

Questions for the Working Groups

Session 2: Legislation on development of national legal infrastructure

Introduction.

Many countries have not ratified or implemented regional and global legally binding instruments and other relevant initiatives addressed gaps in national chemicals regimes or developed national mechanisms coordinating activities on chemicals control.

There may furthermore be a need to assess current laws, policies and regulations to identify changes that may be necessary to advance implementation of the Strategic Approach objectives, including an assessment of funding needs where appropriate.

The workshop in Riga noted that all countries in the Central and Eastern European Region have some form of legislative basis, however there appeared to be a lack of legislation for other chemicals than pesticides. It was generally considered necessary to develop a framework law on chemicals into which the Globally Harmonised System of Classification and Labelling should be incorporated. Several forces and incentives were recognized as assisting in the push for the development of legislation on chemicals control. Those included international agreements, chemical user demands (together with consumer demands), legislation in neighbouring countries, current membership or the possibility of membership of regional economic integration organizations and international trade.

Topics for discussion

1. a. Which types of legislation (laws, regulations etc) do you have in your country for regulation of chemicals risk management as legislation on chemicals control, health, workers protection, consumer protection, environment, waste, transport, accidents, specific legislation implementing international agreements (e.g. Rotterdam, Stockholm and Basel conventions, SAICM), etc.?

b. To which extent are the different pieces of legislation correlated and co-ordinated as regards regulations on **placing on the market**?
2. a. Which ones of the pieces of legislation in your country identified in 1. regulate **placing on the market** of chemicals (chemicals control) as testing, hazard assessment, classification, labelling, SDS, restrictions etc.? Think of industrial, consumer and agricultural chemicals.

b. Which are the main gaps, the main missing parts of legislation in your countries on **placing on the market**?
3. a. How do you think regulations on **placing on the market** of chemicals (chemicals control) best may be legally organised in your country taking into account the prevailing situation and the already existing pieces of legislation? Should you introduce a specific separate legislation or should the regulations on chemicals control

be included into existing legislation? In the latter case, should they be included into one or several pieces of legislation and in which one(s)? Should industrial, consumer and agricultural chemicals be dealt with in common or separately?

b. Which advantages and disadvantages do you recognise with various alternatives? Which problems have you identified in your country and what are the reasons for them?

Session 3: Development of national institutions and domestic infrastructures for efficient chemicals control

Introduction

The Strategic Approach to International Chemicals Management recognizes that there are gaps, overlaps and duplication in chemicals management activities and there is a need in many countries for enhanced coherence, consistency and cooperation to ensure efficient and effective use of available resources at the national, regional and international level.

The workshop in Riga noted on the institutional setup in the countries that many ministries were involved in the sound management of chemicals but there was lack of coordination and communication between those ministries. This is especially troublesome/disturbing taking into account the very horizontal nature of chemicals control. It was considered that this stemmed from historic reasons of sectoral legislation as well as the battle for resources between sectors. It was suggested that the way to achieve coordination and communication was through the creation of a special cross-sectoral lead unit for sound managements of chemicals as well as an inter-ministerial group with a lead unit acting as secretariat for the group. The need for additional financial and technical resources was also stressed.

Topics for discussion

1. a. Which main ministries in your countries are responsible for implementing legislation on chemicals risk management? Think of the various types of chemicals (industrial, consumer, agricultural) and the various purposes (consumer safety, workers safety, environmental protection – placing on the market, use, etc.).

b. Which main institutions (ministries, central agencies) develop/issue, implement and manage legislation especially as regards **placing on the market**?

c. How are enforcement and supervision (inspection) organised especially as regards suppliers (importers, exporters, producers, retailers)?

d. How is at present co-ordination and co-operation between institutions organised?
2. Which types of problems have you identified with your institutional set up?
 - Gaps or overlaps concerning responsibility, especially related to **placing on the market** part of legislation?
 - Lacks in co-ordination or co-operation?
 - Other?
3. How could problems identified related to **placing on the market** part of legislation best be overcome taking into account the prevailing situation in your country? Think of possible alternatives as:
 - Shifting responsibilities between existing institutions – In which way?
 - Bringing together responsibilities to fewer institutions - To which?
 - Establishing (new) separate institutions – Which?
 - Other?

Session 4. Involvement of the private sector and civil society in the area of chemicals control

Introduction

At the adoption of The Strategic Approach to International Chemicals Management (SAICM) at the International Conference on Chemicals Management (ICCM) in Dubai, February 2006.

Ministers, heads of delegations and representatives of civil society and the private sector recognized in the Dubai declaration that

- Non-governmental public health and environmental organizations, trade unions and other civil society organizations have made important contributions to the promotion of chemicals safety;
- The private sector has made considerable efforts to promote chemicals safety through voluntary programmes and initiatives such as product stewardship and the chemicals industry's Responsible Care Programme.

The participants at the ICCM stressed in the Dubai declaration:

- that they would work toward effective and efficient governance of chemicals management by means of transparency, public participation and accountability involving all sectors of society, in particular striving for equal participation of women in chemicals management
- That they would engage actively in partnerships between Governments, the private sector and civil society, including strengthening participation in the implementation of the Strategic Approach by small and medium-sized enterprises and the informal sector;
- That the responsibility of industry to make available to stakeholders such data and information on health and environmental effects of chemicals as are needed safely to use chemicals and the products made from them

The workshop in Riga highlighted the importance of stakeholders' involvement and emphasized the need to strongly involve industry and environmental non-governmental organizations, when developing legislation and infrastructure for chemicals control. It was also suggested that expertise from those sources be used. For that purpose the holding of roundtable discussions was considered one way of encouraging voluntary industrial involvement. Further, there was a need to seek out approaches to also involve small and medium size enterprises in any discussion. Finally it was suggested that the assistance of a consultant might be useful in the development of national infrastructures.

Topics for discussion

To investigate the role of the private sector and civil society in the development of national legal and institutional infrastructures a number of questions have been established. The questions have been developed for:

- Private sector
- Civil society

Private sector

- 1) What role do the private sector and/or in particular national chemicals associations play when countries develop national legal and institutional infrastructures?

Are they part of national committees?

Are there any barriers to participation by the private sector and national chemicals associations' in the development of national legal and institutional infrastructures?

- 2) To which extent does existing legislation clarify and ensure the responsibilities and obligations of private sector for safety of chemicals they place on the market as regards e.g. testing, assessment, classification, labelling, SDS?

Are sanctions in case of violation of regulations described in the legislation?

- 3) Which are the main gaps in allocation of responsibility to private sector - how may they be overcome?

- 4) Which legal possibilities to enforce legislation on placing on the market are available to supervisory (inspecting) authorities – right to get information on chemicals, right to have access to enterprises (premises) for inspection purposes, right to impose sanctions in case of violation of regulations, etc?

- 5) What types of improvements regarding 1.-4 would you like to see in your country?

- 6) Is small and medium sized companies' part of national chemicals associations?

If not, what are the barriers to their participation?

How can small and medium sized enterprises (producers and importers) be involved in the implementation of SAICM and what is the role of small and medium sized companies at the national, regional and local level. Please add possibilities and barriers to these?

Civil society.

- 1) What role do civil society play when countries develop national legal and institutional infrastructures?

Are they part of national committees?

Are there any barriers to participation by civil society?

- 2) What kind of civil society organisations are participating in chemicals management in your country? What are the barriers to their participation?

- 3) Are the government and private sector aware of the potential roles of civil society in management of chemicals? If yes, are you being consulted by government on legal matters and by private sector on corporate matters? If not, what are the barriers?

- 4) Do the civil society organisations in your country have some coordinating mechanism? If no, what are the barriers to that? If yes, does civil society cooperate with the government and the private sector through such a coordinating measure.
- 5) To which extent does existing legislation and existing institutions specify roles for civil society in chemicals management?
- 6) Do you have legislation to ensure equal participation of women in chemicals management and decision making?