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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**

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

**Transmitted by the Government of the United States of America
on behalf of the Coordinating Group for the Harmonization
of Chemical Classification Systems (CG/HCCS)**

INTRODUCTION

1. In response to a request from the Intergovernmental Forum for Chemical Safety II (Ottawa, 1997), the Coordinating Group for the Harmonization of Chemical Classification Systems (CG/HCCS) adopted a proposal for a mechanism to implement the Globally Harmonized System for the Classification and Labelling of Chemicals at its twelfth Consultation (London, 23-24 June 1998). The approach recommended by the CG/HCCS, and subsequently the UN Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCETDG)(Geneva, 7-17 July 1998), would involve the reconfiguration of the UN Committee on the Transport of Dangerous Goods (UNCETDG) into a joint ECOSOC committee on transport and the GHS, with two Sub-Committees, one on transport and one on the GHS.

2. The Coordinating Group's conclusions are detailed in its paper entitled "Implementation of the Globally Harmonized System: Report on Status and Progress," dated 1 July 1998 (see ST/SG/AC.10/1998/51). The CG/HCCS provided this paper to the UNCETDG and forwarded it for consideration by the Intersessional Group 3 (ISG 3) at its Yokohama, November 29-December 4, 1998 meeting. The CG/HCCS further recommended that the ISG 3 request the CG/HCCS to develop terms of reference for the proposed ECOSOC body in close cooperation with the UNCETDG.

3. The Coordinating Group consensus was that this mechanism should be implemented with minimal disruption of the ongoing transport work, and that the parent committee should not deal with the substantive technical work of the Sub-Committees. The Coordinating Group directed that elements of the terms of reference for the joint committee and GHS Sub-Committee be developed in more detail in cooperation with the UNCETDG to ensure, among other things, that the transport function would be protected. UNCETDG representatives at the Coordinating Group meeting requested a paper be prepared for its consideration at its December 1998 meeting. The CG/HCCS agreed, with the understanding that such a paper would of necessity be a preliminary document, since there would be no time for full Coordinating Group discussion and approval.

4. The United States of America volunteered to develop the preliminary document, and the attached paper is the result. The paper has been circulated to a small drafting group and a larger group of CG/HCCS participants, and the comments received incorporated, consistent with the direction given by the CG/HCCS.

5. Issues which need further development based on the comments received are identified in footnotes and brackets. These issues include the membership of the joint committee and the initial allocation of meeting days.

6. The UNCETDG is invited to:

- (a) review and discuss the attached paper;
- (b) reach agreement to work cooperatively with the CG/HCCS to develop a mutually agreeable implementing mechanism;
- (c) provide a resolution to ECOSOC reflecting its agreement with this approach.

UN Sub-Committee of Experts on the Globally Harmonized System (SCGHS)

Elements for Terms of Reference

Establishment/Background

- The Sub-Committee of Experts on the Globally Harmonized System (SCGHS) is a subsidiary body of the UN Joint Committee of Experts on the Transport of Dangerous Goods and the Globally Harmonized System (UNJCE).
- The Globally Harmonized System (GHS) is the consolidation of technical criteria covering the classification of health, physical and environmental hazards and related hazard communication tools. The system was developed as a mandate under Program Area B of Chapter 19 of the UN Conference on Environment and Development Agenda 21 Programme of Action.

Functions of the Sub-Committee 1/

The functions of the Sub-Committee are:

- To act as custodian of the GHS, managing and giving direction to the harmonization process
- To provide for the updating of the GHS as necessary, considering the need for stability to promote its acceptance and implementation and the need to introduce changes as needed to ensure its continued relevance and practical utility. To achieve this goal, the Sub-Committee shall:
 - Review the GHS from time to time in the light of scientific and technical developments
 - Propose modifications based on such review, including updating technical criteria
 - Develop or provide for the development of guidance on the application of the GHS and the interpretation and use of technical criteria to promote consistent application
 - Work with existing bodies experienced in hazard classification and communication as appropriate

1/ One commenter suggested limiting Sub-Committee functions to technical support of the Joint Committee and giving the substantive functions and responsibilities to the Joint Committee. This paper follows the direction of the Coordinating Group, which allocated substantive functions to the Sub-Committee and stated that the Joint Committee should not be involved in substantive review of the technical work of its Sub-Committees.

- To promote understanding and use of the GHS and to encourage feedback
- To prepare work programs and submit recommendations to the ECOSOC through the UN Joint Committee of Experts on the Transport of Dangerous Goods and the Globally Harmonized System

Composition and Membership

- The Sub-Committee will be composed of experts representing their governments, with expertise in the development and application of chemical hazard classification and communication programs 2/.
- Observers may include representatives of interested intergovernmental organizations and specialized agencies of the UN; international organizations of workers and employers; consumer and environmental organizations; and other non-governmental observers having consultative status with the ECOSOC.
- The Sub-Committee will select a chair and vice chair from among members. The Chair, after consultation with other members of the Sub-Committee, will have the authority to decide whether observers may speak or otherwise participate directly in the meetings, consistent with the matter under discussion 3/.

Meetings, Reporting Procedures and Operating Principles

- The Sub-Committee will meet for up to [7,8] 4/days in the initial biennium of operation. This initial allocation may be altered by consensus of the Joint Committee of Experts on the Transport of Dangerous Goods and the Globally Harmonized System.

2/ *The Coordinating Group envisioned that the UN Secretariat would evaluate the interest of member states, IGOs and NGOs in participating and providing significant input into the work of the Sub-Committee. Based on the results of that review, the actual terms of reference can be more specific as to membership and composition, including if appropriate a mechanism for adding additional members or rotating membership. Commenters on this paper suggested that the UNCETDG resolution to ECOSOC should include a mandate for the Secretariat to conduct such a survey.*

3/ *This concept is from the Hazcom Working Group discussion and TOR paper and reflects commenters' concern that observers could overwhelm meetings. Some commenters suggested further limitations.*

4/ *Two options were put forward by commenters. See last paragraph of this paper for more detail.*

- The Sub-Committee may request other expert international bodies for assistance in its substantive work, where appropriate. The Sub-Committee may also create *ad hoc* working groups with specialized expertise to consider particular issues, for example with respect to the application of the GHS to certain product sectors or certain use settings. The results of work carried out under either mechanism shall be submitted to the Sub-Committee for consideration.
- The Sub-Committee will transmit required reports or recommendations to the ECOSOC through the UN Joint Committee of Experts on the Transport of Dangerous Goods and the Globally Harmonized System.
- The Sub-Committee will operate on the basis of consensus 5/.
- Languages for meetings and documents will follow ECOSOC rules.

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5/ Some commenters suggested that voting may be necessary, from the outset or at some point in the Sub-Committee's existence. Since the Coordinating Group clearly endorsed consensus, this paper does not include voting procedures.

**United Nations Joint Committee of Experts
on the Transport of Dangerous Goods
and the Globally Harmonized System**

(UNJCE)

- The United Nations Joint Committee of Experts on the Transport of Dangerous Goods and the Globally Harmonized System (UNJCE) is a subsidiary body of the UN Economic and Social Council (ECOSOC) belonging to the category of “expert bodies composed of governmental experts.” The Committee has two subsidiary bodies, the Sub-Committee of Experts on the Transport of Dangerous Goods (SCETDG) and the Sub-Committee of Experts on the Globally Harmonized System (SCGHS).

Membership/Participation

- Membership of the UNJCE shall be drawn equally from representatives of governments participating in each of its Sub-Committees, the SCETDG and the SCGHS 6/.
- The chairs of the two Sub-Committees shall serve as the chair and vice chair of the UNJCE, alternating each biennium, beginning with [?].
- ECOSOC rules shall govern the participation of observers (i.e. intergovernmental organizations and UN specialized agencies are able to participate, as are nongovernmental organizations with ECOSOC consultative status). The Chair, after consultation with other members of the Committee, will have the authority to decide whether observers may speak or otherwise participate directly in the meetings, consistent with the matter under discussion 7/.

6/ The CG/HCCS paper recommended that the Committee “have as wide a participation and membership as practically possible” and invited the UNCETDG and ECOSOC to take necessary steps to evaluate the interest of member states, IGOs and NGOs in participating in the work of the Committee and its GHS Sub-Committee. Some commenters on this paper advocated restricting Committee membership. Specific comments suggested four members, two from each Sub-Committee; and 12 members, six from each Sub-Committee. The comment suggesting a 12-member committee further recommended specifying that no government may have more than one representative and that each Sub-Committee’s members be chosen as follows: 2 from the Americas, 2 from Europe, and 2 from Africa/Asia/Pacific. Some commenters also suggested term limits for Committee members.

7/ This concept is from the Hazcom Working Group discussion and TOR paper and reflects commenters’ concern that observers could overwhelm meetings. Some commenters suggested further limitations.

Functions

The UNJCE would deal with strategic issues rather than technical issues, and it is not envisaged that it would review, change or revisit technical recommendations of the Sub-Committees. Hence, the functions of the UNJCE will be to:

- allocate available resources and transmit the work programs for the Sub-Committees to the ECOSOC;
- coordinate strategic and policy directions in areas of the Sub-Committees' shared interests and overlap;
- give formal endorsement to the recommendations of the Sub-Committees, providing the mechanism for transmitting them to ECOSOC; and
- facilitate and coordinate the smooth running of the Sub-Committees.

Operating Principles and Procedures

- The UNJCE shall operate on the basis of consensus 8/.
- Languages for meetings and documents will follow ECOSOC rules.

Allocation of Resources/Meeting Days 9/

- In the initial biennium of operation, the UNJCE may meet for up to [1,10] day(s) and the SCEGHS may meet for not more than [7,8] days. The remainder of the budgeted meeting days [23,29] will be available to the SCETDG. Changes in this allocation may be made by consensus of the Committee.

8/ Some commenters suggested that voting may be necessary in general or for some Committee functions. Since the Coordinating Group paper endorsed consensus, this paper does not include voting procedures.

9/ Commenters split on the allocation of meeting days and whether the initial allocation should be specified. Since some members of the Coordinating Group strongly advocated specifying both the initial allocation and the mechanism for changing it, this paper includes both specific suggestions for the initial allocation options in brackets.
