L.N. 328 of 2002

ENVIRONMENT PROTECTION ACT 2001
(ACT NO. XX OF 2001)

Chemicals Co-ordinating Committee Regulations, 2002

BY virtue of the powers conferred by article 9 of the Environment Protection Act, the Minister of Home Affairs and the Environment has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Chemicals Co-ordinating Committee Regulations, 2002.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

Objective.

2. The objective of these regulations is to set up a committee with the aim to achieve a holistic multi-partite approach for the implementation of the Regulations on Export and Import of Dangerous Chemicals, 2002, and for the management of all chemicals affecting the environment..

Definitions.

3. In these regulations, unless the context otherwise requires:

"Minister" means the minister responsible for the environment;

"Chairman" means the Chairman of the Committee ;

"competent authority means the Chemicals Co-ordinating Committee;

"main regulations" means the Regulations on the Export and Import of Dangerous Chemicals 2002;

"chemicals" means chemical substances or preparations;

"chemical substances" means chemical elements and their compounds in the natural state or obtained by any production process, including any additive necessary to preserve the stability

of the products and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

"preparations" means mixtures or solutions composed of two or more substances;

"placing on the market" means making available to third parties, whether in return for payment or free of charge;

"management" means the production, manufacture, transport or storage of chemicals and the ultimate fate into the environment;

"committee" means the Chemicals Co-Ordinating Committee.

Any other terminology shall be understood to have the same meaning ascribed to it under the main regulations.

Interpretation.

4. (1) The Chemicals Co-ordinating Committee shall be established under these regulations and shall be referred to as the committee.

(2) The Committee shall be the National Competent Authority for regulating the export, import of dangerous chemiclas and the placing on the market of any chemicals referred to in the main regulations and matters related thereto.

National Competent Authority.

5. The Competent Authority shall ensure that the conditions of procedure for the grant of the permit and compliance monitoring shall be fully coordinated, in order to guarantee an effective integrated approach by all authorities competent for this procedure.

Composition and terms of reference of the Chemiclas Coordinating Commitee.

6. (1) The composition and terms of reference of the Committee shall be as respectively shown in Schedules I and II to these regulations.

(2) The Minister shall apoint a Board Secretary to the committee.

(3) The members of the Committee shall be so appointed for a term of three years:

Provided that the Chairman and the other members of the Committee may resign their office at any time by giving notice in writing to the Minister, and the Minister may at any time remove the Chairman and, or any of the members of the Committee on grounds of disability to perform their functions, of bankruptcy or neglect of duty.

(4) Without prejudice to any of these regulations, the Committee may regulate its own procedures and meetings.

Sub-committees

7. The Chairman may set up any other sub-committee to assist the Committee as it may deem necessary.

Permits.

8. (1) Any person requiring any permit under the main regulations, shall submit the notifications for a permit to the Competent Authority.

(2) The Competent Authority shall authorise the granting of any permit and the registration of any dangerous chemicals, under the main regulations, through the Malta Environment and Planning Authority.

(3) The Competent Authority may decide to forward the notification to any other public entity for consultation before finalising its rulings and recommendations .

(4) The Competent Authority shall forward its rulings to the Customs Department who will be responsible for implementing these rulings.

SCHEDULE I

Composition of Chemicals Co-ordinating Committee

The Chemicals Co-ordinating Committee shall consist of:

(a) A public officer designated by the Minister responsible for environment protection, who shall act as Chairman.

(b) A public officer responsible for Customs, designated by the Minister responsible for finance.

(c) A public officer responsible for public health, designated by the Minister responsible for public health.

(d) A public officer responsible for occupational health and safety, designated by Chairman .

(e) A public officer responsible for agriculture and fisheries , designated by the Minister responsible for agriculture and fisheries.

(f) A public officer, designated by the Chairman Malta Standards Authority.

(g) A public officer designated by the Chairman Malta Resources Authority.

(h) A public officer designated by the Civil Protection Department under the Ministry for Home Affairs and the Environment.

(i) A public officer designated by the Chairman and the Malta Environment and Planning Authority.

(j) Any other representative as required by the Competent Authority.

SCHEDULE II

The terms of reference of the Chemicals Co-ordinating Committee shall include:

(a) Management of chemicals affecting the environment.

(b) gathering of information from the local exporter and notifying the respective country where such export is intended to take place;

(c) evaluating the risks of chemicals without prejudice to other provisions adopted;

(d) ensuring that each exported chemical has its relevant EC Export Reference Number;

(e) setting up an information system on chemicals and the protection of health and the environment;

(f) receiving and sending notifications on the importation/exportation of chemicals from other States;

(g) forwarding notification for distribution to other competent authorities in other States;

(h) propose and advise upon the appropriate legal and administrative framework to implement the main regulations.

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