



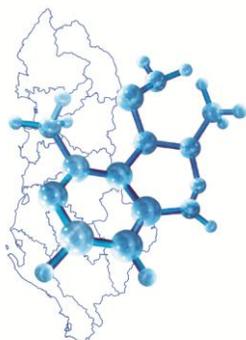
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United Nations Institute for Training and Research



Project: "Strengthening of Capacities for Strategic Approach to International Chemicals Management (SAICM) Implementation in Albania"

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Proposed Terms of Reference for the National Inter-sectoral Committee of Chemicals Management (NICCM) in Albania



Editorial Note

This document was prepared in the framework of the project “Strengthening of Capacities for the Implementation of the Strategic Approach of International Chemicals Management (SAICM) project in Albania. The project was implemented by the Institute of Public Health and United Nations Institute for Training and Research (UNITAR) as executive agency, as well as the wide participation of the different stakeholders committed directly or indirectly to the country’s chemicals management.

The methodology used for preparing these terms of reference was based on UNITAR presentation “Strengthening of the National Governing Structure: Inter-ministerial Coordination”, held in Tirana in the project opening meeting on 24-25 March 2012.

In the field of chemicals management, the goal of coordination is knowledge exchange and common action of relevant institutions and organizations on chemicals related issues. Among the benefits of inter-ministerial coordination can be mentioned: the development of synergies among different institutions, avoiding duplications of efforts, identifying shortcomings, support in solving problems; a good coordination would have as a result more qualitative and strategic decision-making for chemicals related issues.

The first draft of this document has been introduced on the internet website www.chemicals.al from February 2012 as one of the working materials for the review meeting of the project. It was discussed and revised in the review meeting of the project held in Tirana on 9-10 February; in this version are reflected the changes proposed by the participants of the meeting, except the suggestions on the financial considerations. After the review, this draft ToR is published as a Project product on the same website.

We hope this project-document will serve as support to the functioning of a committee or a sub-committee for chemicals management, which establishment is a necessity of the time, highlighted even more in frame of Albania’s commitment towards the European Integration.

Dr. Lindita Tafaj

Project Coordinator



Proposed Terms of Reference for the National Inter-sectoral Committee of Chemicals Management (NICCM) in Albania

Introduction

1. The chemicals management is very broad in its scope, including ideally all the chemicals during the whole lifecycle. This broad scope necessitates the multi-sectoral nature of the chemicals management. In order to achieve an integrated approach to chemicals management at national level, a coordinating mechanism through which different sectors and actors can exchange information and can coordinate activities is of a high importance.
2. The goal of the inter-sectoral coordinating mechanism on chemicals management is to enhance the cooperation and to enable the coordination of activities related to chemicals management among Government ministries, departments and other development partners in order to protect human health and the environment and to facilitate the sustainable management of chemicals.
3. The proposed Terms of Reference for the inter-sectoral coordinating mechanism on chemicals management aim to ensure that this body is operational and play its coordinative role as well as different actors are adequately represented.

Title of the inter-sectoral mechanism on chemicals management

4. The inter-sectoral coordinating mechanism on chemicals management shall be called National Inter-sectoral Committee on Chemicals Managementⁱ (NICCM)

Mandate and status of NICCM

5. The mandate of the committee would be to facilitate policy dialogue; harmonization of mandates and when it is required by the parties involved resolution of inter- institutional conflicts over mandates, roles and functions; and facilitation of compliance by government ministries and agencies with their statutory obligations.
6. NICCM will act as a consultative forum for policy and decision-making coordination, information exchange and peer review, with no binding decision making mandate.

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ⁱ The designation of the mechanism might be different, so might be its positioning. In this material the denomination is made for ease of internal reference.

Member ministries, agencies and other participants

7. . The composition of the NICCM will be approved by a Decision of Ministerial Council (DCM)ⁱ
 - . Ministry of Environment, Forests and Water *Administration*.
 - . Ministry of Health;
 - . Ministry of Agriculture, Food and Consumer Protection;
 - . Ministry of Labour, Social Affairs and Equal Opportunities
 - . Ministry of Economy, Trade and Energy
 - . Ministry of Public Works and Transport;
 - . Ministry for Local Government and Decentralization
 - . Ministry of Finance;
 - . Ministry of Education and Science;
 - . Ministry of Foreign Affairs
 - . Ministry of Justice
 - . Institute of Public Health
 - . Agency for Environment and Forestry
 - . Institute for Food Safety and Veterinary
 - . Center for Drugs Control
 - . Authority of Governmental Control of Exports
 - . Hospital Center for Toxicology
 - . University of Tirana, Faculty of Natural Sciences
 - . Agricultural University of Tirana, Department of Plant Protection
 - . NGO- Chemicals and Waste Management
 - . REC-Albania Regional Environmental Center
 - . NGO - Ekomjedisi Durres

Roles of NICCM

8. **NICMM shall facilitate cooperation among Government ministries, departments and agencies** which have a mandate over chemicals management. It shall, additionally, provide a forum and a mechanism for **coordination of the functions** of government ministries, departments and agencies concerned with chemicals management as well as non-governmental organizations, as recommended in the SAICM Overarching Policy Strategy (OPS) and Global Plan of Action(GPA).
9. NICCM, when requested by the members, shall address issues of **overlap, duplication and potential conflict** between the agencies which have a mandate over chemicals management, which raise policy concerns and whose resolution might ultimately require amendment to the laws related to chemicals management and hazardous waste.
10. Another key function of NICCM would be to promote and provide **a forum for policy dialogue** among government ministries, agencies and non-governmental stakeholders on the identification of gaps in the policy and legal framework inadequate human, technical and financial resources.

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ⁱ The mentioned institutions, agencies and organizations are just as example and orientation. The concrete institutions, agencies and organizations are to be specified in the relevant DCM



11. NICCM would serve as a **network for information exchange** among the members of the mechanism. Presently, ministerial mandates are sectoral in nature and there is limited flow of information horizontally. NICCM would identify the categories of data whose unrestricted exchange among members of the mechanism should be encouraged and other categories of data which might be restricted on confidentiality grounds *or be made available only at a cost to the user*.
12. NICCM would act as a forum for consultation among government agencies and non-government agencies on proposed action by a mandated agency in regard to applications for registration and permits for import, export, manufacture, use and storage of chemicals and pesticides.
13. Through NICCM value addition can be encouraged and facilitated so that the decision making process is enriched by contributions from members of the mechanism, who are likely to comprise the experts on issues of chemicals management. The networking encouraged by the mechanism would also facilitate identification of experts (nationally and internationally) who can contribute and add value to the decision making process. The practice can be encouraged that before major policy decisions are taken and before permits in respect of certain key applications are granted, the NICCM must be consulted and its input sought.
14. NICCM can mediate, when requested to do so, between government ministries and agencies and facilitate resolution of conflicts arising from non-compliance by government agencies. It would provide mechanisms for facilitating compliance without the need to resort to enforcement action, for instance by promoting benchmarking, peer review mechanisms and internal dialogue to promote compliance.
15. NICCM would promote synergy in the implementation of international agreements on chemicals.
16. The NICCM will review periodically and, if necessary, will update the National Profile on Chemicals Management

Organizational and operational issues

17. The Ministry of Environment, Forestry and Water Administration will provide the secretariat functions for NICCM.
18. The Committee will be chaired by the appointed representative from the Ministry of Environment, Forestry and Water Administration, and a board composed by the representatives appointed by Ministry of Health, Ministry of Agriculture, Food and Consumer's protection and Ministry of Economy Trade and Energy.
19. The appointed representative from the Ministry of Environment, Forestry and Water Administration is responsible for the general running of the secretariat and the official representation in different national fora.
20. The member ministries/agencies nominate formally their representatives to NICCM, with the request of Minister of Environment or voluntarily. The nominations are sent to the NICCM secretariat.
21. With the proposal and under the supervision of the chair, the secretariat plans,

coordinates and monitors all NICCM related activities, including distributing of agenda, attending the meetings, preparing minutes and reporting the recommendations. The secretary is responsible that the agenda of the meeting is made available to all the members in good time before the meeting.

22. A meeting is convened if more than 50% of the members are present.
23. The meeting recommendations shall be decided by consensus, where possible. Where consensus is not achieved, recommendations shall be decided by simple majority vote. In case of a tied vote, the chair shall be entitled to a second or casting vote.
24. NICCM may decide (by consensus or majority vote) to ask parties who are not members of the committee to participate in a meeting, so that they can provide relevant information, material or knowledge to NICCM.
25. For specific technical issues, *ad hoc* issue specific working groups can be set up, with the decision of the Committee. NICCM secretariat will provide secretariat functions for all working groups.
26. The secretariat reports within four weeks of each NICCM meeting the outcomes and recommendations of the meeting to all the NICC members, depending of the level of the meeting.
27. Meetings will be held periodically but, in any case, at least once in every 6 months. The secretariat may organize a meeting of the NICCM when it is consensus of at least three members of the NICCM that it is necessary to do so.
28. No member of the NICCM may participate in a discussion where such participation would give rise to a potential conflict of interest.

Financial considerations

29. The secretariat takes care for the venue and other logistics for NICCM meetings. The participation in the meetings is at the expenses of its members.

Endorsement

30. The NICCM functions based on a *Decision of Council of Ministers*, which will derive by the Law on Chemicals (to be revised in 2013)