

The Implementation of the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) in the Baltic States and Russia

Assessment Report

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Introduction

The Globally Harmonised System of Classification and Labelling of Chemicals (GHS), elaborated by the United Nations, is implemented in the European Union by the new regulation on classification, labelling and packaging of substances and mixtures (CLP Regulation; EC 1272/2008). Its provisions for chemical substances became effective on 1 December 2010. From 2015, also the classification and labelling of mixtures must be consistent with the new rules. These requirements are regarded as far more complex and far-reaching than those for single substances.

Since the CLP is a new legislation, stakeholders in the Baltic States are insecure about the impacts, costs and efforts needed to implement it and a lot of confusion about the actual changes can be observed.

In Russia, the GHS will be implemented on national level by means of the technical regulation "On the safety of chemical products". The draft of this regulation has already been completed and is currently under revision. The responsibility therefore lies with the Ministry of Industry and Trade (Minpromtorg). It is expected that other pieces of national legislation regarding chemicals management will be revised in order to be aligned with the technical regulation.

The objective of this assessment paper is to analyse the capacities of different stakeholder groups in the Baltic States and Russia regarding the implementation of GHS legal acts.

1 Methodology

In order to assess the competency of stakeholders in the Baltic States and Russia to implement the GHS/ CLP, an analysis of the status of the legal acts was conducted. The focus was in particular on information on the status of the legislation enforcement and on requirements set up by the legislation for different stakeholders.

In a second step, interviews with key persons who are involved in the enforcement, controlling or implementation of the GHS/ CLP regulations were held. These persons were representatives from state authorities, NGOs, industry associations or industrial enterprises.

The interviews were conducted in two ways: face-to-face or via phone. In total, 25 interviews were held in summer/autumn 2011.

Table 1. Overview on the performed interviews

	Estonia	Latvia	Lithuania	Russia
National authorities	<ul style="list-style-type: none"> • Ms. Tatjana Tsernjak, Ministry of Social Affairs • Ms. Enda Veskimäe, Health Agency • Mr. Rene Rajasalu, Environmental Inspectorate 	Ms. Inese Puzule, National Latvian CLP Helpdesk	<ul style="list-style-type: none"> • Ms. Palmira Hakaite, Ministry of Environment • Ms. Donata Pipiraite-Valiskiene, Environmental Protection Agency • Ms. Laimute Cetvergien and Ms. Aurelija Vaitkeviciene, State chemical inspector • Ms. Ruta Ambraziene, Non Food State Inspection, Regional • Ms. Virginija Cicinskiene and Ms. Biruta Simanskiene, Environmental Departments 	<ul style="list-style-type: none"> • Mrs. Storozheva – Federal Service for Supervision of Consumer Rights Protection and Human Welfare (RosPotrebNadzor). • Mrs. Filatova – Department of Federal Service for nature management in the north-west Federal District (of Russia) (RosPrirodNadzor) • Mrs. Slesareva – RosPrirodnadzor
NGOs and industry associations	Mr. Hallar Meybaum, director, Federation of Estonian Chemical Industries			Mr. Kukushkin – Russian Union of Chemists

Research institutions				<ul style="list-style-type: none"> • Mrs. Markovetz – FGU “Baltic Marine Direction” • Mr. Chernobaev – FGU “Baltic Marine Direction”
Industrial enterprises	<ul style="list-style-type: none"> • Ms. Aivi Saarepuu, Estko AS • Ms. Anni Turro, Eskaro AS 	<ul style="list-style-type: none"> • Ms. Ilga Gavare, SIA Tenax • Ms. Sarmīte Alkšbirze, KVADRO Ltd 		<ul style="list-style-type: none"> • Mr. Panov – Federal State Enterprise (FGUP) “OrgMin” • Mr. Vdovenko – FGUP “OrgMin” • Mrs. Karimova – JSC “OKTB-equipment”

2 Status of the Legal Acts

2.1 Status of GHS Implementation in the Baltic States and Impacts on Stakeholders

The CLP Regulation entered into force in 2009 and aligns previous EU legislation on classification, labelling and packaging of chemicals to the GHS. Its main objectives are to facilitate international trade in chemicals and to maintain the existing level of protection of human health and environment. Classification and labelling is the system to identify hazardous chemicals and to inform users about these hazards through standard symbols and phrases on the packaging labels and through safety data sheets (SDS).

In general, this means that all chemicals products producers, importers or distributors need to re-classify and re-label their products on the market according to the new rules, all controlling institutions should learn to control the compliance and all consumers should be able to recognise and judge the danger of chemical products used at home.

Table 2. Overview on the impacts on main stakeholder groups arising from the implementation of the CLP

Target group	Impacts
Manufacturers	<ul style="list-style-type: none"> • Replacement or updating of information technology (IT) systems to produce new labelling; • Staff training to familiarise employees with CLP; • Reclassification of chemicals; • Re-labelling of chemicals; • Informing consumers and downstream users of chemicals about CLP.
Downstream users	<ul style="list-style-type: none"> • Staff training to familiarise employees with CLP; • Reviewing labels; • Undertaking new risk assessments relating to chemicals classified under CLP; • Informing consumers and downstream users of chemicals about CLP.
Wholesalers and retailers	<ul style="list-style-type: none"> • Staff training and familiarisation to familiarise employees with CLP; • Informing consumers about CLP.
Public authorities	<ul style="list-style-type: none"> • Training of enforcement institutions

2.2 Status of GHS Implementation in Russia

Currently, the draft of the technical regulation “On the safety of chemical products” of the Customs Union on its harmonisation of the classification and labelling of chemicals according to the principles of the EU and the United Nations is being commented. The institute OrgMin of the Federal Ministry of Trade and Industry plans to harmonise the Russian federal legislation accordingly. Currently, a working group is set up. It is planned to elaborate a draft regulation until 2013. The European Commission Directorate General Enterprise (DG ENTR) and the Russian Ministry of Industry and Trade negotiate about the harmonisation in their bilateral working group.

The general goal of the new system is stimulating the development of new technologies to replace hazardous chemical products with safer ones. A similar scheme of marketing restrictions shall be foreseen by the new system. International conventions such as the Basel Convention, the Stockholm Convention on Persistent Organic Pollutants (POPs), the GHS, the Rotterdam Convention and the conventions adopted by the International Labour Organisation are taken into account in the elaboration of the new system. Apart from the establishment of a coordinating body – the Russian Chemicals Agency, supervised by the Ministry of Industry and Trade – the existing institutional system of chemical assessment will stay mostly the same. Also the control and enforcement functions will remain as they are currently set up. However, the Russian Chemicals Agency/ Ministry of Industry and Trade will coordinate the definition and implementation of necessary mitigation measures.

In general, the system is strongly oriented on the activities of the European Chemicals Agency. However, there are some differences, e.g. the marketing restrictions have to be enforced by the Russian Agency. From 2012 on there will be a unified accreditation system in place in the Russian Federation (currently the system is quite diverse – there are at least four to five different accreditation schemes in place; the GLP accreditation was introduced in 2010).

3 Results

3.1 Interview Results in Estonia

Although the capacities regarding the implementation of the CLP regulation in Estonia are growing slowly, the level of awareness is still low. The CLP affects many actors. The knowledge and guidance on the CLP, however, is not sufficient to implement the new system and it cannot be obtained in any school. Furthermore, both the state and the industry have very limited resources.

Knowledge transfer in Estonia has taken place only to a very limited extent. The following activities have been conducted:

- **State authorities responsible for the enforcement of the CLP:**

One info day was organised by the responsible Ministry of Social Affairs when the CLP Regulation was adopted and one training was organised by the Health Agency for inspectors.
- **Industrial associations:**

One training was carried out in 2010 by the Union of Chemical Industries on the reclassification and relabeling of substances and mixtures. Trainings for downstream users of chemicals have not been carried out.
- **NGOs:**
 - The BEF Group has applied several times for funding from the European Union for projects aiming at increasing the skills of environmental, technology and occupational health and safety specialists with regard to chemicals management in companies and authorities, in particular concerning the GHS. Up to now, no funding has been awarded.
 - In the frame of other trainings, the BEF Group briefly introduces the CLP regulation.

The few activities on awareness-raising described above show that Estonia lacks efforts regarding awareness-raising on the CLP. This may have different reasons:

- The Ministry of Social Affairs (which is the responsible ministry for chemicals safety issues in Estonia) sees the responsibility for further trainings resting with the companies themselves.
- Other ministries are often not interested in addressing the topic of chemicals safety and therefore do not conduct the necessary awareness-raising among their subordinated institutions, like environmental agencies and inspectors. Environmental

inspectorates, however, are the institutions that should be aware about the CLP principles regarding the classification of hazardous substances and they should be able to control the use of hazardous substances regarding their environmental impacts by downstream user companies.

- There do not exist consultancies or institutions working on the topic and offering trainings in the Baltic States and the companies themselves mostly do not have the necessary resources for participating in trainings in foreign countries.
- Industrial Unions are often little aware about chemicals safety in general and do therefore not take the initiative on this topic (the Federation of Chemical Industries represents an exception).

3.2 Interview Results in Latvia

The National Latvian CLP Helpdesk

Since the CLP regulation entered into force in January 2009, the Latvian Environment, Geology and Meteorology Centre (LEGMC) is responsible for the CLP helpdesk. This task has been delegated to the LEGMC by the Latvian Ministry of Environmental Protection and Regional Development. The LEGMC website presents news related to the CLP and provides contact information about the CLP helpdesk for stakeholders. Any interested person may ask questions via email, phone, fax or also during personal visits. The questions are answered by the CLP helpdesk employees and recorded for reporting purposes. The number of questions the CLP helpdesk receives per month varies between zero and twenty. It is related to the activities required by the industry. The interest was, for example, significantly higher than usual in the period where the industry had to submit classification and labelling notifications to the European Chemicals Agency (ECHA).

Industry

The CLP is still a new regulation regarding which the companies lack knowledge. The knowledge gaps vary depending on the companies' activities and the arising questions range from very basic ones, like "Does the CLP apply to our company?" or "What actions have to be done by our company?" to much more detailed ones. Industrial companies have limited resources and urgent need for trainings.

Apart from the content knowledge, also the English language poses a major challenge for the industry. Not all information on the CLP regulation is translated. Some guidance documents, frequently asked questions and the REACH IT tools are published in English and also the communication with the ECHA takes place mostly in English language. This leads to the fact that in some cases, due to their lack of English knowledge, industrial companies hesitate to consult the ECHA helpdesk.

3.3 Interview Results in Lithuania

In Lithuania, the Chemicals Substances Division of the Ministry of the Environment, Department of Environmental Quality is responsible for political decisions and all national legal acts regarding the CLP regulation. During the interviews, the representatives highlighted, that all legal requirements arising from the CLP are met and that there are no obstacles for a good implementation of the CLP regulation requirements and the adaptation of national legal acts to this regulation. On the other hand, there is still a strong need for increasing the qualification and knowledge of specialists. Although some seminars and trainings for the industry have taken place, enterprises are not always aware and willing to implement all requirements regarding the labelling, classification and packaging. The Ministry of the Environment considers it necessary to conduct more training for industry and state authority specialists.

The competent authority for the implementation of the CLP and REACH in Lithuania is the Environmental Protection Agency (EPA). According to the EPA, all direct obligations of the competent authority and the helpdesk are fulfilled. However, the EPA perceives a gap in the cooperation with other state authorities, to an extent that in some cases it is even impossible to get in contact with certain authorities. Currently, the EPA encounters difficulties related to mismatches between labelling requirements for chemical substances set in the CLP regulation and labelling requirements arising from inland transport regulations. Another difficulty regards the fact that most tasks related to chemicals substances are currently transferred to the EPA, e.g. the inland transport of chemical substances and its preparation. The EPA is therefore responsible for the management and implementation of more and more tasks. The number of employees, however, is not increased accordingly and the current staff lacks competence and knowledge.

The enforcement of the CLP is ensured by various inspections, e.g. by state chemical inspectors of the EPA, environmental inspectors from Regional Environmental Departments, non-food state inspectors, inspectors of the National Public Health Service, the National Plant Authority and the National Workers Safety. The conducted interviews showed that each institution and even department has its own view on enforcement. Also this depends from the industry as there are different – and sometimes even opposing – requirements for the different industry sectors. It is not controlled, however, if substances or mixtures are classified properly and if the labelling and classification in safety data sheets is done in an appropriate form. The customs controls if the papers for the imported goods, chemicals and mixtures are correct. If the obtained information is in line with the CLP regulation, however, is mostly not checked, as the specialists often lack the necessary knowledge about this.

Summarising it can be said, that in Lithuania state authorities and industries need more training on GHS and CLP issues and there is a communication and collaboration gap among state authorities.

3.4 Interview Results in Russia

The draft regulation of the Customs Union on the harmonisation of the classification and labelling of chemicals according to the principles of the EU's CLP regulation and the United Nations' GHS was developed by the the institute OrgMin of the Federal Ministry of Trade and Industry. Also a plan to harmonise the Russian federal legislation was elaborated four years ago, but it was rejected by the Parliament. Long-year lobbying of Russian stakeholders, i.e. particularly authorities responsible for the control of chemicals, has led to the result that the try to harmonise the legislation has been taken up again. Currently, a working group is set up and it is planned to develop a draft regulation by 2013.

The European Commission Directorate General Enterprise (DG ENTR) and the Russian Ministry of Industry and Trade negotiate about the harmonisation in their bilateral working group. A meeting has taken place on 1 July 2011 in Moscow with the aim to provide assistance in understanding the terminology and background information on the hazard systems of both parties. As agreed with the head of the EU delegation to this meeting, Mr. Klaus Berend (DG ENTR), Ms. Heidrun Fammler and Mr. Juhan Ruut of the Baltic Environmental Forum were included in the delegation list of the European Commission. The information received during this meeting will be used to optimise BEF's advice on the regional action plan of St. Petersburg.

4 Conclusions and Planned Activities

The implementation of the CLP regulation in the EU depends very much on the stakeholders in the member states, like companies and controlling institutions. We observe that both authorities and companies lack awareness and knowledge. The necessary efforts undertaken by the Baltic States for raising awareness are, however, limited. Therefore we see a potential for the BEF Group to act in this field. The planned activities are:

- To analyse the requirements for classification and labelling under the CLP vis-à-vis the previous legal frame, using available guidance from other member states and the European Commission;
- To elaborate an overview table indicating action needs and additional guidance material for stakeholders in the Baltic States;
- To elaborate a training programme and related fund-raising.

The BEF Group also aims at advising Russian stakeholders on the transposition and implementation of modern chemicals management policy that gives industry the full responsibility and enables authorities to conduct effective control and enforcement. The BEF Group focuses in particular on dialogue and experience exchange with St. Petersburg, the Leningrad and Kaliningrad Regions, as bordering the Baltic Sea, but will also be in contact with players from Moscow (federal level) working on the harmonisation of Russian chemicals legislation regarding the implementation of the GHS. The following activities are planned:

- To provide advice with regard to an international harmonization and learnings from the EU CLP regulation (depending on the timing of the decision process at Customs Union Level);
- To analyse the implementation approach for the building blocks of the GHS at Customs Union level and potential modifications in the Russian federation; to compare it with the current system of chemicals classification and the related Russian legal frame; to communicate with Russian stakeholders on training needs for companies and authorities as well as on the need for further policy advice;
- If feasible and wanted, to develop a project aiming to adapt the training materials on classification and labelling developed for the Baltic States to the Russian CLP-System, to apply for funding and to implement trainings;
- To assess future challenges in chemicals management in Russia and identify the needs for policy and technical advice.

The Baltic Environmental Forum (BEF) Group consists of five independent non-governmental organisations around the Baltic Sea.

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Baltic Environmental Forum Latvia
(Biedrība Baltijas Vides Forums)
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