1. INTRODUCTION

The purpose of this document is to analyze how countries with different legislative backgrounds in chemical classification and labelling are meeting GHS requirements from the legal perspective. The analysis will provide other countries wishing to implement the GHS with examples on what legal options may be used in order to address specific GHS requirements.

The Introduction will give a short overview of the GHS system. From the scope of international public law it will cover key international processes and agreements related to the GHS. It will describe the GHS administrative and technical framework, as well as key actors and sectors affected by the GHS. In conclusion it will analyze potential benefits of the system at the national and global levels.

1. Purpose of the Document

2. What is the Globally Harmonized System of Classification and Labelling of Chemicals?

3. GHS background and history
   - Prerequisites for a globally harmonized system of chemical labeling and classification (GHS)
   - Rio de Janeiro 1992 UNCED
   - Agenda 21, Chapter 19
   - UNSCE GHS established (2001)
   - WSSD seeks adoption of the GHS, WSSD Plan of implementation (2002)
   - UN ECOSOC Resolution adopts the GHS (2003)

4. The GHS institutional and administrative framework
   - International organizations involved in the GHS
   - UN SCE GHS - hierarchy of membership and responsibilities
   - Related initiatives (SAICM)

5. Key provisions of the GHS
   - Classification (classes and categories, self-classification)
   - Hazard Communication tools ( labeling, SDS, training)

6. Sectors affected by the GHS
   - Industrial Workplace
   - Transport
   - Agriculture
   - Consumer products
7. **Key actors**
   - Government
   - Business and industry
   - Public interest and labor organizations

8. **Potential benefits of the GHS**
   - Global benefits
   - Benefits to the governments
   - Benefits to the industry and business
   - Benefits to the public interest and labor organizations

II. **LEGAL IMPLEMENTATION OF THE GHS**

*This section will provide information on the legal status of the GHS, including an overview of its non-legally binding nature. It will highlight the flexibility provided for the countries by the GHS and will analyze various legal options available for its legal implementation.*

9. **Legal status of the GHS**
   - Why GHS was adopted as a non-binding international standard?
   - Legal implications linked to the implementation of the soft-law tools

10. **Various legal options provided for the GHS**
    - New legislation
    - Amending existing legislation (incorporating GHS elements into legislation, incorporating GHS elements by reference)
    - New regulation within each sector
    - Amending regulations by sector
    - New standards
    - Amending existing standards

11. **Flexibility provided by the GHS – GHS Optionality**
    - Building Block Approach
    - Competent authority discretion

12. **Legal Implications of GHS implementation at the Global level**

III. **DESCRIPTION OF METHODOLOGY FOR CASE STUDIES ANALYSIS**

*This section describes the general methodology which will be applied to the case studies. It highlights a set of questions that will be addressed for each country selected for analysis.*

13. **Country background**

*This question will help to better understand the general context in which the country is implementing the GHS*

    - Brief overview of a countries background in chemical management (e.g. chemicals produced, imported and exported)
    - Brief overview of a countries participation in the GHS development
14. **Brief overview of national legal system**

*Will help to better understand the specific procedure used by the country to translate the GHS into national legislative framework*

- Procedure to implement international treaties and recommendations
- Procedure to adopt/amend new laws, regulations and standards
- Provisions within the legislative framework for public consultations

15. **Situation analysis**

*Analysis of the existing legal instruments in the field of chemical labeling and classification will help to understand what legal basis the GHS may be built upon.*

- What are the existing legal instruments (laws, regulations, standards) that cover hazard classification and labeling of chemicals?
- What sectors are covered by each existing legal instrument?
- What hazard classes and categories are covered by each legal instrument?
- What existing legal instruments provide for labeling, SDS or training?
- If transport sector is covered by currently applied legal framework, is it consistent with the internationally harmonized UN transport model regulations?
- Are FAO and WHO guidelines followed for the agricultural sector?

16. **Gap analysis**

*Comparison of the existing legislative framework against the GHS requirements will help to analyze specific legislative options chosen by the country to translate the GHS into national framework.*

- What GHS sectors are not covered by the existing legislative framework?
- What GHS classes and categories are not covered by the existing legislative framework?
- What are the deviations for labeling and SDS between the existing system and the GHS requirements?

17. **Legal Implementation of the GHS**

*This section will help to analyze the legal instrument(s) established by a country to meet GHS requirements. From a legal perspective it will describe step by step how the country addressed key GHS provisions. The following questions need to be considered in order to see what elements if the GHS are being translated into national legislative framework and how it is done.*

17.1. **What legislative options were chosen to implement the GHS? (see section 2)**

17.2. **Sector coverage**

- What sectors are addressed by this legal instrument?
- How the country plans to address other sectors? (contact with countries)

17.3. **Classification**

- What GHS classes are covered by this legal instrument?
- If one GHS hazard class is not covered what is the rationale for not using it?

**Classes**

**Categories**
- What GHS categories are covered by this legal instrument?
- If one GHS category is not covered what is the rationale for not using it?
- Does this legal instrument cover additional hazards which are not part of the GHS?

### 17.4. Hazard Communication tools

**Labeling**
- Does this legislation provide for labeling?
- Are discretionary labeling elements included in this legal instrument? Does this legal instrument provide for precautionary statements? Does this legal instrument provide for additional information (not covered by GHS) on the label?

**SDS**
- Does this legal instrument provide for SDS?
- Who are the target audience for SDS? Are SDS provided for consumers (discretionary)?
- Does this legal document provide for additional information to be incorporated into the SDS (besides 16 mandatory sections)?

**Training**
- Does this legal instrument provide for training?
- How will the training be carried out and who is the target audience?

### 17.5. Transition and implementation period

- What is the timeframe to implement this legal instrument?
- What is the length of the transition period?
- How will the duality of the systems be addressed?

### 17.6. Advantages and potential difficulties linked to this legal option

*Finally it will be interesting to consider potential benefits and difficulties of the legal approach adopted to a specific instrument by every country.*

- What are the advantages?
- What are the potential difficulties?

### 17.7. Summary table of relevant GHS legislation in each case study

*In this section there will be a summary table of the GHS legal instruments for each country. In some cases there will only be one legal instrument, in others, there will be several, divided by sector, or covering multiple sectors.*

<table>
<thead>
<tr>
<th>Country</th>
<th>Legal option</th>
<th>Title of legislation</th>
<th>Sectors Covered</th>
<th>Classification requirements</th>
<th>Hazard communication requirements</th>
<th>Transition period</th>
</tr>
</thead>
</table>
IV. CASE STUDIES - APPLICATION OF THE METHODOLOGY

1. EU – regional case study
   (Answers to the set of questions described in the methodology)

2. US
   (Answers to the set of questions described in the methodology)

3. Japan (potential challenges to find information in English)
   (Answers to the set of questions described in the methodology)

4. Australia
   (Answers to the set of questions described in the methodology)

5. Mauritius (optional)
   (Brief answers to the set of questions described in the methodology)

   It may be interesting to include a box with brief analysis of the Mauritius case since at present it is the only country that has opted for the single consolidated act to implement the GHS. Other countries seem to choose different legal options (such as amending existing legal instruments). It is more enriching for this research work to have more different legal examples as possible.

6. Pilot country (Optional)
   (Brief answers to the set of questions described in the methodology- optional)

   It may be interesting to have a pilot country case study analysis since it will provide an opportunity to demonstrate how international organizations are contributing to the GHS implementation process.

V. GENERAL CONCLUSIONS (COMPARATIVE ANALYSIS)

This section will comprise a summary of general observations and findings of the case studies. To examine the GHS in each case study, a narrative will be provided, comparing the different situations and processes by which GHS was implemented.

Based on the results of case studies two comparative tables will give a general overview on how each country addressed legal GHS implementation. The table will allow to compare what legal options were chosen by each country to implement the GHS, what sectors are covered by each country (agriculture, transport, consumer products, transport).

### Sample table 1

<table>
<thead>
<tr>
<th></th>
<th>European Union</th>
<th>USA</th>
<th>Australia</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal options selected</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sectors covered</td>
<td>European Union</td>
<td>USA</td>
<td>Australia</td>
<td>Japan</td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------</td>
<td>-----</td>
<td>-----------</td>
<td>-------</td>
</tr>
</tbody>
</table>