sixth session from 3 to 5 July 2024, with Ms. Nina John (Austria) as Chairperson and Ms. Janet Carter (United States of America) as vicechairperson.

2. Experts from the following countries took part in the session: Australia, Austria, Canada, China, France, Germany, Japan, Netherlands, New Zealand, Republic of Korea, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America.

3. Under rule 72 of the rules of procedure of the Economic and Social Council, Switzerland also took part as observer.

4. Representatives of the United Nations Institute for Training and Research (UNITAR) were also present.

5. The following intergovernmental organizations were represented: European Union and Organisation for Economic Co-operation and Development (OECD).

6. Representatives of the following non-governmental organizations took part in the discussion of items of concern to their organizations: Australasian Explosives Industry Safety Group Incorporated (AEISG); Compressed Gas Association (CGA); Center for International Environmental Law (CIEL); CropLife International; Dangerous Goods Advisory Council (DGAC); European Aerosol Federation (FEA); European Chemical Industry Council (Cefic); European Industrial Chemical Associations (EIGA); International Council of Chemical Associations (ICCA); International Council on Mining and Metals (ICMM); International Organization of Automobile Manufacturers (OICA); International Petroleum Industry Environmental Conservation Association (IPIECA); Institute of Makers of Explosives (IME); Responsible Packaging Management Association of Southern Africa (RPMASA); and Sporting Arms and Ammunition Manufacturers' Institute (SAAMI).

## II. Adoption of the agenda (agenda item 1)

Documents: ST/SG/AC.10/C.4/91 and ST/SG/AC.10/C.4/91/Add.1 (secretariat)

Informal documents: INF.1, INF.2 and INF.9 (secretariat)

7. The Sub-Committee adopted the provisional agenda prepared by the secretariat after amending it to take account of informal documents INF.1 to INF.23.

### **Election of officers**

8. On a proposal from Germany, the Sub-Committee elected Ms. Janet Carter (United States of America) as vice-chairperson for the remainder of the term, on the understanding that the election of officers for the period 2025-2026 will still take place during the forty-seventh session.

9. Noting that Ms. Lynn Berndt-Weis (Canada), vice-chair of the Sub-Committee since July 2023, had not had the opportunity to attend the session before moving to a different position within the Canadian administration, the Sub-Committee expressed its appreciation for her positive spirit, dedication and contributions as vice-chair and as a member of the Canadian delegation and wished her success in her future endeavours.

## III. Work on the Globally Harmonized System of Classification and Labelling of Chemicals (agenda item 2)

A. Work of the Sub-Committee of Experts on the Transport of Dangerous Goods on matters of interest to the Sub-Committee of Experts on the

# **Globally Harmonized System of Classification and Labelling of Chemicals**

#### 1. Burning rate, revision of section 51.4 of the Manual of Tests and Criteria

Document :

ST/SG/AC.10/C.4/2024/7 (China)

Informal documents: INF.4 (China) INF.21, item A.1 (secretariat)

10. The Sub-Committee took note of the outcome of the discussions on this topic by the Explosives Working Group and the Sub-Committee of Experts on the Transport of Dangerous Goods (TDG Sub-Committee). Concurring with that outcome, the expert from China encouraged Sub-Committee experts to provide additional feedback and indicated that work with other interested parties to refine the proposal in accordance with the comments received would continue.

# 2. Corrections and amendments to the Model Regulations, the Globally Harmonized System and the Manual of Tests and Criteria

Document : ST/SG/AC.10/C.4/2024/8 (AEISG)

Informal document: INF.21, item A.2 (secretariat)

11. The Sub-Committee noted that the TDG Sub-Committee had endorsed the recommendations of the Explosives Working Group and had adopted, with some changes, the proposals concerning the Model Regulations and the Manual of Tests and Criteria in paragraphs 4, 9, 12, 14, 16 and 18 of the document from AEISG (see the report of the TDG Sub-Committee on its sixty-fourth session, ST/SG/AC.10/C.3/128/Add.1). It was also noted that the TDG Sub-Committee had also endorsed the recommendation from the Explosives Working Group regarding the need for further work on the proposal addressing the UN Gap tests in the Manual of Tests and Criteria contained in paragraph 21 of the document, which was not adopted. The Sub-Committee concurred with these decisions.

12. On the proposal in paragraph 16 of the document from AEISG, the expert from Germany pointed out that the transport and GHS schemes for classification of desensitized explosives are different. With this in mind she considered that it would be misleading to insert a reference to chapter 2.17 in a sentence referring to "the *Model Regulations* scheme for the classification of liquid desensitized explosives as flammable liquids". As an alternative, she proposed to refer separately to the transport and GHS classification schemes. The Sub-Committee concurred with this interpretation and agreed to the change proposed by Germany (see annex II) on the understanding that it should be brought to the attention of the TDG Sub-Committee for consideration at its sixty-fifth session.

13. The Sub-Committee endorsed the recommendation of the TDG Sub-Committee and adopted the proposal in paragraph 6 of the document from AEISG, as amended in informal document INF.21, with an additional amendment (see annex I).

# **B.** Simultaneous classification in physical hazards and precedence of hazards

1. Proposal for clarifications on the combinations of aerosols and chemicals under pressure with other hazard classes in the Globally Harmonized System

Document :	ST/SG/AC.10/C.4/2024/1 (Germany)
Informal documents:	INF.3 (Germany) INF.21, item B.1 (secretariat)

14. The Sub-Committee took note of the outcome of the discussion on this topic by the TDG Sub-Committee and, after an exchange of views, adopted the proposals under option 2

for chemicals under pressure and aerosols, as amended, as well as the amendments listed in paragraph 15 of the document (see annex I).

# 2. Status report for the GHS informal working group on combinations of physical hazards

Informal documents: INF.11 (Germany) INF.21, item B.4 (secretariat)

15. The Sub-Committee took note of the progress report on the work of the informal working group.

# **3.** Proposal for further clarification on the hazard class "Aerosols" in the Globally Harmonized System

Document :	ST/SG/AC.10/C.4/2024/2 (FEA)
Informal document:	INF.21, item B.2 (secretariat)

16. The Sub-Committee concurred with the recommendation by the TDG Sub-Committee and adopted the proposal in paragraph 6 of the document from FEA, with the replacement of "should" by "must" at the end of the paragraph (see annex I).

17. It was pointed out that following the adoption of option 2 in the proposal related to aerosols in document ST/SG/AC.10/C.4/2024/1 (see paragraph 14 of the present report), no additional consequential amendments to the GHS were necessary.

#### 4. Aerosols, alignment of special provision 63 with special provision 362

Document :	ST/SG/AC.10/C.4/2024/3 (FEA)

Informal document: INF.21, item B.3 (secretariat)

18. The Sub-Committee took note of the outcome of the discussions on this topic by the TDG Sub-Committee. The representative of FEA indicated that he intended to revise the proposal to take account of the comments received from the TDG Sub-Committee and welcomed additional feedback from GHS experts.

#### 5. Clarification of the classification criteria for aerosols, category 3

Informal documents:	INF.16 (United States of America)
	INF.21, item C.3 (secretariat)

19. Several delegations expressed support for the proposal as they considered that it would help to further clarify the criteria. The expert from the United States of America invited those who provided comments to send them in writing (addressed to Ms. Janet Carter) and indicated that a revised proposal would be submitted for consideration by the Sub-Committee at its forty-seventh session.

# C. Use of non-animal testing methods for classification of health and environmental hazards

## 1. Revision of chapter 3.4 to incorporate non-animal testing methods for classification of mixtures for skin sensitization

Document : ST/SG/AC.10/C.4/2024/10 (United Kingdom, the Netherlands)

Informal documents: INF.5 (United Kingdom, the Netherlands) INF.7 (secretariat)

20. The Sub-Committee adopted the proposed amendments to chapter 3.4 in the annex to document ST/SG/AC.10/C.4/2024/10, with the amendment to 3.4.5.3.1.2.11 proposed in

informal document INF.7 (paragraph 4 (a)) and the additional amendments to paragraphs 3.4.5.3.2.3.5, 3.4.5.3.2.4.1 and 3.4.5.3.2.5.2 as agreed by the informal working group during its meeting on 3 July (see annex I). The proposal in paragraph 5 of informal document INF.7 was not adopted.

#### 2. Progress report

Informal document: INF.12 (United Kingdom, the Netherlands)

21. The Sub-Committee took note of the progress report on the work of the informal working group, in particular the information regarding the on-going work and the questions in paragraph 9 (a) and (b) of the informal document. The Sub-Committee noted that the informal working group had agreed to progress with the work on chapter 1.3.

#### D. Classification criteria for germ cell mutagenicity

Informal document: INF.15 (European Union)

22. The Sub-Committee took note of the progress report on the work of the informal working group in informal document INF.15, as well as on the outcome of the meeting held on 3 July on the basis of a presentation made during the session.

23. The Sub-Committee could not reach consensus on the proposal to change the scope of the current hazard class "germ cell mutagenicity" to "mutagenicity". Some experts were in favour of the change in scope. Others considered that some existing options could be further explored to address the identified gaps. Some others indicated that the informal working group should prioritize completion of the workstreams currently on its workplan before considering new developments.

24. The Sub-Committee noted that two different workplans reflecting the different approaches would be developed and circulated within the informal working group for consideration, with an aim to achieving agreement on a way forward before the next session of the Sub-Committee. It was also noted that irrespective of the decision on the change in scope, work on this item of the Sub-Committee's programme of work for 2023-2024 will need to be carried over in the programme of work for 2025-2026.

# E. Potential hazard issues and their presentation in the Globally Harmonized System

#### 1. OECD activities to support the mandate on endocrine disruptors

Informal document: INF.8 (OECD)

25. There was general support for the timeline proposed in paragraph 9 of informal document INF.8. Several experts stressed the importance to have the document addressing the gap analysis of existing GHS hazard classes regarding the classification of endocrine disruptors (as defined by WHO), the state of science of methods to identify endocrine disruptors and the WHO/IPCS definitions, on time to be considered by the Sub-Committee at its December 2024 session. They considered that if this was not the case, progress on related issues would be compromised.

26. Following a question from some experts on the conclusions of the gap analysis of existing GHS hazard classes, the representative of OECD indicated that the OECD expert group had agreed that there are gaps in the current GHS with regard to the ability to identify chemicals as endocrine disruptors according to the WHO/IPCS definition. Some experts asked the OECD for an update on the progress of the review that should identify gaps regarding the possibility to classify under the GHS for substances and mixtures that have endocrine disrupting properties as detailed in the mandate to the OECD. They reiterated the need for the OECD to complete the gap analysis of GHS hazard classes in accordance with the mandate in document ST/SG/AC.10/C.4/2023/6, including paragraph 12 (a)(i).

27. The representative of OECD was invited to take note of all comments made.

#### 2. Mandate to OECD on persistence and mobility

Document : ST/SG/AC.10/C.4/2024/9 (European Union)

Informal document: INF.20 (European Union)

28. The Sub-Committee adopted the mandate to OECD on persistence and mobility as contained in paragraph 4 of document ST/SG/AC.10/C.4/2024/9 on condition that it be considered by OECD in conjunction with the definitions in the annex to that document and the additional details provided in informal document INF.20. The Sub-Committee invited OECD to take note of this decision.

29. The Sub-Committee took note of the progress report on the work of the potential hazard issues informal working on the basis of the information provided orally by the representative of the European Union. It was noted that the group had started to consider its future work and intended to prepare a draft workplan for discussion in September.

# F. Practical classification issues (proposed amendments to the Globally Harmonized System)

Informal document: INF.19 (United States of America)

30. Due to lack of time, no discussion took place under this agenda item.

#### G. Nanomaterials

31. Since no document was submitted under this agenda sub-item no discussion took place on this subject.

#### H. Hazardous to the atmospheric system

Informal document: INF.22 (European Union)

32. Due to lack of time, no discussion took place under this agenda item.

# I. Improvement of annexes 1 to 3 and further rationalization of precautionary statements

Informal document: INF.13 (United Kingdom)

33. The Sub-Committee took note of the progress report on the work of the informal working group. The expert from the United States of America indicated that a presentation on the findings of a research regarding the skin corrosion combination statements would be provided to the informal working group before its next meeting.

#### J. Other matters

#### 1. Proposed revision of the term "radioisotopic" in chapter 3.4

Document : ST/SG/AC.10/C.4/2024/4 (United Kingdom, the Netherlands)

34. The Sub-Committee adopted the proposal in paragraph 11 of the document (see annex I).

#### 2. Nitrocellulose mixtures

Document :

ST/SG/AC.10/C.4/2024/5 (AEISG)

Informal document: INF.21, item C.1 (secretariat)

35. The Sub-Committee was informed about the outcome of the discussion on this topic by the Explosives Working Group and, while supporting the proposal in principle, concurred with the TDG Sub-Committee on the need for further work. After an exchange of views, the Sub-Committee noted that AEISG would work with other interested delegations on a revised proposal for the next session that would address the issues raised and take account of the comments received.

# 3. Amendments to chapter 2.17 of the Globally Harmonized System and section 51 of the Manual of Tests and Criteria

Document: ST/SG/AC.10/C.4/2024/6 (AEISG)

Informal document: INF.21, item C.2 (secretariat)

36. The Sub-Committee concurred with the recommendations from the TDG Sub-Committee and endorsed its decision as regards the adoption of the proposed amendments to section 51 of the Manual of Tests and Criteria with the modifications proposed by the Explosives Working Group (see ST/SG/AC.10/C.3/128 paragraph 111 and ST/SG/AC.10/C.3/128/Add.1). The expert from China raised concerns about the adopted amendments and welcomed the offer made by several delegations to provide additional guidance intersessionally on the rationale behind the proposal.

37. On the proposed amendment to chapter 2.17 of the GHS, the Sub-Committee endorsed the recommendations from the Explosives Working Group and the TDG Sub-Committee and adopted the proposal as amended in the annex to informal document INF.21 (see annex I).

#### 4. Subcategorization in the GHS

Informal document: INF.6 (secretariat)

38. While acknowledging the need to ensure consistency within the GHS and improved understanding of the relation between categories and subcategories, the Sub-Committee felt that additional work was necessary to evaluate all the changes needed and their implications.

39. Most of the delegations who took the floor supported in principle the approach in option 1 of the document. The expert from the United States of America pointed out, however, that for some hazards classes and categories, a different approach on a case-by-case basis may be justified and suggested in addition, that a third option addressing the development of further guidance on the implementation of the building block approach could also be explored. These views were supported by other delegations.

40. The Sub-Committee welcomed further work on this topic and invited the expert from the United States of America to consider providing additional information to the Sub-Committee on the case-by-case approach to facilitate the discussion. Following the feedback received from the Sub-Committee, the expert from the United States of America volunteered to work intersessionally on this topic with other interested delegations.

#### 5. Use of "should", "shall", "may" and "must" in the Globally Harmonized System

Informal document: INF.17 (United States of America)

41. The Sub-Committee supported in principle the proposal to include an explanatory note in the GHS addressing the use of "should", "shall", "may" and "must".

42. There was agreement among experts that, for the purposes of the GHS, "must" and "shall" were considered interchangeable. With this in mind, a member of the secretariat invited the Sub-Committee to consider using in the GHS only either one or the other and including a statement in an explanatory note to explain that, although they are considered interchangeable, only one is used for consistency purposes. It was acknowledged that using only one term could minimise the risk of introducing inconsistencies in translation into languages other than English and avoid different interpretations when transposing the GHS provisions into legal instruments.

43. The expert from the United States of America welcomed the feedback provided by the Sub-Committee and indicated that it will be taken into account while the work to analyse the contextual analysis and use of the terms in the GHS continues.

#### 6. Amendment to 4.1.3.6

Informal document: INF.18 (UNITAR)

44. There was no consensus on the proposal as drafted. While some experts supported the proposed amendment to 4.1.3.6, others considered that referring to the aquatic hazard instead of the aquatic toxicity could lead to under-reporting the percent of unknown components in a mixture. It was also noted that separate hazard categories representing a gradation in the level of hazard identified are defined for the short-term (acute) hazard and the long-term (chronic) hazard, and that a mixture may be classified for more than one hazard and in this case, it would be appropriate to refer to "definitive hazard categories".

45. The representative of UNITAR welcomed the feedback provided by the Sub-Committee and indicated that he would work with other experts to revise the proposal in the light of the comments made.

## **IV.** Implementation (agenda item 3)

# A. Possible development of a list of chemicals classified in accordance with the Globally Harmonized System

Informal document: INF.23 (United States of America and Canada)

46. Due to lack of time, no discussion took place under this agenda item.

### B. Reports on the status of implementation

47. Since no document was submitted under this agenda sub-item no discussion took place on this subject.

### C. Cooperation with other bodies or international organizations

48. Since no document was submitted under this agenda sub-item no discussion took place on this subject.

#### D. Miscellaneous

49. Since no document was submitted under this agenda sub-item no discussion took place on this subject.

## V. Development of guidance on the application of the Globally Harmonized System (agenda item 4)

### A. Practical classification issues

50. Since no document was submitted under this agenda sub-item no discussion took place on this subject.

### **B.** Practical labelling issues

51. Since no document was submitted under this agenda sub-item no discussion took place on this subject.

### C. Miscellaneous

Informal document: INF.10 (ICCA)

52. The Sub-Committee took note of the information and concerns raised by ICCA. Some concerns were expressed about the scope of the workshops as described in sub-paragraph 7 (a). On the 2-year updates of the GHS it was recognized that keeping-up with the updates could represent a challenge at national level; at the same time, it was also recognized that the updates gave an opportunity to industry to take account of new developments in science and technology. Regarding the development of guidance, the representative of UNITAR volunteered to engage in discussions with ICCA on possible collaboration to develop new training materials and guidance, based on the results of the work.

## VI. Capacity building (agenda item 5)

53. Since no document was submitted under this agenda sub-item no discussion took place on this subject.

### VII. Implementation of Agenda 2030 and work of the Economic and Social Council (agenda item 6)

Informal document: INF.14 (secretariat)

54. Due to lack of time, no discussion took place under this agenda item.

## VIII. Other business (agenda item 7)

### A. Organizational matters

55. Noting the impact that the late submission of documents had on the organization and planning of the session, the Chairperson invited delegations to increase their efforts to avoid late submissions in the future.

56. Additionally, the Chairperson also invited delegations to reevaluate the role of informal working groups and to consider ways to encourage further discussion during the plenary sessions. To conclude, she announced that she expected to allocate time to address this topic during the next session.

# **B.** Dates of the forty-seventh session and deadline for submission of documents

57. The Sub-Committee was informed of the meeting dates and deadlines for submission of official documents to be considered during its forty-seventh session as follows:

- (a) Meeting dates: 4 6 (morning) December 2024
- (b) Deadline for submission of official documents: 9 September 2024 (for documents submitted for consideration by the GHS Sub-Committee only) and 30 August 2024 (for documents submitted for consideration by both sub-committees, i.e. TDG and GHS)

58. The Sub-Committee was informed that the twelfth session of the Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals will be held on 6 December 2024 (afternoon).

### C. Tributes

59. The Sub-Committee was informed that Mr. Dieter Heitkamp, who has been participating in the sessions of the TDG and GHS sub-committees for many years as a representative of Cefic would be retiring soon. The Chair, on behalf of the Sub-Committee, expressed its appreciation of his work, contribution and expertise to the work of the Sub-Committee and wished him all the best for a long and happy retirement.

60. For the tribute to Ms. Lynn Brent-Weiss see paragraph 9 of the present report.

## IX. Adoption of the report (agenda item 8)

61. In accordance with the established practice, the Sub-Committee adopted the report on its forty-sixth session and its annexes on the basis of a draft prepared by the secretariat.

### Annex I

[Original: English and French]

### Draft amendments to the tenth revised edition of the Globally Harmonized System of Classification and Labelling of Chemicals (ST/SG/AC.10/30/Rev.10)

#### Document ST/SG/AC.10/C.4/2024/1:

• Proposal II.A: option 2 adopted with the following amended paragraph 2.3.2.1.2:

"2.3.2.1.2 Chemicals under pressure do not fall additionally within the scope of section 2.3.1 (aerosols), chapters 2.2 (flammable gases), 2.5 (gases under pressure), 2.6 (flammable liquids) and 2.7 (flammable solids). Depending on their contents, chemicals under pressure may fall within the scope of other hazard classes.

**NOTE**: Some sectors, e.g. transport, may have other specific provisions regarding the applicability of additional hazard classes. For the transport of chemicals under pressure, see special provision 362 of the UN Model Regulations."

• Proposal II.B: option 2 adopted with the following amended paragraph 2.3.1.1.2:

"2.3.1.1.2 Aerosols do not fall additionally within the scope of section 2.3.2 (chemicals under pressure), chapters 2.2 (flammable gases), 2.5 (gases under pressure), 2.6 (flammable liquids) and 2.7 (flammable solids). Depending on their contents, aerosols may fall within the scope of other hazard classes.

**NOTE:** Some sectors, e.g. transport, may have other specific provisions regarding the applicability of additional hazard classes. For the transport of aerosols, see special provision 63 of the UN Model Regulations."

• **Proposal III:** adopted.

Document ST/SG/AC.10/C.4/2024/2, adopted with the following modification:

2.3.1.2.2 Replace "should" by "must".

Document ST/SG/AC.10/C.4/2024/4, adopted.

**Document ST/SG/AC.10/C.4/2024/6,** adopted as amended by informal document INF.21, as follows:

2.17.2.2 Amend the note to read as follows:

"**NOTE**: Phlegmatized explosives which do not meet the criteria of 2.17.2.2 should not be classified as a desensitized explosive and should be classified as an explosive in accordance with chapter 2.1."

**Document ST/SG/AC.10/C.4/2024/8, paragraph 6,** adopted with the following modification:

2.8.1.1 Amend the end of the second sentence to read "... as explosives, organic peroxides, or oxidizing liquids or solids in accordance with 2.8.2.1."

Document ST/SG/AC.10/C.4/2024/10, adopted with the following modifications:

3.4.5.3.1.2.11 Replace "category 1A or 1B" by "sub-category 1A or 1B", "category 1A" by "sub-category 1A" and "category 1B" by "sub-category 1B".

(Reference document: informal document INF.7, paragraph 4 (a))

3.4.5.3.2.3.5 Amend to read as follows:

"3.4.5.3.2.3.5 If the classification of a mixture based on standard animal test(s) is inconsistent with the classification based on the concentration and potency (e.g. from standard animal test(s) or human data) of a sensitizing ingredient(s) (see table 3.4.5), additional considerations may need to be taken into account for the classification of

the mixture (see OECD Test Guideline 429). This could include, for example, test concentrations, difference in vehicle and purity of the test material."

3.4.5.3.2.4.1	Replace "(see 3.4.5.3.2.4.5)" with "(see 3.4.5.3.2.4.3)".
3.4.5.3.2.5.2	Replace "(see 3.4.5.3.2.4.5)" with "(see 3.4.5.3.2.5.4)".

### Annex II

[Original: English and French]

## Recommendations from the Sub-Committee on the draft amendments to the eighth revised edition of the Manual of Tests and Criteria (ST/SG/AC.10/11/Rev.8), for consideration of the Sub-Committee of Experts on the Transport of Dangerous Goods at its sixty-fifth session

#### Section 32

- 32.3.2.1 Amend the first sentence to read as follows:
- "32.3.2.1 This subsection presents the *Model Regulations* scheme for the classification of liquid desensitized explosives as flammable liquids (see paragraph 2.3.1.4 of the *Model Regulations*; for the *GHS* see sub-paragraph 2.17.1.2 (b) of the *GHS*)."

(*Reference documents: ST/SG/AC.10/C.4/2024/8 and informal document INF.21, as amended*)

#### **Consequential amendment:**

#### Section 33

- 33.3.1 Amend the first sentence to read as follows:
- "33.3.1 This subsection presents the *Model Regulations* scheme for the classification of desensitized explosives as flammable solids of Division 4.1 (see subsection 2.4.2.4 of the *Model Regulations*; for the *GHS* see sub-paragraph 2.17.1.2 (a) of the *GHS*."

(*Reference documents: ST/SG/AC.10/C.4/2024/8 and informal document INF.21, as amended*)