Establishing a Globally Harmonised Hazard Classification and Labelling System for Dangerous Substances and Preparations

An exercise that is being performed without the European Trade Unions

Since 1990, activities have been underway at the international level to establish a Globally Harmonised System (GHS) for classification and labelling of chemicals and mixtures in order to eliminate existing barriers to trade. The GHS is intended to become a 'practical and coherent standard' for chemical hazard communication within the transport chain, at the workplace and for consumers with - probably - significant impact on the chemical safety legislation of all countries. Even if some of the goals and effects envisaged may also be in the interests of trade unions (depending on the results), it must be borne in mind that the real driving force behind all of these activities is the free flow of goods and enhanced conditions for global trade in chemicals, which will not necessarily lead to higher or better health and safety standards. As a rule, the more parties involved, the lower the common denominator on which a compromise is finally found - good reason - one would imagine - for European trade unions to be involved in the procedure in order to maintain at least the H&S standards already attained. But this is far from the case !

A short history of relevant events and bodies involved

As a follow-up to the adoption of the ILO Chemical Convention (Convention N° 170), a project to harmonise existing systems for the classification and labelling of dangerous substances and preparations was initiated by ILO in 1990.

In 1992, the UN Conference on Environment and Development (UNCED) endorsed that project by establishing "Harmonization of classification and labelling of chemicals" as one of the six main areas for action (Programme Area B) identified in Chapter 19[1] of Agenda 21.

As a basis for action, Chapter 19 stated that "Globally harmonized hazard classification and labelling systems are not yet available to promote the safe use of chemicals, inter alia, at the workplace or in the home. Classification of chemicals can be made for different purposes and is a particularly important tool in establishing labelling systems. There is a need to develop harmonized hazard classification and labelling systems, building on ongoing work."

UNCED recommended as one objective that "A globally harmonized hazard classification and compatible labelling system, including material safety data sheets and easily understandable symbols, should be available, if feasible, by the year 2000."

Meanwhile, ILO had launched an initiative to establish a Coordinating Group for the Harmonization of Chemical Classification Systems (CG/HCCS) between ILO, WHO, UNEP, UN CETDG[2] and OECD within the International Programme on Chemical Safety (IPCS[3]). The establishment of this co-ordinating group was endorsed by the IPCS in January 1992.

During the International Conference on Chemical Safety (ICCS) in April 1994, the so-called Intergovernmental Forum on Chemical Safety (IFCS) was established, a *non-institutional arrangement* through which *government representatives* would meet to consider issues, provide advice and make recommendations to governments, UN agencies, intergovernmental organisations/bodies (IGOs) and NGOs involved in chemical safety.

In 1995, an even larger international umbrella programme was established, joined by all important *intergovernmental organisations* aiming at implementing Chapter 19 of Agenda 21. The Inter-Organization Programme for the Sound Management of Chemicals (IOMC) serves as a mechanism for co-ordinating efforts of WHO[4], ILO, UNEP, FAO, UNIDO, UNITAR[5] and the OECD, all of which have

1 Environmentally Sound Management of Toxic Chemicals, including Prevention of Illegal International Traffic in Toxic and Dangerous Products.

2 UN Committee of Experts on Transport of Dangerous Goods.

3 A joint programme between ILO, UNEP and WHO, established in 1980 as an intersectorally co-ordinated and scientifically based programme for implementing activities related to chemical safety.

4 Acts as the administrative agency of the IOMC.

5 The United Nations Institute for Training and Research - formally joint IOMC in 1998.

substantive programmes in the area of chemical safety.

The IOMC was designed to be a co-operative undertaking among intergovernmental organisations which, within the framework of their own respective constitutional mandates, work together as partners to promote international work.

The scientific and technical work of the IOMC is carried out through the existing structures of the participating organisations (e.g. the programme done by ILO, WHO and UNEP within the IPCS), either individually or jointly.

The activities which are undertaken within the framework of IOMC correspond to the six priority programme areas of UNCED, Agenda 21, Chapter 19 :

A. Expanding and accelerating the international assessment of chemical risks.
B. Harmonisation of classification and labelling of chemicals.
C. Information exchange on chemicals and chemical risks.
D. Establishment of risk reduction programmes.
E. Strengthening of national capabilities and capacities for management of chemicals.
F. Prevention of illegal international traffic in toxic and dangerous products.

Three organisations - OECD, ILO and UN CETDG - act as focal points, co-ordinate the current technical work of preparing harmonised proposals for classification criteria, test methods and hazard communication. The responsibilities are divided as follows :
OECD : Harmonisation of classification criteria for health and environmental hazards.
ILO : Harmonisation of hazard communication tools (labelling and safety data sheets); also provides the secretariat for the CG/HCCS.
UN CETDG : Harmonisation of classification criteria for physical hazards.

The overall planning and management of the GHS projects is done through the CG/HCCS, which was brought under the framework of the IOMC after this intergovernmental body was established.

Results so far and further steps

Substances

In November 1998, the OECD Chemicals Committee and the Working Party on Chemicals agreed on harmonised classification criteria for chemical substances for specific health and environmental endpoints[6]. Criteria for two missing endpoints[7] will be developed at a later date.

Mixtures

With regard to mixtures, an OECD Group of Experts (EG-Mixtures) was established to develop hazard classification criteria for chemical mixtures.

In line with the procedure for developing the document on hazard classification criteria for substances, the EG-Mixtures Group proceeded in a similar fashion to reach a compromise for classification criteria for mixtures. After analysing the existing classification systems including their scientific basis and criteria, the rationale and explanations of the mode of use (Step-1 document), the Group developed a proposal for a harmonised classification system as well as criteria for each endpoint (Step-2 document). The final version of this document is currently under discussion and expected to have been completed by the end of September 2000.

Hazard communication

In March 1998, the ILO Governing Body established a tripartite Working Group for the Harmonisation of Chemical Hazard Communication (WG/HCCS), and a report reviewing existing hazard communication systems (Step 1 Review Document - see above) was completed and approved by that Working Group. Work on the Step- 2 document was presented at the May 2000 meeting of the Working Group in Geneva. A proposal for a harmonised system is expected by the end of 2001 at the latest.

Implementation

At the end of the process, agreed documents are to be submitted to the IOMC CG/HCCS for endorsement and submission to the new GHS decision-making mechanism which will function under the UN Economic and Social Council. The IOMC CG/HCCS will compile an inventory of all agreed classification and hazard communication criteria, which will be incorporated into a Guidance Document ('Purple Book') corresponding to the present 'Orange Book' applied in the Transport of Dangerous Goods sector.

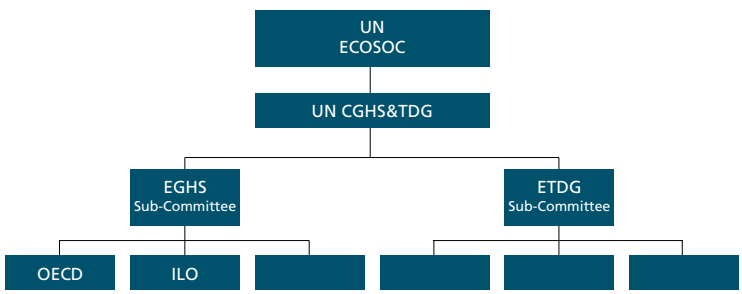
The new GHS decision-making mechanism will start to operate in 2001. The Guidance Document on GHS could be adopted by the Economic and Social Council in 2000 at the earliest, a certain transitional period of several years will probably be recommended for its practical implementation.

The GHS mechanism is a modification of the preparatory and decision-making system of the UN Committee of Transport of Dangerous Goods. The organisation chart (see Figure 1) shows the proposed structure for the proposed implementation mechanism for the GHS.

It is still unclear what will be the composition of the EGHS-Sub-Committee and the GHS/TDG Parent Committee. There are conflicting interests especially between the American and European representatives with regard to

FIGURE 1

Proposed Implementation Mechanism for the GHS



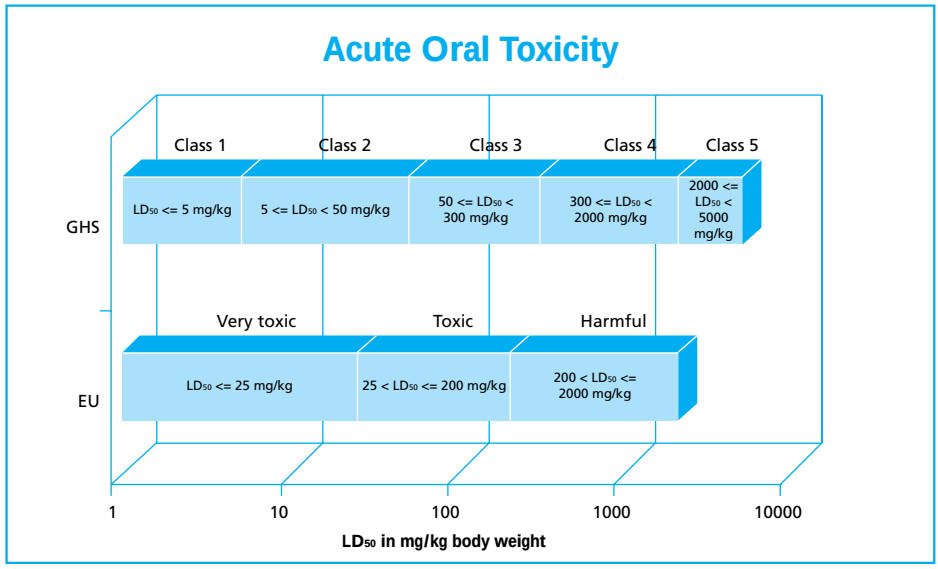
UN CGHS&TDG UN Committee on the Globally Harmonised System & Transport of Dangerous Goods
ETDG Experts on the Transport of Dangerous Goods
EGHS Experts on the Globally Harmonised System

[6] Acute toxicity, carcinogenicity, skin irritation/corrosion, eye irritation/corrosion, sensitisation, germ cell mutagenicity, reproductive toxicity, aquatic environment.
[7] Target organ systemic toxicity and terrestrial environmental hazards.

the composition of the Committees. The Europeans are in favour of wide participation in both the Sub-Committee and the Committee, which would ensure influence for all Member States of the European Union. The NGOs obviously would be guaranteed the right to participate in the preparatory work. The role of the European Commission, on the other hand, is unclear, but if the normal rules applied for the moment in the Transport system were taken as a basis the Commission would only have an observer role.

Within the European Union no decisions have as yet been taken concerning the arrangements for co-operation between the Member States and the role of the Commission.

FIGURE 2



What do the current compromises and those envisaged mean from the European trade union point of view ?

There is not enough space here to discuss the consequences of all endpoints agreed so far, but the general problem may become clear with a few examples.

Let's take the criteria agreed for acute toxicity. The new GHS system will introduce 5 classes instead of the 3[8] categories established so far at the European level. Since the cut-off values[9] are different, substances classified under the EU system as very toxic, toxic or harmful either if swallowed, in contact with the skin or inhaled will fall into different classes under the GHS.

For example: under the EU system, substances classified as very toxic if swallowed must have an LD_{50} < 25 mg/kg; under the agreed GHS, these substances would be classified as either class-1 substances (LD_{50} < 5 mg/kg) or class-2 substances (LD_{50} between 5 mg/kg and 50 mg/kg). Substances classified hitherto as toxic if swallowed (EU: LD_{50} between 25 and 200 mg/kg) would in future be classified as either class-2 (see above) or class-3 substances (LD_{50} between 50 and 300 mg/kg), and, finally, substances classified hitherto as harmful if swallowed (EU: LD_{50} between 200 and 2000 mg/kg) would be classified under the GHS as either as class-3 (see above) or class-4 substances (LD_{50} between 300 and 2000 mg/kg). The logarithmic scale in the diagram (see Figure 2) shows all of the established categories.

With regard to the dermal route (see Figure 3), substances classified as very toxic in contact with the skin (EU: LD_{50} < 50 mg/kg) would be classified as class-1 substances (GHS: LD_{50} < 50 mg/kg). Substances classified hitherto as toxic in contact with the skin (EU: LD_{50} between 50 and 400 mg/kg) would in future be classified as either class-2 (GHS: LD_{50} between 50 and 200 mg/kg or class-3 substances (GHS: LD_{50} between 200 and 1000 mg/kg), and substances classified hitherto as harmful in contact with skin (EU: LD_{50} between 400 and 2000 mg/kg) would be classified under the GHS as either class-3 (see above) or class-4 substances (GHS: LD_{50} between 1000 and 2000 mg/kg).

Total confusion is already foreseeable for a transitional period - at least as far as end users and small and medium enterprises are concerned.

'So what?', you may ask. What is at issue are the possible consequences for the protection of workers' health and safety in view of the :

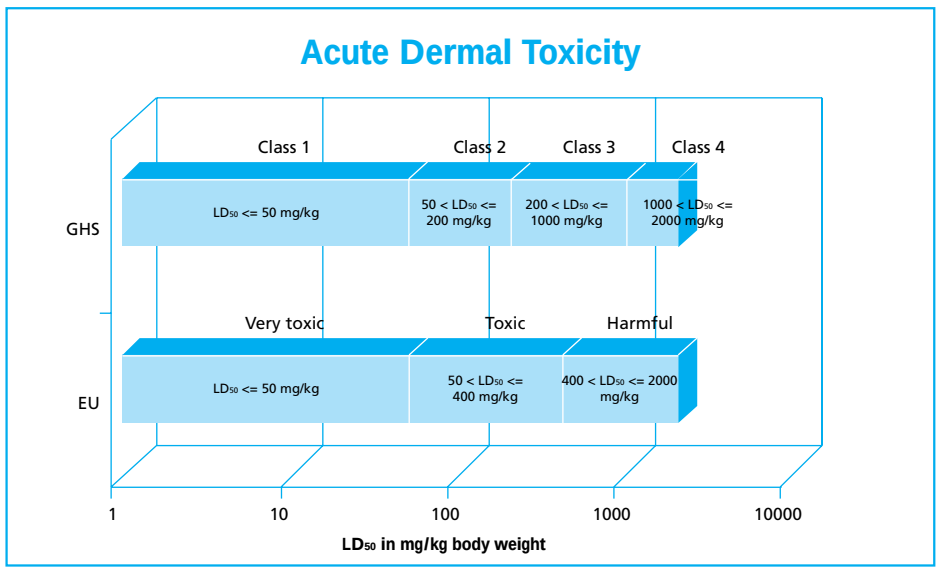
- re-classification of substances;
- changes in the legal obligations for employers;
- changes in the hazard communication provisions in terms of labelling and safety data sheets.

What possible consequences do I mean ?

[8] A kind of fourth category for volatile substances with a high vapour pressure is currently being introduced in the EU classification system (at concentrations/exposure times not exceeding 20 mg/l/4h) and a fourth category concerning oral toxicity ('moderately harmful' - LD_{50} between 2000 and 5000 mg/kg body weight) is also under discussion.

[9] The doses or concentration ranges for which an LD_{50} can be established and which then, as a consequence, lead to a certain classification, such as, for example, an LD_{50} between 25 and 200 mg/kg body weight for a substance which would then be classified as toxic under the EU system and between 5 and 50 mg/kg body weight for a substance which would be classified as a class-2 substance under the GHS.

FIGURE 3



Re-classification of substances and mixtures

Substances

Looking exclusively at the established classes as such, a certain number of substances hitherto classified in a higher category at EU level would fall into a lower GHS category if the new system is implemented[10]. But this would obviously be too simple, so the GHS introduces a so-called 'Building Block Approach' to the effect that :

"*The application of the classification scheme may vary according to the circumstances, type of product and stage of the life cycle of the chemical.*"

Following at least the interpretation of the EU and its Member States, this will allow different user systems to choose whether to use all classes or combine several classes together or leave some classes out.

Furthermore, according to comments from EU Member States, the European Union's supply and use system would not apply the lowest class 1 alone[11], but would combine class 1 and 2, at least as long as the lowest GHS class 1 has a lower cut-off limit than the lowest EU category.

In terms of the existing EU system, this would mean, for example, that in the case of the acute oral toxicity, the new GHS classes 1 + 2 would correspond to the current 'very toxic' category and the LD_{50} cut-off limit for that class would be raised from 25 mg/kg to 50 mg/kg. As a consequence, more substances would be classified as 'very toxic' than before. Following that logic, Class 3 would cover a range of LD_{50s} from 50 mg/kg to 300 mg/kg which, according to the system of the European Union, would obviously be called 'toxic'. As the higher cut-off limit would be raised from 200 mg/kg to 300 mg/kg more substances would be called 'toxic' than before. The range from 300 to 2000 mg/kg would be called 'harmful'. The upper cut-off limit would be the same as that currently applied in the European Union.

As stated above, class 5 (range 2000 - 5000 mg/kg) does not as yet exist in the current EU system, and under the GHS it would only be used in special cases. It would cover substances which are relatively non-toxic, but the GHS would allow them to be classified in special cases when particularly vulnerable populations, such as children, are to be protected.

Mixtures

With regard to mixtures, things become even more complicated.

The harmonised rules for the classification of mixtures are still under preparation in the Group of Experts of the OECD. Members hope to achieve an agreement on the Step-2 document before the end of the summer, but there are several fundamental problems in particular with regard to the concentration limits of hazardous substances on the basis of which preparations/mixtures are then to be classified.

The points of departure of various systems such as the international transport system, the Canadian system, the US system and the EU system for acute toxicity classification vary widely. In the US the concept of classification is not used; the hazard is determined on the basis of a simple 1% cut-off limit (concentration of a hazardous ingredient), which then triggers the obligation for hazard communication.

Both the transport system and Canada use a calculation method based on the LD50 values of the hazardous ingredients. The EU uses general percentage cut-offs[12] taking dilution effects and cumulative effects into account if necessary. This also includes the possibility of going either above or below the general percentage cut-off value, a procedure which results in so-called 'specific concentration limits', on the basis of evidence that a substance within a mixture is regarded as less or more hazardous than others of the same hazardous category.

Agreement has been reached so far on the general principle that if a mixture is tested, it will be classified on the basis of the test results just as substances are (meaning that if there are test data available indicating that a mixture has a certain LD_{50} value, the mixture then has to be classified according to the hazard class it belongs to).

Problems arise when a mixture is not tested and should - in order to avoid additional animal testing - be classified on the basis of information available on components and their concentrations in the mixture. According to the so-called 'Step 2 Proposal for Harmonized Classification Criteria for Mixtures', for acute toxicity, two alternatives are currently under discussion.

Alternative 1: The LD50 of a mixture[13] where test data are available for all components is calculated according to the following formula :

$$\frac{100}{LD_{50\ mixture}} = \frac{C_A}{LD_{50A}} + \frac{C_B}{LD_{50B}} + ... + \frac{C_Z}{LD_{50Z}}$$

where: C = % concentration of classified components A, B, - - - Z in the mixture and LD_{50A}.etc. = the LD_{50} of component A etc.

Depending on the result of the calculation, mixtures have to be classified for their oral toxicity in class 1, 2 etc. according to the new GHS criteria when the resulting LD_{50} value falls into one of the following categories :

0	<	Class 1	≤	5
5	<	Class 2	≤	50
50	<	Class 3	≤	300
300	<	Class 4	≤	2000
2000	<	Class 5	≤	5000

Compared with this, in the current EU system (and the following example represents only the simplest case), a mixture[14] has to be classified as very toxic, toxic or harmful when swallowed according to the table 1, p. 21 (Annex II of the Preparations Directive 99/45/EC) based on the concentration(s) of the classified component(s).

This means, for example, that a mixture has to be classified as very toxic (T^+) when the concentration of a very toxic component (T^+) in the mixture is ≥ 7%. Compared with the ranges of the GHS classes mentioned above, the shift in classification (into either higher or lower categories) is illustrated in the Figure 4 (p. 21).

The diagram combines the EU and the GHS criteria for a 2-component mixture of which only one is classified.

The various grey boxes represent the EU system for mixtures as indicated in the above-mentioned table :

- the dark grey box represents all mixtures which have to be classified as very toxic because they contain a substance which is classified as very toxic ($LD_{50} \leq 25$ mg/kg) in a concentration range of 7% to 100%);
- the two medium grey boxes represent all mixtures which have to be classified as toxic because they contain either :

- a very toxic substance in a concentration range of 1% to 7%; or
- a toxic substance (LD_{50} between 25 and 200 mg/kg) in a concentration range of 25% to 100%;

[10] As illustrated by the Figures 2 and 3 (p. 19).

[11] It would be used only by the transport system.

[12] The percentage cut-off values vary according to the specific hazard(s) of the ingredient(s).

[13] Mixtures or solutions composed of two or more substances in which they do not react.

[14] Mixtures or solutions composed of two or more substances.

TABLE 1

Classification of the component if swallowed	Resulting classification of the preparation		
	T^+	T	X_n
T^+	concentration ≥ 7%	1% ≤ concentration ≤ 7%	0.1% ≤ concentration ≤ 1%
T		concentration ≥ 25%	3% ≤ concentration ≤ 25%
X_n			concentration ≥ 25%

■ the two light grey boxes finally represent all mixtures which have to be classified as harmful because they contain either :
- a toxic substance in a concentration range of 3% to 25%; or
- a harmful substance (LD_{50} between 200 and 2000 mg/kg) in a concentration range of 25% to 100%.[15]

The diagonal lines running through the diagram from '0' represent the upper limits of the different classes of the proposed GHS classes 2 to 5 calculated according to the above formula, reduced for a mixture with one classified component to :

$$\frac{100}{LD_{50\ mixture}} = \frac{C_A}{LD_{50A}}$$

Class 1 ($LD_{50} \leq 5$ mg/kg) has been dropped, statements of the various EU Member States' representatives to the effect that the EU will combine Class 1 and 2 of the GHS having been taken as a fact for the time being, so mixtures with an $LD_{50} \leq 50$ mg/kg would be assigned to the highest new class.

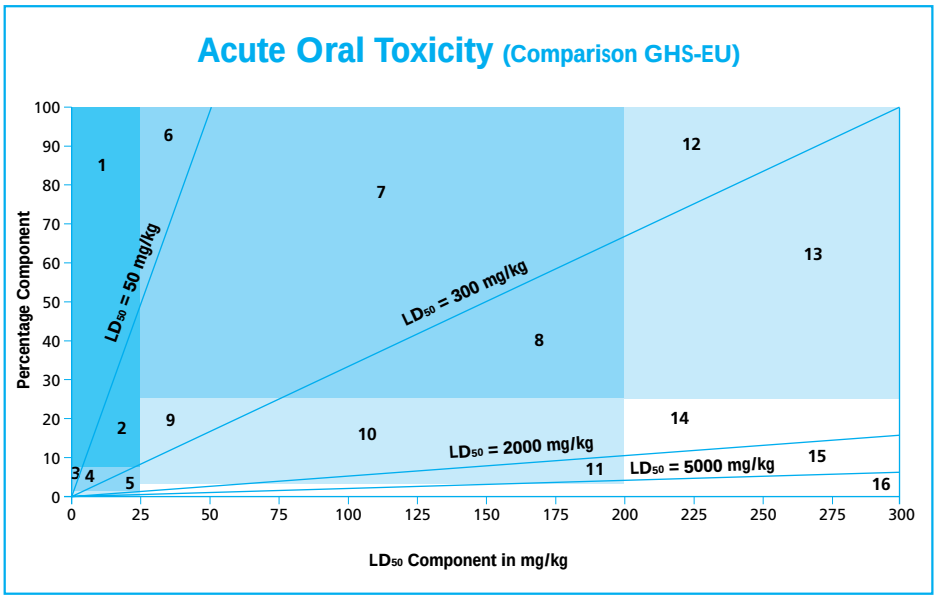
Thus, the area to the left of the line labelled "$LD_{50} = 50$ mg/kg" represents all mixtures classified as class 1 and 2 according to the GHS proposal, the area between this and the next line labelled "$LD_{50} = 300$ mg/kg" represents all mixtures classified as class-3 GHS, and so on. The table 2 (p. 22) summarises the changes for the existing EU systems which would result from the proposed GHS. The list is not complete and, in the case of some very small areas, not entirely correct because certain areas are too small to be shown in the above diagram, and the new system would also in general only apply to mixtures if an ingredient already classified is present in a concentration of 1% or more. But this is not really important, since the diagram is only intended to illustrate the general principle.

A similar diagram could of course be designed for the whole range covered by the EU system at the present time (up to a LD_{50} of 2000 mg/kg) or even for the whole range which the GHS is intended to cover (up to a LD_{50} of 5000 mg/kg), but these diagrams would be even more complex and would not add anything to the overall result, which is that the new classification system will lead to both over- and under-classification of mixtures compared with the existing EU system. From a precautionary viewpoint, we are less concerned about the fact that a certain number of mixtures would be classified in a class indicating a higher hazard. We are more concerned about those mixtures which according to the table 2 would be assigned to a lower class, then also indicating a lower hazard, although the hazard has not actually changed at all.

In the recent revision of this Step-2 document on the classification of mixtures, another alternative is foreseen which no longer works with the above-mentioned formula but operates in a manner similar to that established by the EU preparations Directive 99/45/EC (see above). According to this alternative, a mixture has to be classified in Class 1, 2 etc. if the components are present in the mixture over or within a certain concentration range. The cut-off values depend on the classification of the component(s). Since the underlying LD_{50} values on which the single components are classified are still different in both systems, this proposal will also lead to the re-classification of mixtures in both directions (more and less severe classification compared to the EU system[16]). However, the proposal has very little chance of being adopted, so I will not go into further detail here.

Since there are no figures available (at least in the TUTB) on the number of mixtures currently classified in one of the three categories existing Europe-wide, the question of how many mixtures would have to be re-classified under the new system is a matter of pure speculation.

FIGURE 4



[15] There should be a third light grey box for a mixture that contains a very toxic substance in a concentration range of 0.1 to 1%, but is practically impossible to see this in this diagram.

[16] Even if one has to admit that the amount of mixtures with a less severe classification would be smaller using this alternative.

TABLE 2

Area N°	Classification of mixture in the existing EU system	Classification under the GHS	Result
1	Very toxic	Combined Class 1/2	No change
2	Very toxic	Class 3	Less severe classification
3	Toxic	Combined Class 1/2	More severe classification
4	Toxic	Class 3	No change
5	Toxic	Class 4	Less severe classification
6	Toxic	Combined Class 1/2	More severe classification
7	Toxic	Class 3	No change
8	Toxic	Class 4	Less severe classification
9	Harmful	Class 3	More severe classification
10	Harmful	Class 4	No change
11	Harmful	Class 5	Less severe classification
12	Harmful	Class 3	More severe classification
13	Harmful	Class 4	No change
14	No classification[17]	Class 4	More severe classification
15	No classification[18]	Class 5	More severe classification
16	No classification	No classification	No change

From the point of view of the European Competent authorities, acceptance of the approach presented above would result in a system where all mixtures would look alike because a mixture would be classified as soon as the classified component exceeds 1 % cut-off. The EU and its Member States are afraid that this 'you-always-have-to-classify-a-mixture-as-soon-as-the-concentration-of-a-classified-component-exceeds-1%' approach would no longer give guidance to users about the real hazards of a chemical. In their view, it would be wasteful to invest in protection measures in cases where there is no real need for it. Since mixtures should be classified on the basis of test results where available, the EU also fears that the low cut-offs would inevitably also lead to excessive testing in order to avoid classification at low concentrations.

As stated above, from the trade union point of view, a more precautionary approach would not be our major problem. We are more concerned about major negative impacts which can already be foreseen in terms of legal obligations for employers and hazard communication (labels and safety data sheets).

Changes in legal obligations for employers with respect to worker health and safety protection

In Europe, hazard identification, classification and labelling of dangerous chemicals provide the foundation for a broad legislative framework covering dangerous chemicals from various aspects.

The handling and use of substances and preparations which are or should be classified as hazardous to human health and/or the environment (according to the criteria established in the main Directives on C&L of Dangerous Substances and Dangerous Preparations (67/548/EEC / 1999/45/EC)) are subject to a broad number of obligations for employers both before launching a production process and during the process.

These obligations cover risk assessment and risk management not only for the intended use or release of a hazardous chemical substance in a certain production process but also release as waste or unintended releases as well as a variety of preventive measures to avoid the handling and use of hazardous material as far as possible.

However, C&L is not only a tool for providing or communicating information on the hazardous properties of chemicals. Both the extent and the type of legal obligations for employers are normally directly related to the hazard classification, meaning less or less severe protective measures for substances with lower hazard categories and vice versa. And, conversely, the classification of a substance/mixture is regarded as a basic tool supporting employers and labour inspectorates in the ranking of the various hazards with a view to prioritising the preventive and protective measures which are required.

Thus, if substances/mixtures are re-classified in a lower hazard category, the legal obligations corresponding to the new system will very probably also have to be changed accordingly, as will the priorities concerning the avoidance of certain risks, even if the risks as such are the same as before.

This is true in particular where more (or less) severe protective and preventive measures are directly connected with the classification in a higher (or lower) hazard category, e.g. in the case of substances classified either as Category 1 or 2 carcinogens (under the scope of the carcinogen Directive) or as category 3 carcinogens (not under the scope of the carcinogen directive).

Changes in hazard communication provisions in terms of labelling and safety data sheets

In Europe, labels are abbreviations of what is known about substances and their hazards for human health and the environment, which use standardised pictograms (such as the skull and crossbones or the St. Andrew's cross) and phrases concerning both possible risks and first aid measures in the event of accidents (R- and S-phrases). As we all know, these are in most cases the only information to which workers and their representatives have access (even if they are entitled to more), so they play an important role in terms of hazard communication and prevention.

As a consequence of the re-classification discussed above, chemicals could be assigned symbols etc. indicating a different danger even if the potential danger has not changed. This could be confusing or misleading.

Secondly, the entire labelling system is being reconsidered due to the fact that the harmonised labelling rules are being developed in the ILO working group. The present systems

applied throughout the world are very different and it is still unclear how much of the system applied in Europe at the present time can be retained for the harmonised system. Furthermore, the basic principles for confidential business information are also under consideration. In the European Union, it has hitherto been the practice that the names of the components of a mixture can be claimed to be confidential in a very limited number of exceptional cases - a major opportunity for industry in Europe and elsewhere to circumvent that information obligation.

So far so bad. But there is even worse to come.

The whole exercise at both OECD and ILO level has taken place without any representation of European trade unionists for the simple reason that the ETUC as such is not a member of TUAC[19] or the ICFTU. This is even more annoying because the workers' side has only nominated three of the four possible representatives. There is no intention to blame those representing workers' interests in the negotiations on a GHS. However, Europe as an entity is one of the major global players in the field of chemicals and we as European workers may gain nothing from the new system but we stand to lose a lot.

Even if the current negotiations - for the moment - only result in a legally non-binding recommendation, the European Commission and the Member States are taking the exercise very seriously, especially since chemicals policy is one of the cornerstones of legislation for the harmonised internal market. In other words: on the basis of the recommendation, the Commission will change the existing legislation on chemicals based on Article 95 (formerly Article 100a), which will then be harmonised (and binding!) throughout Europe.

If we take the experience of the ongoing dispute between Canada and France at the WTO as an example (even though the panel decision will probably be in favour of France), we do not want to be confronted with a situation where European health and safety and other requirements for the manufacturers/suppliers of can be considered barriers to trade. Even if they only take the form of a recommendation, the results of the negotiations will be regarded internationally as a mutually recognised standard, so if Europe does not adopt them (or adopts them in a different form), every other country could take the European Union (or Member States of the EU) to the WTO dispute settlement system.

As outlined above, European legislation on workers' health and safety protection is connected with the legislation on classification and labelling in a complex manner; it is difficult for anyone in Europe to get a clear picture of it with all its consequences - so how could certain (negative) implications be considered by somebody from the USA, Canada or Australia? Conversely, the same is true: it would be impossible for someone from Europe to evaluate the consequences for the USA, Canada or Australia in terms of workers' rights and protection.

One final remark. This is a very Europe-centric perspective. What a globally harmonised system for classification and labelling of dangerous substances and preparations would mean for workers and trade unions in developing countries and whether they would consider 'our' achievements as something worthwhile for them to adopt in their own countries is certainly a debatable point. Perhaps there will be an opportunity to discuss this and other related issues at the meeting of the Occupational Safety and Health Working Party of the ICFTU in November. ■

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[17] This is only true for the moment. The result will change when the EU establishes its new 'moderately harmful' category (LD_{50} between 2000 and 5000 mg/kg).
[18] *Idem.*
[19] The Trade Union Advisory Committee to the OECD.