



28 September 2023

(23-6473)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: AUSTRALIA If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Australian Government Department of Health and Aged Care Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Australian WTO TBT Enquiry Point Office of Global Trade Negotiations Department of Foreign Affairs and Trade Canberra ACT 0221 tbt.enquiry@dfat.gov.au +61 2 6261 1111
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): All industrial chemicals used in Australia.
5. Title, number of pages and language(s) of the notified document: Proposed changes to the Industrial Chemicals (General) Rules and Categorisation Guidelines; (60 page(s), in English)
6. Description of content: The consultation paper invites public comments on a suite of proposals relating to categorisation, reporting and record-keeping obligations - through proposed amendments to the Industrial Chemicals (General) Rules 2019 and the Industrial Chemicals Categorisation Guidelines administered by the Australian Industrial Chemicals Introduction Scheme (AICIS). Key proposals in this consultation include: <ul style="list-style-type: none">• Replacing written undertakings with records that will make compliance easier.• Greater acceptance of International Nomenclature of Cosmetic Ingredients (INCI) names for reporting and record keeping.• Changes to the categorisation criteria to benefit:<ul style="list-style-type: none">○ small-scale soap makers○ introducers of chemicals in flavour and fragrance blends○ introducers of hazardous chemicals where introduction and use are controlled.

- Strengthening criteria and/or reporting requirements for health and environmental protection, for example, to prevent persistent organic pollutants (POPs) from being categorised as exempted or reported Introductions.

None of the proposals involve changes to the *Industrial Chemicals Act 2019*.

- 7. Objective and rationale, including the nature of urgent problems where applicable:** The Australian Industrial Chemicals Introduction Scheme (AICIS) helps protect the health of Australians and our environment by finding out the risks of industrial chemicals and recommending ways to promote their safer use.

The *Industrial Chemicals Act 2019* is the legal framework for the regulation of the importation and manufacture (introduction) of industrial chemicals in Australia. The Industrial Chemicals (General) Rules 2019 (General Rules) form part of the legislative framework and contain the technical and operational details of AICIS under the functions of the Executive Director. The Industrial Chemicals Categorisation Guidelines are issued by the Executive Director of AICIS and set out technical details and requirements for categorising chemical introductions in Australia.

These proposed amendments to the General Rules and the Industrial Chemicals Categorisation Guidelines were developed using an evidence- and risk-based approach to regulation that is appropriate to each circumstance. Proposals that would benefit introducers are based on mechanisms that may lower regulatory burden while maintaining regulatory intent.; Protection of human health or safety; Protection of the environment

- 8. Relevant documents:**

Industrial Chemicals (General) Rules 2019:
<https://www.legislation.gov.au/Series/F2019L01543>

Industrial Chemicals Categorisation Guidelines:
<https://www.industrialchemicals.gov.au/sites/default/files/2020-06/Industrial%20Chemicals%20Categorisation%20Guidelines%20%5BPDF%20756%20KB%5D.pdf>

- 9. Proposed date of adoption:** To be determined

Proposed date of entry into force: Expected timeframe is April 2024.

- 10. Final date for comments:** 60 days from notification

- 11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:**

Consultation hub: <https://www.industrialchemicals.gov.au/news-and-notice/have-your-say-changes-categorisation-reporting-and-record-keeping>

<https://www.industrialchemicals.gov.au/sites/default/files/2023-09/Explanation%20of%20all%20proposed%20changes%20to%20categorisation%2C%20reporting%20and%20record-keeping%20obligations.pdf>