



Decision-Recommendation of the
Council on the Co-operative
Investigation and Risk
Reduction of Existing
Chemicals

**OECD Legal
Instruments**

This document is published under the responsibility of the Secretary-General of the OECD. It reproduces an OECD Legal Instrument and may contain additional material. The opinions expressed and arguments employed in the additional material do not necessarily reflect the official views of OECD Member countries.

This document, as well as any data and any map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

For access to the official and up-to-date texts of OECD Legal Instruments, as well as other related information, please consult the Compendium of OECD Legal Instruments at <http://legalinstruments.oecd.org>.

Please cite this document as:

OECD, *Decision-Recommendation of the Council on the Co-operative Investigation and Risk Reduction of Existing Chemicals*, OECD/LEGAL/0259

Series: OECD Legal Instruments

© OECD 2018

This document is provided free of charge. It may be reproduced and distributed free of charge without requiring any further permissions, as long as it is not altered in any way. It may not be sold.

This document is available in the two OECD official languages (English and French). It may be translated into other languages, as long as the translation is labelled "unofficial translation" and includes the following disclaimer: *"This translation has been prepared by [NAME OF TRANSLATION AUTHOR] for informational purpose only and its accuracy cannot be guaranteed by the OECD. The only official versions are the English and French texts available on the OECD website <http://legalinstruments.oecd.org>"*

Date(s)

Adopted on 31/01/1991

Abrogated on 25/05/2018

Background Information

The Decision-Recommendation on the Co-operative Investigation and Risk Reduction of Existing Chemicals was adopted by the OECD Council on 31 January 1991 on the proposal of the 15th Joint Meeting of the Management Committee of the Special Programme on the Control of Chemicals and the Chemicals Group of the Environment Committee (now called Chemicals Committee), as approved by the 4th Meeting of the Environment Committee at Ministerial Level (today under the responsibility of the Chemicals Committee). This instrument is composed of two parts. Under Part A Adherents shall co-operatively investigate high production volume (HPV) chemicals in order to identify those which are potentially hazardous to the environment and/or to the health of the general public or workers. Under Part B (Risk Reduction), Adherents shall establish or strengthen national programmes aimed at the reduction of risks from existing chemicals to the environment and/or the health of the general public or workers.

THE COUNCIL,

HAVING REGARD to Articles 5 a) and 5 b) of the Convention on the Organisation for Economic Co-operation and Development of 14 December 1960;

HAVING REGARD to the conclusions concerning the control of existing chemicals reached at the First, Second and Third High-Level Meetings of the Chemicals Group of 12 May 1980, 15 November 1982 and 17 March 1987, respectively;

HAVING REGARD to the conclusion of the Second High-Level Meeting of the Chemicals Group concerning the importance of animal welfare with respect to the testing of chemicals;

HAVING REGARD to the Resolution of the Council concerning a Procedure for Notification and Consultation on Measures for Control of Substances Affecting Man and the Environment [C(71)73(Final)];

HAVING REGARD to the Recommendation of the Council of 31 January 1991 on Integrated Pollution Prevention and Control [C(90)164/FINAL] and, in particular, the Recommendation that Member countries practice integrated pollution prevention and control, taking into account the effect of activities and substances on the environment as a whole and the whole commercial and environmental life cycles of substances when assessing the risks they pose and when developing and implementing controls to limit their release;

HAVING REGARD to the Decision-Recommendation of the Council of 26 June 1987 on the Systematic Investigation of Existing Chemicals [C(87)90(Final)];

HAVING REGARD to the Recommendation of the Council of 14 November 1974 on the Assessment of the Potential Environmental Effects of Chemicals [C(74)215];

HAVING REGARD to point 6 of the Declaration on Environment: Resource for the Future of 20 June 1985, adopted by the governments of OECD Member countries and of Yugoslavia which states that more effective control of both new and existing chemicals from their manufacture to ultimate disposal will be achieved through shared and co-ordinated efforts;

HAVING REGARD to the Recommendations of the World Commission on Environment and Development of 1987 that major chemical-producing countries should reinforce on-going efforts to obtain international agreement on the selection of existing chemicals for priority testing, on criteria and procedures for their assessment, and on a system for international sharing of the tasks and the resources required;

HAVING REGARD to the Bergen Ministerial Declaration on Sustainable Development in the ECE Region of 16 May 1990, in particular to point IV, 15 c) and point V, 16 c);

CONSIDERING the experience gained to date by Member countries in the co-operative investigation of existing chemicals which has led to the initiation of concerted data collection, testing and evaluation of the first group of priority existing chemicals;

CONSIDERING that concerted identification, assessment and management of existing chemicals can produce more efficient utilisation of national and international resources towards reduction of any risks to the environment and/or to the health of the general public or workers uncovered in all phases of the life cycle of the chemicals;

CONSIDERING that assessments of the effects on health and the environment for the purpose of reducing risks should include evaluation of the risks and benefits of using the substance and its substitutes and the economic effects of any control action;

CONSIDERING that co-operative international efforts constitute an efficient and innovative way to apply economic and regulatory approaches for the systematic investigation and reduction of the risks of hazardous existing chemicals;

CONSIDERING that strengthened national and co-operative international efforts to investigate systematically and reduce the risks of hazardous existing chemicals will substantially alleviate threats of serious or irreversible damage to the environment and/or the health of the general public or workers;

CONSIDERING that the co-operative work underway on selected chemicals of concern to Member countries to assess, to develop risk reduction strategies and, where appropriate, to take actions to reduce their risks will be of value for further efforts in this regard;

On the proposal of the 15th Joint Meeting of the Management Committee of the Special Programme on the Control of Chemicals and the Chemicals Group of the Environment Committee, as approved by the 4th Meeting of the Environment Committee at Ministerial Level:

I. Co-operative Investigation and Risk Reduction of Existing Chemicals

A. Co-operative Investigation

1. DECIDES that Member countries shall co-operatively investigate high production volume (HPV) chemicals¹ in order to identify those which are potentially hazardous to the environment and/or to the health of the general public or workers.

2. DECIDES that Member countries, in undertaking the task set out in paragraph I.A.1 shall:

- i) Co-operatively select the HPV chemicals for investigation;
- ii) Acquire an agreed-upon basic data set needed to make an informed judgement concerning the potential hazards of each chemical through collection of available data or by ensuring that testing is undertaken; and
- iii) Co-operatively make an initial assessment of the potential hazards of each chemical based on the basic data set.

3. RECOMMENDS that Member countries undertake additional co-operative activities including the generation of further data and the completion of more in-depth, systematic assessments of the hazards and risks posed by those HPV chemicals found in the initial assessment to be potentially hazardous.

4. RECOMMENDS that Member countries also co-operate in undertaking work on the investigation of those non-HPV existing chemicals for which they share a concern.

5. DECIDES that Member countries shall make information obtained from the co-operative investigation of existing chemicals publicly available via the United Nations Environment Programme's - International Register of Potentially Toxic Chemicals (UNEP/IRPTC), respecting legitimate claims for protection of confidential data.

6. INVITES the International Programme on Chemical Safety (IPCS) to use the results of the investigations of existing chemicals by OECD Member countries in preparing its assessments of the health and environmental impacts of existing chemicals.

B. Risk Reduction

1. DECIDES that Member countries shall establish or strengthen national programmes aimed at the reduction of risks from existing chemicals to the environment and/or the health of the general public or workers.

2. RECOMMENDS that Member countries collaborate to develop common criteria to determine which chemicals, among those which are included in the co-operative investigations referred to in Section I.A and/or the procedures foreseen in paragraph II.I.ii, are suitable candidates for concerted risk reduction activities.

3. RECOMMENDS that, where appropriate, Member countries undertake concerted activities to reduce the risks of selected chemicals taking into account the entire life cycle of the chemicals. These activities could encompass both regulatory and non-regulatory measures including: the promotion of the use of cleaner products and technologies; emission inventories; product labelling; use limitations; economic incentives; and the phase-out or banning of chemicals.

II. Implementation

1. INSTRUCTS the Management Committee of the Special Programme on the Control of Chemicals, having regard to the work of other international organisations:

- i) To pursue a programme of work designed to facilitate the practical implementation of this Decision-Recommendation; and
- ii) To establish procedures for the notification of, and exchange of information on activities in Member countries, to reduce the risks of existing chemicals;
- iii) To the extent that Member countries undertake concerted risk reduction activities pursuant to paragraph I.B.3, to propose, where appropriate, agreements on reducing the risk of specific chemicals or groups of chemicals.

2. INVITES the Secretary-General to take the necessary steps to ensure that this work is carried out in co-operation with other international organisations and, in particular, in collaboration with the UNEP/IRPTC and the IPCS.

3. INSTRUCTS the Management Committee of the Special Programme on the Control of Chemicals to review, by the end of 1994, the actions taken by Member countries in pursuance of the Decision-Recommendation.

¹ For purposes of this Decision-Recommendation HPV chemicals are those chemicals included in the OECD Representative List of High Production Volume (HPV) Chemicals, as established and updated regularly.

Adherents*

OECD Members

Australia
Austria
Belgium
Canada
Chile
Czech Republic
Denmark
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Israel
Italy
Japan
Korea
Latvia
Luxembourg
Mexico
Netherlands
New Zealand
Norway
Poland
Portugal
Slovak Republic
Slovenia
Spain
Sweden
Switzerland
Turkey
United Kingdom
United States

Non-Members

* Additional information and statements are available in the Compendium of OECD Legal Instruments:
<http://legalinstruments.oecd.org>

About the OECD

The OECD is a unique forum where governments work together to address the economic, social and environmental challenges of globalisation. The OECD is also at the forefront of efforts to understand and to help governments respond to new developments and concerns, such as corporate governance, the information economy and the challenges of an ageing population. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

The OECD Member countries are: Australia, Austria, Belgium, Canada, Chile, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea, Latvia, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States. The European Union takes part in the work of the OECD.

OECD Legal Instruments

Since the creation of the OECD in 1961, around 450 substantive legal instruments have been developed within its framework. These include OECD Acts (i.e. the Decisions and Recommendations adopted by the OECD Council in accordance with the OECD Convention) and other legal instruments developed within the OECD framework (e.g. Declarations, international agreements).

All substantive OECD legal instruments, whether in force or abrogated, are listed in the online Compendium of OECD Legal Instruments. They are presented in five categories:

- **Decisions:** OECD legal instruments which are legally binding on all Members except those which abstain at the time of adoption. While they are not international treaties, they entail the same kind of legal obligations. Adherents are obliged to implement Decisions and must take the measures necessary for such implementation.
- **Recommendations:** OECD legal instruments which are not legally binding but practice accords them great moral force as representing the political will of Adherents. There is an expectation that Adherents will do their utmost to fully implement a Recommendation. Thus, Members which do not intend to do so usually abstain when a Recommendation is adopted, although this is not required in legal terms.
- **Declarations:** OECD legal instruments which are prepared within the Organisation, generally within a subsidiary body. They usually set general principles or long-term goals, have a solemn character and are usually adopted at Ministerial meetings of the Council or of committees of the Organisation.
- **International Agreements:** OECD legal instruments negotiated and concluded within the framework of the Organisation. They are legally binding on the Parties.
- **Arrangement, Understanding and Others:** several ad hoc substantive legal instruments have been developed within the OECD framework over time, such as the Arrangement on Officially Supported Export Credits, the International Understanding on Maritime Transport Principles and the Development Assistance Committee (DAC) Recommendations.