United Nations Institute for Training and Research

Model Legislation for the Implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS)

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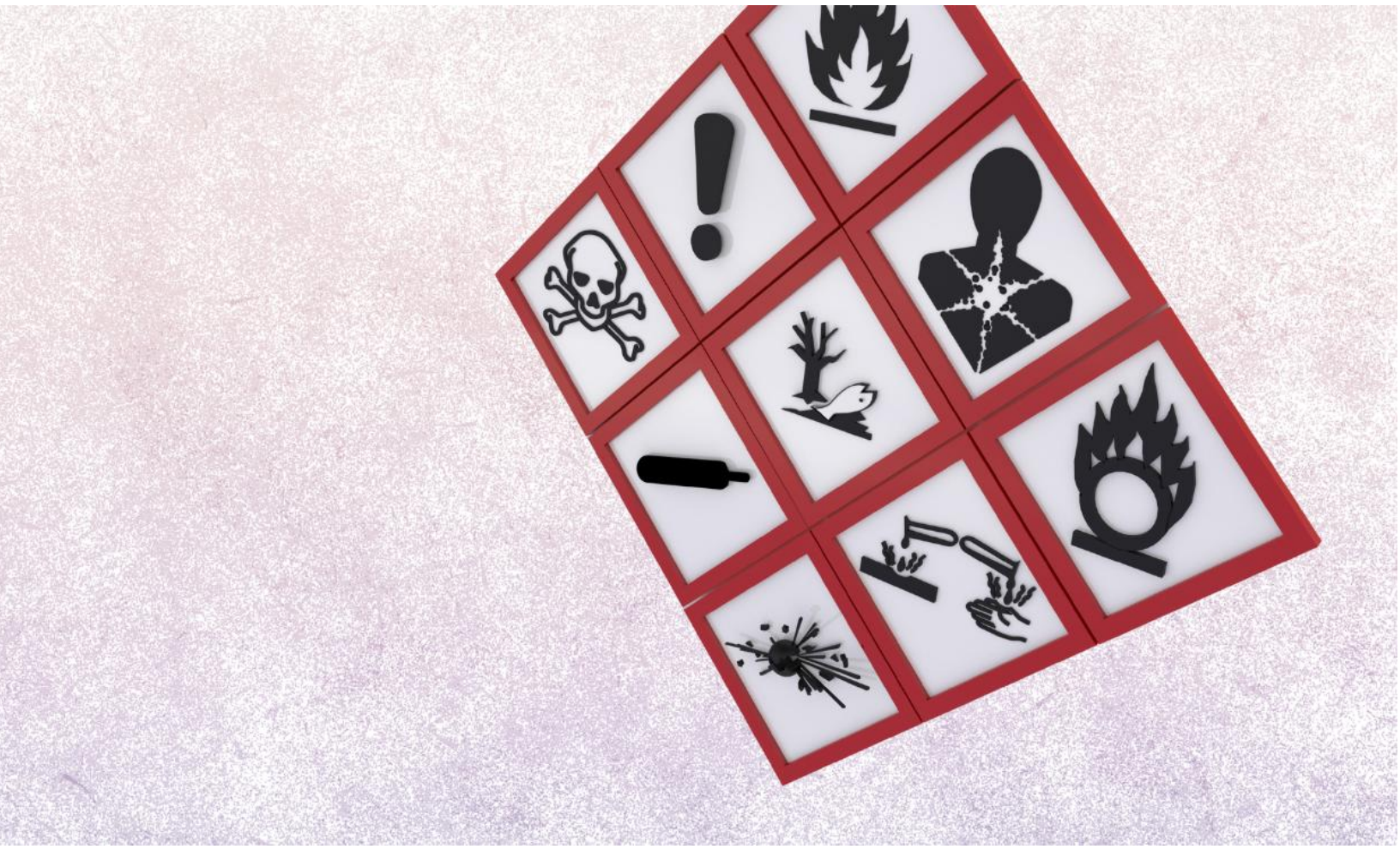

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Introduction

This model has been developed by UNITAR, in coordination with subject-matter experts and relevant stakeholders.

It is originally designed as a complement to the GEF-funded ISLANDS project[1], focusing on the Caribbean region, which has a consistent starting point in terms of GHS-relevant legislation, as well as a general willingness across the region to proceed with implementing the GHS through legislation. Nonetheless, it is expected to be useful for other jurisdictions that choose to implement the **Globally Harmonized System of Classification and Labelling of Chemicals (GHS)**. It must be read as a complement to—not a substitute for—a **thorough national assessment of needs, capacities, existing sectoral laws and institutional arrangements**.

The model was developed from the perspective of a country without existing GHS-relevant legislation (as was found to be the case in many of the Caribbean States). It is important for any country considering the adoption of GHS-based legislation to analyse its own initial conditions and adjust the text as necessary, including through amendments to existing laws, where appropriate. The text should not be used to draft legislation in isolation.

The **GHS** is a United Nations initiative that establishes uniform criteria for defining, classifying, and communicating hazards. Its adoption facilitates:

- **Protection of human health and the environment** through consistent and understandable hazard communication.
- **Facilitation of intraregional and international trade** by reducing duplication and technical barriers.
- **Regulatory compatibility** with the UN Model Regulations for the Transport of Dangerous Goods and with other countries adopting GHS.

How to read this document

This **Model Legislation** provides a flexible framework that includes:

[1] https://www.gefislands.org/Caribbean

1. **Foundation in national assessment.** The model is to be employed only after, or in parallel with, a national legal and institutional assessment that defines scope, sequencing and resource needs.
2. **Core versus optional provisions.** The text identifies essential principles and obligations for GHS implementation. Certain articles (marked below as *optional*) are included solely because they appear in other regional or national laws; their presence does **not** constitute a recommendation. Many are expressly marked as unsuitable for first-time adopters.
3. **Adaptable elements.** Items requiring contextualisation appear in **[BRACKETS]** (e.g., type of legal instrument, sectors covered, GHS revision adopted, transition periods).
4. **Flexibility within national legal hierarchies.** The model may be adopted verbatim or adjusted to fit prevailing legislative structures and sectoral priorities.
5. **Guidance notes and recommendations.** Embedded notes signal options, trade-offs and implementation considerations. They guide decision-making without prescribing a single solution.
6. **Tools to support implementation.** The annex provides a non-exhaustive list of tools and resources that countries may draw on when implementing the GHS, according to their capacities and needs. UNITAR, in particular, plays an active role in building capacity at national and regional levels and in providing information and outreach on the GHS internationally. Training materials and resources are available here[2].

[2] Globally Harmonized System of Classification and Labelling of Chemicals | UNITAR

Text of the Legislation	*Notes and recommendations – Not to be included in the legislation*
Preamble	
In response to the duty to protect human health and the environment and to facilitate intraregional and international trade, the **[LEGAL INSTRUMENT]** is hereby promulgated to harmonize the classification and communication of the hazards of chemicals[3] in accordance with the *Globally Harmonized System of Classification and Labelling of Chemicals (GHS)*.	***Note on the legal instrument*** *Although the term "legislation" is used in this model for the sake of clarity, the specific regulatory instrument through which each State incorporates the GHS will depend on its legal system and the sectoral implementation (see Article 2) that it seeks to achieve:* • *Implementation in a specific sector (e.g., only in the workplace sector): a high-level standard issued by the competent authority, such as a Regulation or Ministerial Resolution of the Ministry of Labor or equivalent, may suffice. Example: in **Argentina**, Resolution SRT No. 801/2015 of the Ministry of Labour, Employment and Social Security adopted the fifth revised edition of the GHS for workplaces.* • *Multisectoral implementation usually requires a decree or a law approved by the legislative branch, or their equivalent. Example: in **Colombia**, **Decree 1496 of 2018***

[3] The term “chemicals” refers to substances and mixtures of substances.

	officially adopted the sixth revised edition of the GHS for the classification and labelling of chemicals throughout the national territory, applying transversally across different sectors. *The choice should consider political factors, the need for inter-institutional consensus, and the regulatory hierarchy.* ***Recommendation on the legal instrument*** *Conduct a legal assessment, institutional capacity assessment, and consultations with relevant stakeholders[4], e.g., producers and importers. It is also recommended to identify current or developing regulations related to the application of the GHS in the sectors covered by the legislation and assess whether they require adaptations. These may include, for example, regulations on the transport of dangerous goods, pesticide use, and the development of SDS for the workplace.*
TITLE I – GENERAL PROVISIONS	
Article 1. Purpose. 1. This legislation establishes the minimum principles, obligations, and	

[4] For more details on what may be considered as "relevant stakeholders", please consult the UNITAR guidance on developing a national GHS implementation strategy: http://cwm.unitar.org/publications/publications/ghs.aspx

institutional mechanisms for adopting and implementing the *Globally Harmonized System of Classification and Labelling of Chemicals (GHS)* in the national territory.	
Article 2. Scope of application. 1. The provisions contained in this legislation are mandatory in the [**SECTORS TO BE DEFINED]** within the national territory. 2. The following are excluded: a) Articles; b) Pharmaceuticals, food additives, cosmetics and pesticide residues in food at the point of intentional intake/application.	***Note on implementation by sector*** *The UN GHS allows countries to phase-in the system sector by sector, selecting only those where harmonised hazard communication is considered useful. The four "traditional" sectors are:* • *Workplaces – any industrial, commercial or service setting where workers may be exposed to chemicals (including agricultural and pesticide products). "Services" here includes professional and technical services (e.g., laboratories, vehicle maintenance, hairdressing, contract cleaning) that use hazardous substances or mixtures* • *Consumer-product sectors (typical early adopters are household cleaners, DIY products, automotive fluids). Exclusions listed in this article apply.* • *Agricultural and pesticide products – chemicals intended for crop protection, veterinary use or livestock hygiene.* • *Transport of dangerous goods, implementing the UN Model Regulations; this harmonizes classification and communication elements with the GHS, promoting*

	intermodal consistency and compliance throughout the entire logistics chain. ***Note on exclusions*** *According to the GHS, articles are manufactured items which are given a specific shape or design during production, whose end-use function depends, in whole or in part, on that shape or design, and which, under normal or reasonably foreseeable conditions of use, do not release more than very small (trace) amounts of a substance or mixture and do not pose a physical or health risk to users.* *Therefore, in the context of this legislation, articles are excluded from the scope where they do not release hazardous substances during normal use. Illustrative examples include: a chair, a computer, a hammer, a plastic toy, or a cotton T-shirt. By contrast, products such as an ink cartridge or a scented diffuser, which intentionally release substances during use, would fall under the scope.* *Additionally, the GHS specifies that the labelling of pharmaceuticals, food additives, cosmetics and pesticide residues in food as they are packaged for sale to and used by the general public is not covered, since these are regulated under sector-specific consumer protection frameworks.* ***Recommendation on exclusions*** *Map existing sector-specific instruments (e.g., waste legislation, pesticide law, medicines legislation).*

	Where an equivalent or stricter hazard-communication regime already applies, list that sector or life-cycle stage as an explicit exclusion to avoid overlap and regulatory conflict.
Article 3. Definitions. 1. The definitions in GHS Rev. **[NUMBER TO BE DEFINED -See article 5]** are hereby adopted. 2. Other relevant definitions: **"Supplier"** means any natural or legal person who places a substance or mixture on the national market. Suppliers include manufacturers, formulators, importers, re-packagers, re-labellers, distributors, downstream users who supply chemicals to another party, and online sellers based in-country or abroad. **"Downstream user"** means any natural or legal person, other than the manufacturer, formulator or importer, who uses a substance or mixture in the course of industrial or professional activities[5] As part of the list of downstream users, a **"Distributor"** means any natural or legal person established within the country, including a retailer, who only stores and places on the market a substance, on its own or in a mixture,	***Recommendation on definitions*** *Use GHS definitions and harmonize those of related standards to ensure uniform interpretation and consistent application of the system across all sectors involved, paying particular attention to the terms "substance", "mixture", and "article".* *Consider including in the text of the legislation that the related regulations must be harmonized, a period of [months to be defined] from the entry into force of the legislation.*

[5] Note: If a downstream user subsequently places a substance or mixture on the market (e.g. through repackaging, relabelling, or distributing) then it is considered a supplier for the purposes of this legislation.

for third parties, without altering its composition.	

TITLE II – COMPETENT AUTHORITY

Article 4. Competent authority. 1. The competent authority is **[TO BE DEFINED]**.	***Note on the competent authority*** *Each State must formally designate at least one body with legal authority to regulate, coordinate and enforce the GHS.* • ***Sector-specific implementation:*** *When the application of the GHS is limited to a single area, the ministry or entity that already oversees that field – e.g. Environment, Health, Labour, Agriculture, Commerce- acts as the competent authority (e.g., the Ministry of Labour for workplaces or the Ministry of Agriculture for pesticides).* • ***Multi-sectoral implementation:*** *If the GHS covers several areas, legislation should establish the responsibilities of each relevant area of government.* ***Recommendation on the competent authority*** *In the event of opting for a multi-sectoral implementation, it is recommended to establish a formal coordination mechanism linking all relevant agencies - Environment, Health, Labour,*

	*Agriculture, Customs, Standardization and others - so that the GHS is applied consistently across all sectors. Example: In **Malaysia**, the Government established the **National Coordinating Committee on GHS Implementation (NCC-GHS)** in 2006 as a formal inter-ministerial body to oversee and coordinate GHS adoption across the relevant ministries and agencies (APEC reference)*
Optional article: **Article 4 bis. National Multisectoral Committee.** 1. The National Multisectoral Committee for the Implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (hereinafter, "the Committee") is hereby created as a permanent body for inter-institutional coordination. 2. The competent authority shall issue, within **[TO BE DEFINED]** days from the entry into force of this regulation, the regulations establishing the composition, powers, operation, financing and other operational aspects of the Committee.	***Recommendation for the multisectoral model*** *For broad and cross-cutting implementation, it is advisable to establish a National Multisectoral Committee that brings together all ministries or agencies involved in GHS implementation (and, when useful, non-governmental stakeholders as members or observers). Its typical functions would be:* *a) recommend updates to the national GHS implementation arrangements;* *b) design and oversee training programmes;* *c) review and decide on commercial confidentiality requests;* *d) serve as the authoritative contact point for regulated sectors on all questions related to GHS implementation.* *If establishing a committee is not feasible, a written coordination*

	instrument -for example, an inter-ministerial memorandum of understanding or an extension of the mandate of an existing chemical safety council- can be used, provided that the roles, decision-making processes, and meeting schedule are clearly defined. Indeed, the use of an existing mechanism, such as a group or committee working in chemicals' management, may be possible, and preferable.

TITLE III – FUNDAMENTAL PRINCIPLES AND BUILDING BLOCKS

Article 5. Adoption of the GHS. 1. The country adopts **[DEFINE HAZARD CLASSES AND CATEGORIES]** of the GHS **[EDITION TO BE DEFINED]**.	***Note on building blocks adoption*** *The GHS provides the option to decide which building blocks (hazard classes and categories) to adopt. Where a State has a preference to do so, it may adopt the entire system or select specific building blocks based on its regulatory priorities and institutional capabilities and in accordance with the building blocks approach of 1.1.3.1.5 of the GHS. International examples show that some countries exclude entire hazard classes (e.g., "Hazards to the aquatic environment") or specific categories within a hazard class (e.g. they adopt acute toxicity categories 1, 2, 3 and 4, leaving out 5).*

Recommendation on building blocks adoption

Partial adoption should be assessed on a case-by-case basis, considering, among others:

- *Requirements of main trading partners, as adopting the same building blocks would facilitate trade.*
- *Existing sectoral regulations (e.g., waste, transport of dangerous goods, pesticides).*
- *Resources available for monitoring and implementation.*

Any exclusion should be technically justified and accompanied by a progressive expansion plan, where appropriate.

Note on referring to the UNECE website or transcribing definitions and classification and labelling criteria

Adoption of the GHS should include public and free access to the current GHS edition, so States may choose to adopt by referencing the publication of that edition of the GHS on the UNECE website (if available in the local language of the country), or by transcribing the full text of the GHS into the body of the regulations. The GHS is available in the six official UN-languages, among them, English, French and Spanish, of most value to the Caribbean region. Whichever method is chosen, the implementing law must still spell out the country-specific choices required by the GHS since these are not supplied by the UNECE text.

Note on the GHS edition to be adopted

States must define which edition of the GHS will be adopted. This can be established in the main body of the legislation or in its regulations.

Recommendation on the GHS edition to be adopted

When deciding which version to adopt, it is recommended:

- *Internal consistency: assess whether any sector (e.g. pesticides or workplace) already uses a specific edition.*
- *Trade harmonization: consider the current edition of your main trading partners.*

When choosing where to cite the edition to be adopted, it is recommended:

- *If there will be secondary regulations: Cite the edition in the secondary regulation. It is easier to update than the parent legislation.*
- *If there will be no secondary regulation: Include in the parent legislation an update clause delegating the power to change the edition to a lower-ranking administrative instrument.*

Where no identified reason is established for adoption of a specific edition, it is recommended to adopt the latest available edition. This will reduce the need for more substantial updates in the subsequent years (see next "recommendation").

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Note on the update of the current GHS edition

A new consolidated edition of the GHS (also known as the "Revision" or "Rev.") is published every two years. Some countries include a clause that automatically incorporates the most recent edition of the GHS as soon as it is published (automatic update). Others require an administrative or regulatory act for each update.

Recommendation on updating the current GHS edition

Regarding an automatic update, it is recommended to carefully assess the regulatory impact (e.g. benefits x costs) and the capacity of regulated entities to absorb biennial changes —this often means updating national guidance, IT systems, and training materials on the same schedule. Set up a standing capacity-building mechanism (e.g., guidance documents, refresher courses, change notices) to explain revisions and their implementation. When new hazard classes/categories are added or classification/label elements change, include appropriate transition periods. Overall, a process that allows ad hoc updates after public consultation -or regular but less frequent updates-, may be more practical than a fixed two-year automatic update.

TITLE IV – OBLIGATIONS OF ECONOMIC OPERATORS

Article 6. Classification of chemicals. 1. Manufacturers, formulators and importers must classify all their chemicals in accordance with Article 5 to determine their hazards according to the GHS. 2. Suppliers shall ensure that all chemicals they place on the market are classified in accordance with Article 5. 3. The classification shall be reviewed when significant new data become available or when the adopted edition of the GHS is updated if it is deemed to affect the classification.	***Note on classification of chemicals*** *For the classification of mixtures, where test data are unavailable for the mixture itself, the GHS requires that the classification of health and environmental hazards be based primarily on applicable bridging principles and, where these cannot be applied, on the known hazards of the mixture's ingredients. The system establishes cut-off values/concentration limits to determine when and how an ingredient contributes to the classification of the mixture. Where a competent authority has issued specific concentration limits for a given substance, legislation must explicitly indicate that these take priority. If national or sectoral regulations do not clearly specify which limits should apply, suppliers could adopt different thresholds, resulting in inconsistent application and undermining harmonization and trade facilitation.*
Optional article: **Article 6 bis. Acceptance of labels and SDS from other editions.** 1. A classification derived from a different GHS edition will be accepted,	***Note on the acceptance of SDS and labels based on other editions of the GHS*** *States may:*

provided that: a) The hazard and safety information is at least equivalent to that which would result from applying the adopted edition; and, b) The supplier clearly identifies the GHS edition used on the SDS and/or label. 2. The competent authority may require, when it deems it is necessary, a technical declaration justifying the differences in classification or labelling resulting from the application of an edition other than the one adopted.	• *Accept other editions than the current national version, provided that it offers an equal or higher level of protection.* • *Reject other versions only if they introduce divergences that reduce protection or generate confusion with local regulations.* ***Recommendation on the acceptance of SDS and labels based on other editions of the GHS*** *To avoid unnecessary trade barriers, it is recommended that SDS and labels that comply with other editions be accepted, requiring the supplier to indicate the edition used and retain technical evidence supporting classification changes.*
Optional article: **Article 6 ter. Official Harmonized Classification List** 1. The Official Harmonized Classification List of Chemical Substances (hereinafter, "the List") is hereby established, the purpose of which is to ensure the uniform application of the GHS throughout the national territory. 2. The preparation, review and publication of the List shall be the responsibility of the competent	***Note on Official Classification Lists*** *These lists are an authoritative database, issued by a competent authority, that assigns a harmonized GHS hazard class and category (often along with required label elements) to specific substances. Mixtures are generally omitted. By standardizing these entries, the list ensures that manufacturers, importers, and formulators apply the same classification, eliminating the need for duplicate calculations and preventing inconsistencies in the marketplace. Depending on the national framework, the list may be binding (i.e., its entries*

authority, without prejudice to the powers that correspond to other bodies in accordance with current legislation.

3. The competent authority shall ensure that the List remains consistent with the hazard classes, categories and edition of the GHS adopted under Article 5.

4. The List will have **[BINDING / REFERENCE]** character

5. The competent authority shall review the List **[BIENNIALLY / ANNUALLY / ACCORDING TO JUSTIFIED NEED]**.

6. Amendments shall be approved by **[INSTRUMENT]** and published in **[OFFICIAL BULLETIN / DEDICATED WEB PORTAL]** at least **[DEFINE]** days prior to their entry into force.

must be used exactly as published) or merely advisory, allowing companies to adopt a more stringent classification if new data support it. A country may choose to incorporate an existing international or foreign list, compile its own list from scratch, or create a hybrid list based on several recognized sources. Prominent jurisdictions that already maintain such official GHS lists include Australia[6], the European Union[7], Japan[8], New Zealand[9], and the Republic of Korea[10].

Recommendation on Official Classification Lists

Compiling and updating a national harmonized list is costly and labour-intensive, so the competent authority should first weigh the costs against the expected benefits. If adopting a list, as a first step, the competent authority could rely on—or formally recognize—one or more well-established international lists, preferably of the main trading partners. Doing so would speed up implementation, improve alignment with trading partners, and cut maintenance costs for both government and industry. Even so, any adopted list still demands regular updates, and the necessary staff and budget must be secured in advance. Only if a clear gap persists should authorities contemplate creating a list of their own; even in that case, a joint

[6] https://hcis.safeworkaustralia.gov.au/About
[7] https://echa.europa.eu/es/information-on-chemicals/annex-vi-to-clp
[8] https://www.ghs.nite.go.jp/home/en
[9] https://www.epa.govt.nz/database-search/chemical-classification-and-information-database-ccid/
[10] https://msds.kosha.or.kr/MSDSInfo/kcic/english/msdssearch.do?listType=msds

	regional list will almost always deliver greater efficiency and regulatory convergence than multiple stand-alone lists.
Article 7. Labelling and packaging. 1. The supplier shall ensure that every chemical is labelled in accordance with the GHS requirements set out below. 2. The labelling of chemicals classified as hazardous in one or more hazard classes must be carried out in accordance with GHS **[EDITION TO BE DEFINED – ARTICLE 5]**. Hazard communication elements must be assigned based on the result of the hazard classification, as established by the GHS. 3. Packaging must be labelled according to GHS **[EDITION TO BE DEFINED – ARTICLE 5]** containing, as a minimum: product identifier, supplier details, and hazard communication elements: pictograms (if applicable), signal word (if applicable), hazard statements and precautionary statements. These elements must appear together on the label. (a) Selection of precautionary statements – In line with Annex 3 of the GHS, the supplier shall choose the most appropriate precautionary statements and, where practicable, limit their number to no more than six on the label, combining text where this	***Note on labelling and packaging*** *To ensure that all label information is legible, States may establish criteria for the design of labels and packaging. Such criteria should preferably be set out in secondary legislation to facilitate updates. For example, rules may address typography relative to label size, and proportional relationships between pictograms, text, and packaging.* *All label elements shall be legible and proportionate to package size, taking into account international best practice and trading-partner requirements. For small containers, the label must comply at least with the guidelines included in the GHS; e.g. example 8 of Annex 7 of the GHS (10th edition). For small containers (< 125 ml), the competent authority may, by resolution, authorize the omission of certain elements, provided that (i) the risk of exposure is low; and (ii) the SDS is available.* *Pictograms: pictograms shall be presented with a black symbol on a white background and a red frame; the competent authority may authorize a black frame for products not intended for export.*

conveys the required advice clearly. (b) Alternative means of hazard communication – Where label space or package design makes full labelling impractical (e.g., very small containers, bulk shipments), the competent authority may authorize equivalent methods such as fold-out or tie-on labels, placards, or electronic transmission, provided the same information is readily accessible to users and emergency responders. (c) National variants – The competent authority may publish priorities, combined texts or alternative national wording for precautionary statements, consistent with Annex 3.

4. The label must be in **[LOCAL LANGUAGE TO BE DEFINED]**, whether they are nationally manufactured or imported products, under the responsibility of the manufacturer, importer, or distributor, as applicable.

5. The label may contain additional information as long as this information does not hinder, differ from, or contradict the requirements of the GHS or the provisions of this legislation.

6. The legibility of all information contained on the label must be ensured.

7. Employers must ensure that workers know how to correctly interpret all the information contained on the label.

8. All labels will include a 24-hour emergency telephone number that

Mobile containers: the label for a chemical must appear on all mobile containers, including those used for transfers. In the case of high-turnover mobile containers for temporary use (e.g., containers used for sampling), the competent authority may establish minimum requirements, provided that the complete label is readily available at the point of use for such containers.

Stationary tanks: in the case of stationary tanks, the competent authority may define the minimum requirements for their marking, provided that the complete label is readily available at the access points to the containment dike.

Regarding precautionary statements, the GHS states that the label should include appropriate precautionary information, the choice of which is with the labeller or the competent authority. Annex 3 establishes flexibility in the use of these phrases, considering omission when the advice is not relevant, the combination of statements to save label space and facilitate readability, and minor textual variations not affecting the safety message.

provides assistance in **[LOCAL LANGUAGE].**	
Article 8. Safety Data Sheets. 1. The SDS must be prepared by the manufacturer, formulator or importer in accordance with the provisions of Annex 4 (Guidance on the preparation of Safety Data Sheets) of the adopted edition of the GHS, pursuant to Article 5. 2. The hazard classification included in Section 2 of the SDS must be clearly justified. All data supporting this classification must be included in the appropriate sections 3. The SDS must be in **[LOCAL LANGUAGE TO BE DEFINED]**, whether they are nationally manufactured or imported products 4. Each SDS shall include a 24-hour emergency telephone number that provides assistance in **[LOCAL LANGUAGE].** 5. The manufacturer, importer or formulator must review the SDS whenever new hazard data, changes in classification, or regulatory amendments arise, and update it without undue delay; in any event the SDS shall be reviewed at least every **[TO BE DEFINED].** 6. The supplier is responsible for providing an SDS to each downstream	***Note on SDS development and provision*** *The SDS content of a chemical is based on its composition and the GHS hazard classification results. This information is owned by the manufacturer, formulator or importer. So, they are responsible for the development and updating of the SDS content. The downstream provision of the updated SDS, according to the adopted edition of the GHS and national regulations, is responsibility of all the suppliers.*

user at or before the first supply and whenever it is updated. 7. When an SDS is updated, the supplier shall transmit the revised version—and any new classification information—promptly to all known recipients of the product.	
Optional article: **Article 8 bis. Mandatory distinction between "Not classified" and "Classification not possible"** 1. When, after evaluation, sufficient data demonstrate that a chemical product does not fall into any category within a given hazard class, it shall be designated "Not classified" for that class. Where the available information is insufficient, inconclusive, or of inadequate quality to reach a decision, the supplier shall declare "Classification not possible" for the relevant hazard class. Under no circumstances may "Not classified" be used when data are insufficient. 2. The indication "Not classified" or "Classification not possible" shall be reproduced verbatim in Sections 11 and 12 of the SDS and must be stated separately for each hazard class assessed; a single blanket statement for all classes is not acceptable.	***Note on the mandatory distinction between "Not classified" and "Classification not possible"*** *The distinction introduced in Article 8 bis is added to strengthen transparency measures so that the user can see, class by class, whether the absence of a category is due to an actual lack of hazard ("not classified") or to insufficient data ("classification not possible"); it does not modify the classification criteria set out by the GHS.* *Introducing the split has three clear benefits: (i) it distinguishes between substances/mixtures that have been assessed and found not hazardous and those for which data are missing or insufficient, thereby exposing data gaps and alerting users and regulators to hazards that have yet to be assessed; (ii) it aligns national practice with jurisdictions that already require this wording (Japan – JIS Z 7253, Brazil – NBR 14725, South Korea – K-OSHA); and (iii) it encourages suppliers to generate new toxicological data, because the "Classification not*

3. Transition clause. Article 8 bis shall apply on a voluntary basis; it becomes mandatory **[TO BE DEFINED]** years after entry into force of this Act.	*possible" flag is a reminder that more information is needed.* *However, making the distinction mandatory would impose a heavy burden—manufacturers and formulators must review every hazard class, justify each data gap, and importers may lack the resources to trace original data sources—while most GHS-implementing countries have not yet adopted such a stringent rule. A regional approach may help in sharing the burden.* ***Recommendation on the mandatory distinction between "Not classified" and "Classification not possible"*** *If adopted, the measure should remain voluntary during the early stages of GHS implementation and become mandatory only once the country has built the necessary technical capacity and practical experience.*
Optional article: **Article 8 ter. Declaration of the classification of hazardous ingredients** Section 3 of the SDS must state the chemical identity (e.g. name and CAS number) and GHS classification (classes and categories, and abbreviated hazard statements) of every ingredient of a mixture that either (a) is classified as hazardous and is	***Note on the declaration of the classification of hazardous ingredients*** *Article 8 ter introduces a requirement that goes beyond the minimum set by the core GHS text. Under GHS, Section 3 of the SDS need include only the identity and concentration (or range) of ingredients that are classified as hazardous to health or the environment and that exceed the applicable cut-off values (generally 0.1 % or 1 %,*

present at or above the *cut-off/concentration limit* specified for its hazard class in the adopted GHS edition, or (b) is present below that limit but nonetheless drives the overall classification of the mixture . While the chemical identity of the ingredient, if covered by confidential business information may remain confidential, indicating the hazards remains mandatory.

depending on the hazard class). The new article further requires that, for each such ingredient, the GHS hazard class and category and the corresponding abbreviated hazard statement must also be provided. If the ingredient's chemical identity is claimed as confidential, the hazard information must still be disclosed.

Recommendation on the declaration of the classification of the hazardous ingredients

The proposed enlargement pursues three aims: (i) to align the model rule with best practices already in force in the EU, Brazil, Japan and South Korea, thus strengthening traceability; (ii) to facilitate enforcement by allowing immediate checking of consistency between the overall mixture classification (Section 2) and that of each ingredient (Section 3); (iii) to ensure transparency and up-to-date information, since any new toxicological data would trigger a review of both the product and its ingredients; and (iv) facilitates the communication of new classification in the supply chain, which might be useful for fulfilling chemical inventory notification requirements.

On the downside, the measure may: (i) increase costs and technical workload for SMEs and distributors (redrafting SDSs and protecting confidential data); (ii) face information gaps because many suppliers do not provide complete classifications; and (iii) require enhanced state capacity -inspectors,

	databases and laboratories- to examine the additional data.
Optional article: **Article 8 quater. Declaration of non-hazardous ingredients** Any ingredient with a national exposure limit or included in [REGULATION OR LISTS TO BE DEFINED], even if not classified, must be declared in the composition (section 3).	***Note on the declaration of non-hazardous ingredients*** *Article 8 I introduces a requirement that goes beyond the minimum set by the core GHS text. Under the base system, Section 3 of the SDS need list only those hazardous ingredients that contribute to the mixture's classification and exceed the relevant cut-off values. The new article adds that every ingredient must also be listed when, even if it is not classified under GHS criteria, it (i) has a nationally established occupational exposure limit; or (ii) appears in specific regulatory lists (e.g., PRTR inventories, designated ingredients, restricted-use catalogues) that will be specified in secondary regulations.* ***Recommendation on the declaration of non-hazardous ingredients*** *The proposal seeks three goals: (i) to enhance worker and environmental protection by flagging ingredients subject to exposure limits or other regulatory listings, even when no hazard pictograms apply; (ii) to align the rule with frameworks such as the EU (REACH Annex II), Japan (JIS Z 7253) and Brazil (NBR 14725), thereby strengthening traceability; and (iii) to improve transparency across the supply chain*

	and facilitate risk management, since knowing all regulated ingredients facilitates appropriate controls and simplifies audits of emissions or exposures. *On the downside, it may (i) impose higher costs and technical burdens on SMEs that must update SDSs and safeguard confidential data; (ii) hinder compliance when foreign suppliers neither provide the required information nor classify substances according to local exposure limits; and (iii) demand greater state capacity -inspectors, databases and laboratories- to validate the new data.* *Countries adopting this provision may consider a **tiered approach**, whereby the initial requirement to declare non-hazardous ingredients is limited to a priority list of substances of concern for worker safety (e.g. ingredients with a national occupational exposure limit or listed in relevant regulations). Over time, this list may be progressively expanded to cover additional ingredients, depending on national needs and regulatory capacity.*
Article 9. Obligations 1. Manufacturers, importers and formulators must verify that chemicals are correctly classified and labelled as required in this Act. 2. Suppliers and intermediate users must keep and provide immediate	

access to the updated SDS to clients and in the workplace.

3. Every employer in the supply chain must ensure that all workers potentially exposed to hazardous chemicals receive initial and periodic training on identified hazards, label and SDS interpretation, and emergency prevention and response measures.

TITLE V – PROTECTION OF CONFIDENTIAL INFORMATION

Article 10. Commercial Confidentiality.

1. The identity and/or concentration of a hazardous ingredient in a mixture may be kept confidential when its disclosure affects legitimate commercial interests, provided that such confidentiality does not compromise health, safety, or the environment.

2. At the request of the competent authority, the manufacturer/importer shall provide the technical and commercial justification supporting confidentiality. The competent authority may request additional information and, if a legitimate interest cannot be proven, shall deny confidentiality.

3. In situations of emergency or upon formal request from the competent authority, the manufacturer/importer

shall provide confidential information to the designated professional or official, under an obligation of confidentiality.	

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TITLE VI – SURVEILLANCE, INSPECTION AND PENALTIES

Note on Financing of Surveillance and Inspection

Effective implementation of surveillance and inspection systems requires sustainable financing mechanisms. Governments typically rely on two complementary sources:

1. ***National budget allocations** – derived from domestic tax revenues, state-owned enterprises, or external funding, usually covering core public functions such as drafting legislation and maintaining regulatory oversight capacity.*
2. ***Cost-recovery mechanisms** – such as fees levied on manufacturers and importers of chemicals, to finance services that directly benefit these actors (e.g., product registration, inspection, and compliance monitoring). These mechanisms reflect the Polluter Pays Principle by internalising costs rather than transferring them to society at large.*

Recommendation on Financing of Surveillance and Inspection

To ensure sustainability of surveillance, inspection and enforcement, countries are encouraged to consider including in their legislation provisions for cost-recovery and financing mechanisms. These may combine allocations from the state budget with fees levied on

	manufacturers, importers or distributors, according to the Polluter Pays Principle. Several models can be implemented, for example: • ***Model 1**: All functions financed by the state budget.* • ***Model 2**: Core functions (legislation, negotiations) financed by the state budget; enforcement financed through annual fees.* • ***Model 3**: Core functions financed by the state budget; registration and enforcement covered by annual fees; authorisations financed through service fees.* • ***Model 4**: State budget for core functions; annual fees for registration; service fees for enforcement and authorisations.* *Each country may adapt the financing mix to its institutional and economic context.*
Article 11. Surveillance and Inspection. 1. The competent authority may conduct inspections, request samples, and review documentation to verify compliance with this legislation -and any implementing regulations. -.	***Recommendation on Surveillance and Inspection - Inter-Agency Interoperability*** *To optimise resources, governments may consider establishing mechanisms for interoperability between competent authorities involved in occupational health and safety, environmental protection, consumer protection, and customs control. This allows GHS*

	inspections to be integrated into broader compliance and surveillance activities already conducted by these agencies. *Such coordination can reduce duplication, improve data sharing, and strengthen enforcement capacity. For example, joint inspection protocols, shared digital platforms, or cross-training of inspectors can ensure that classification, labelling and safety data obligations under this legislation are consistently monitored as part of regular inspection routines.*
Article 12. Infractions and sanctions. 1. Infractions shall be classified as minor, serious, and very serious. 2. Sanctions may include: a) Written warning; b) Financial fine; c) Temporary suspension of the activity; d) Withdrawal of the product from the market. 3. These sanctions shall be imposed on suppliers that do not comply with one or more of their obligations stated in this regulation, according to their role in the value chain as manufacturers, formulators or importers, or downstream users.	***Note on infractions and sanctions*** *The competent authority should establish clear criteria for classifying violations (e.g., omission or misrepresentation of information, labelling inconsistent with the SDS and the assigned classification, lack of user training, and repeat offences) and assign a proportional range of sanctions (fine, suspension, product recall) to each category,* ***Recommendation on infractions and sanctions*** *Mitigating or aggravating factors should be considered, and due process ensured through prior notification, a period for discharge, and the right to appeal. While the specific amounts of penalties or fines may be set out in supporting regulations, it is recommended that the Act itself*

	define the categories of infractions and the types of sanctions applicable.
TITLE VII – VALIDITY	
Article 13. Implementation Schedule. 1. This legislation shall enter into force on **[TO BE DEFINED]**	***Note on the implementation schedule*** *States may allow different deadlines for substances and mixtures, and/or for specific sectors.*
Article 13 bis. Transition period 1. The following transition periods shall apply: (a) substances – [TO BE DEFINED] months; (b) mixtures – [TO BE DEFINED] months, extendable once by the competent authority after consultation with stakeholders. 2. Chemicals placed on the national market prior to the expiry of the transition period may continue to be supplied until existing stocks are exhausted. 3. Any substance or mixture placed on the national market after the expiry of the transition period shall comply in full with the provisions of this legislation and its implementing regulations.	***Note on the transition period*** *To ensure legal certainty and avoid unnecessary economic loss, countries may wish to clarify in their legislation how to treat products placed on the market prior to the expiry of the transition period. International practice generally allows such products to remain on the market until existing stocks are exhausted, while requiring that any products placed on the market after the transition period comply fully with the new provisions.* *In exceptional cases where continued circulation of previously labelled products could pose risks to human health or the environment, competent authorities may consider establishing*

4. The competent authority may establish specific measures for the re-labelling or withdrawal of products from the market where this is deemed necessary for reasons of health or environmental protection.	*specific measures for re-labelling or withdrawal.* ***Recommendation on the transition period*** *Allow a minimum transition of 12 months from the law's publication—set after consulting producers and importers—followed, where appropriate, by an extra six-month sell-through period for existing stock. Include in the regulations a clause that these deadlines will be reviewed and, if necessary, adjusted in light of how smoothly stakeholders are adapting.*
TITLE VIII – FINAL PROVISIONS	
Article 14. Publication and free access. 1. The competent authority shall make this legislation -and any implementing regulations- available to the public free of charge on its official website and publish it in the official gazette, for example.	

Annex I - Tools to support implementation

To facilitate compliance, States may promote the adoption of tools for implementing the GHS. The following options are voluntary and may be gradually introduced, depending on each State's financial and technical capacity:

1. **Structured digital SDS (e-SDS)**
    - Provides Safety Data Sheets in machine-readable formats (JSON, XML, PDF/A), enabling automatic transfer through the supply chain
    - Requires adopting a national data scheme or reference an international one.
2. **National Safety Data Sheet (SDS) Portal:**
    - Online platform for manufacturers, formulators and importers to upload, update, and make available SDSs in a structured format.
    - Advantages: instant public access, GHS edition traceability, single database for document inspection.
    - Requires: secure hosting, digital signature, and technical staff for maintenance.
3. **QR or Data Matrix codes on package labels:**
    - They allow the user to be directed, by means of a scan, to the current SDS and emergency information, when safety requirements make it possible.

        n.b. direct and easy access to safety data sheets will remain vital for workers, including in emergency settings. The use of digital options should **complement, not replace**, physical or otherwise accessible formats, recognising that not all users may have the devices, internet connectivity, or technical capacity to access QR codes.
    - Useful when the size of the package limits the inclusion of full text.
4. **Online Commercial Confidentiality Form (e-CBI):**
    - Web-based system for submitting and managing requests for identity or concentration reservations for hazardous components.
    - Facilitates time tracking and traceability of protected information.

5. **Risk-based remote inspections:**

    - Using the SDS portal database and electronic declarations to select priority companies or products.

    - Reduce travel costs and speed up the response in the case of non-compliance.

6. **Offering free online courses with certifications, video tutorials, and self-study materials:**

    - Hosted on the same portal, they cover regulatory compliance guidance, chemicals hazard classification, SDS preparation, and correct labelling. This could direct to online resources from other stakeholders, such as the Digital Learning Hub of the BCRC-Caribbean, a repository for the training materials and tools developed under various Projects and Activities or those from UNITAR and KemI (the Swedish Chemicals Agency).

    - They generally include forums or FAQ sections.

    - They might include classification tools (e.g., online templates and calculators)

7. **Live Chat and Help Desk for SMEs:**

    - Free technical support for the first 24 months after the regulations come into effect.

    - Objective: Accelerate the learning curve and reduce compliance errors.

8. **Access to classification tests information and national existing laboratories for testing:**

    - Access to reliable test data and laboratory facilities is essential to facilitate classification and improve the quality and adequacy of information. This can include not only national laboratories, but also regional or sub-regional facilities and shared data platforms, particularly where national capacity is limited.

The implementation of these tools requires an initial investment and maintenance costs for the State. However, the benefits in terms of administrative efficiency, traceability, and accessibility of information may outweigh these costs in the medium term. Each State will be able to evaluate their suitability and pace of adoption, as well as explore regional cooperation mechanisms or public-private partnerships to reduce the financial burden.

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