

## ACTIVITIES IN EUROPE

### LEGISLATIVE AND NON-LEGISLATIVE ISSUES OVER THE NEXT 3 YEARS

#### 2003 to 2006

#### Part 1 Legislative Issues

Issue/Lead Department	Current Position	Next Steps	Ministerial Involvement	Contact
<b>New European Chemical Strategy (NECS)</b> – A major redesign of the regulatory framework for chemicals. HSE is heavily involved in the chemical assessment schemes that NECS will replace. DEFRA has the lead.	Draft proposals have been the subject of internet consultation and Commission is now reflecting on comments. Final text due for publication Oct/Nov.	Subject to publication of proposals. Negotiations may start Dec onwards.	Minister to be kept informed and will be asked to approve negotiating position through Cabinet European Policy Committee (EP) consultation (DEFRA Minister lead).	G Tompkins, Chemicals & Flammables Policy Division 6
<b>Indicative Occupational Exposure Limit Values (IOELVs) 2<sup>nd</sup> Directive</b> – Routine amendments to a Commission Directive adding/removing new substances and legal references. HSE lead	Commission failed to secure agreement on draft proposals in June and further attempt will be made in September.	Technical Progress Committee early Sept.	Voting line already agreed by Minister.	R Pedersen, Chemicals & Flammables Policy Division 6
<b>29<sup>th</sup> Adaptation to Technical Progress to Dangerous Substances Directive</b> HSE lead	Firm proposal awaited.	Voting meeting later in 2003 – date uncertain.	Voting line to be agreed with Minister.	Ravi Govin, Chemicals and Flammables Policy Division 6
<b>2<sup>nd</sup> Review Regulation on Biocidal Products</b> – Review Regulations govern the review of active substances already on the market before May 2000. HSE Lead	The Standing Committee on Biocidal Products voted at a meeting on 11 June 2003 in favour of adopting the 2 <sup>nd</sup> Review Regulation. Expected to be published in the Official Journal in September.	Proposed date for 2 <sup>nd</sup> Review Regulations to come into force: September/October 2003. Probable 3 <sup>rd</sup> Review Regulation which supports the ten year review of existing active substances.	None required.	G Wiles, Chemicals & Flammables Policy Division 3
<b>Amendment to the Biocidal Products Directive</b> – Commission is considering amendment in several areas. UK supports these, which will clarify several areas of concern.	The Commission announced in July 2002 that it was prepared to consider amending the Directive to clarify a number of important scope issues. MS broadly supported and proposed further areas. The list includes: data protection, authorisation for use (without placing on the market),	A working group has been established to consider the issues on minor uses in consultation with industry/MS and report to Commission on the way forward.	Normal scrutiny action when proposals formalised.	G. Wiles, Chemicals & Flammables Policy Division 3

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	definitions especially of active substance/biocidal product, exclusions especially for cosmetics, imported articles/basic substances, minor uses and updating Annex V.			
<p><b>Physical Agents Directive – Electro-Magnetic Fields (EMFs)</b> – Indications are that this proposal will not have a significant effect on the UK health and safety system.</p> <p>HSE Lead</p>	The Greek Presidency provided a progress report to the European Council meeting on 3 June 2003 – a Common Position is still to be agreed and discussions are continuing under the Italian Presidency.	The Italian Presidency is keen to reach agreement during their term. A Directive on Optical Radiation is expected to follow, possibly under the Irish Presidency (1 Jan – 30 June 2004).	An EM will be produced after the European Parliament has considered Council Common Position.	K Marshall, Hazards & Technical Policy Division 2
<p><b>Physical Agents Directive – Optical Radiation</b> – Early indications are that this proposal will not have a significant effect on UK health and safety system as it is expected that the limits set by proposed Directive will mirror current international standards.</p>	Firm proposal awaited – it is expected to follow shortly after the completion of the EMF Directive.	Either the Dutch or Luxembourg Presidency is expected to take proposal forward.	Minister will need to be asked to approve negotiation line.	Mike Shepherd/Norman Smith, Hazards & Technical Policy Division 2
<p><b>Machinery Directive (Essential Health and Safety Requirements (EHSR))</b> – Consist of improvements designed to simplify and clarify the existing Directive.</p> <p>DTI lead on negotiations HSE to implement regulations</p>	On 11 February the European Commission published their response to the European Parliament’s suggestion for amendments to the Directive in the Official journal. The European Commission is expected to amend their proposal in the summer.	End of 2003 for European Commission revised text.	HSE will feed in comments on negotiating line to DTI, which will need to be cleared. The Ministers will also be consulted as part of the EP consultation process, which is cross-Whitehall.	M Wilson, Hazards & Technical Policy Division 3
<p><b>Draft EU proposed for a Nuclear Safety Directive</b> – This could have major implications for the HSE, including cost (both monetary and inspector resource). There are also issues around European Commission competence.</p> <p>DTI</p>	European Commission draft proposals published on 16 May 2003 after the Economic & Social Committee had delivered its’ opinion. UK, along with other Member States (MS), commented on the proposal in early June. Permanent Reps of MS met on 16 May. Much pressure by MSs for a Council Resolution or Recommendation rather than a Directive.	European Parliament is considering the text of the package and is due to give its view towards the end of the year or early next year. The package is also due to be discussed by the Atomic Questions Group during the Italian Presidency.	Responsibility for Nuclear Safety Policy lies with the Secretary of State Trade and Industry. However, the Minister will be kept informed of progress.	P Dickenson, Nuclear & Hazardous Installations Policy Division 4
<p><b>SEVESO II (Control of Major</b></p>	The European Parliament adopted its	Agreement was not reached	Agreement of Explanatory	D Bosworth, Nuclear &

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<b>Accidents Hazards</b> ) – The European Commission adopted a proposal on 10 December 2001 to amend the European Directive, Seveso II (96/82/EC), which makes a number of technical amendments to the existing Directive. HSE	second opinion on 18 June 2003, adopting ten amendments as proposed, modifying one and rejecting one.	between the European Parliament and the Council of Ministers for a second reading deal; this proposal will now be subject to the conciliation process.	Memorandum (EM) on final adopted text – September 2003.	Hazardous Installations Policy Division
<b>Major Hazards Pipelines</b> – The European Commission has indicated that it will be bringing forward a proposal for a European Directive.	The Commission has included this issue in its 6 <sup>th</sup> action programme.	<i>Action not foreseen before 2004</i>	Anticipated that DEFRA, DTI, ODPM and devolved administrations will be involved.	D. Bosworth, Nuclear & Hazardous Installations Policy Division
<b>Draft EU proposal for Directive on the management of waste from the extractive industries</b> ODPM lead.	European Commission published proposals for a draft Directive on 2 June 2003.	Not clear at this stage.		A Miller, Hazardous Industries Policy Division 1
<b>The Second Railways Package</b> – consists of 5 legislative proposals including the Railway Safety Directive. The package is related to the Common Transport Policy and does not therefore deal directly with worker safety but the harmonisation of railway safety regimes across the EU railway safety generally (worker safety is covered in the recitals). DfT lead.	The proposals reached Common Position, on 30 June 2003 and has been sent to the European Parliament for Second Reading.	The Italians are taking this issue forward and aim to get adoption by 2004.	Any resulting legislation will be implemented by DfT with HSE involvement.	L McDaid, Railway Policy & Cullen (RP3)
<b>EU Directives on the transport of dangerous goods by road and rail</b> – There is a rolling two-yearly cycle of amending Directives to update requirements on the transport of dangerous goods to take account of technological developments. DfT lead, HSE in support. HSE implement regs under HSWA.	Currently working on implementing the 2003 amending Directives (should be in place Spring 2004). Next set of amending directives due to be implemented by 1/7/05.	Implement 2003 amending Directives by Spring 2004. Prepare for 2005 updates.	DfT advise their Ministers who sign the regulations, side copied to DWP Ministers.	E. Bailey, Transport Safety Policy Division
<b>Proposed Directive on Train Driver Licensing.</b>	Draft still being developed and consulted by European Commission.	Expect formal draft to be published in late 2003/early 2004. Negotiations will begin shortly afterwards.	DfT will lead and involve Ministers in agreeing negotiating strategy.	Peter Hornsby, Rail Policy and Cullen (CL3)/Leo McDaid, (RP3).

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<b>Part 2 Non-Legislative</b>				
<p><b>Psycho-social issues:</b> Stress, violence and bullying. EC pursuing through the Social Dialogue route.</p>	<p>The European Commission issued a consultation paper in February 2003 seeking views from the Social Partners on how best to tackle the effects of stress on health and safety at work.</p>	<p>HSE officials are undertaking informal discussions with UNICE and ETUC representatives to ensure the Social Partners' voluntary approach to work-related stress complements HSE's initiatives in this area. HSE officials are also liaising closely with DTI and UKRep to ensure that HSE interests are properly represented at all stages in the Social Dialogue process.</p>	<p>HSE officials will keep Ministers informed of key developments in the Social Dialogue process on work-related stress.</p>	<p>Paul McCormack, Better Working Environment Division 2.</p>
<p><b>EC Communication affecting inter alia market surveillance, safeguard clauses and CEA marking</b> Intention to issue proposals following recommendations of the review of New Approach Directives DTI lead on negotiations HSE potentially affected in implementing/enforcing some of the changes</p>	<p>EC issued Communication published on 7 May 2003. Negotiations underway to agree final text of the Communication.</p>	<p>Await proposals from the Commission.</p>		<p>Jane Soloman Hazards and Technical Policy Division 4.</p>
<p><b>Council Directive 98/81/EC (amending Directive 90/219/EEC) on the contained use of Genetically Modified Micro organisms (GMMs) – First European Competent Authority Meeting.</b></p>	<p>The Genetically Modified Contained Use Regulations 2000 implemented the 98/81/EC Directive. There are a number of issues that need discussion, in particular the application of the Directive to Clinical Trials involving GMMs.</p>	<p>DG Environment have indicated that a Competent Authority meeting will be organised this year.</p>	<p>None.</p>	<p>Liz Sawyer and Jim Neilson, Hazards and Technical Policy Division 1</p>
<p><b>Aarhus Convention (on access to information, public participation in decision making and access to justice in Environmental matters) Genetically Modified Organisms (GMO) Working Group.</b> HSE is leading on Contained Use issues as part of a DEFRA lead negotiation</p>	<p>The inclusion of GMO Contained Use activities within the Scope of this Convention would impose a heavy bureaucratic burden with little health, safety or environment gain. HSE has ensured minimal impact of contained Use activities in the voluntary guidelines that have been produced in</p>	<p>Next meeting of GMO Working Groups is planned for October 2003. HSE will work to limit the impact on Contained Use activities.</p>	<p>DEFRA Ministers have overall responsibility for deliberate release of GMOs. HSE has responsibility for the Contained Use of GMOs. DEFRA officials are leading the delegation. A meeting of the parties</p>	<p>Liz Sawyer, Hazards and Technical Policy Division 1</p>

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team.	October 2002. Attention has now turned to looking at legally binding option. The scope of these could have a major impact Contained Use activities in the UK.		(Ministers) will take place in 2004 to consider the way forward.	
<b>Competent Authority Meetings under Dangerous Substances Directive</b>	6 monthly cycle of meetings exploring policy issues associated with MS application of Directive.	Next meeting Rome, November 2003.	None.	Bob Warner, Chemicals and Flammables Policy Division 6
<b>Joint Convention on Spent Fuel and Radioactive Waste Management.</b> DEFRA lead.	The Conventions first Review Meeting takes place in November 2003. HSE is currently assessing other countries' national reports against the Convention's reporting Requirements.	HSE will reply to questions from other countries on how we regulate the safety of spent fuel and radioactive waste and present the information at the Review Meeting. Health and safety policy issues are likely to arise during the review.	DEFRA lead with significant DTI interest.	P. Dickenson, Nuclear & Hazardous Installations Policy Division.
<b>Convention on Nuclear Safety</b> DTI lead.	Member States are considering changing national report to reflect more closely relevant IAEA safety standards. This will lead to direct comparisons between different countries' reports, which is difficult at present.	The next UK report needs to be sent to the Convention secretariat by September 2004. As a result drafting of the report will need to start at the beginning of 2004, with a template based on the IAEA standards available for Departmental comment by the end of 2003.	DTI lead with DEFRA interest.	P. Dickenson, Nuclear & Hazardous Installations Policy Division