

Health and Safety Executive Board		Paper No: HSE/08/26	
Meeting Date:	17 July 2008	FOI Status	Partially closed
Type of Paper:	Below the line	Exemptions: Paragraph 8 (part) - Section 35: Formulation of Government Policy Paragraphs 11-14 (parts) - Section 27: International Relations	
Trim reference:	2008/252470		
<b>HSE's EU Work: update on its priority dossiers and infraction cases</b>			

### Purpose of the paper

1. To update the Board on the current state of play of HSE's priority European Union (EU) dossiers and infraction cases.

### Background

2. Prior to the merger, the Health and Safety Commission (HSC) and the Health and Safety Executive (HSE) had distinct roles in the conduct of EU work. The HSC was responsible for the approval of negotiating strategies, while HSE, along with UKRep, was responsible for conducting EU negotiations and for responding to infractions.
3. The new Board is now more directly responsible for the delivery of HSE's EU Work. This includes, for example, being accountable to Ministers for (a) the conduct of EU negotiations, (b) the correct transposition of EU legislation and (c) responding to infraction cases being brought by the European Commission (EC).
4. The new Board will therefore wish to be kept up to date with progress on the UK's priority EU health and safety dossiers and the health and safety infraction cases which are currently active against the UK.
5. It is the intention to update the Board on these matters every six months.

### Argument

#### EU Health and Safety Dossiers

6. EU health and safety legislation falls across a number of areas; social policy, protection of the environment, maintaining and completing the internal market and energy policy (primarily nuclear related). This means HSE has responsibility for a wide range of EU health and safety dossiers, which if not handled well can have serious consequences for effective regulation and for HSE's reputation in government. The following paragraphs contain updates on the UK's current priority health and safety dossiers. A fuller list of active dossiers is at Annex A.

#### Priority dossiers - pre-proposal stage:

7. EC Initiative on Needlestick Injuries – currently subject to Social Dialogue (extended 2<sup>nd</sup> stage):

In December 2006, the EC launched a social partners' consultation on whether an EU initiative was needed to strengthen the protection of healthcare workers from blood borne infections due to needlestick injuries. HSE officials and NHS employers believe that this initiative is unnecessary as legislation and guidance already exists to protect workers. We have communicated this to the EC. Both stages of social dialogue failed to produce an agreement, leaving the EC with the option to bring forward a legislative proposal. The EC, however, has extended social dialogue as it believes a sectoral agreement might still be possible. HSE officials support this move. The EC has

indicated that it may propose legislation if social dialogue fails again. More detailed information on this initiative will be provided to the Board in a future paper.

#### **Priority dossiers - proposal stage:**

8. **Proposal for a Decision of the European Parliament and Council as regards restrictions on the marketing and use of Dichloromethane – currently in the Council Working Party on Technical Harmonisation (Dangerous Substances) and with European Parliament’s Environment, Public Health and Food Safety Committee:**

The EC is proposing a general ban on the placing on the market of dichloromethane based paint-strippers for supply to the general public or to professionals, and additional workplace controls for the use of these products in industrial premises.

9. **Proposal for an EC Regulation on the Classification, Labelling and Packaging of Substances and Mixtures – draft legislative resolution before the European Parliament:**

This proposal will establish the United Nations Globally Harmonised Systems for the classification, labelling and packaging of substances and mixtures in the EU – this will be a directly acting Regulation which will not require implementation but domestic enforcement regulations will be required. The UK negotiating strategy was approved by Ministers in September 2007. Discussions in Council are broadly concluded, and negotiations between the Council and the Parliament are in progress. It is anticipated that the Regulation will be formally adopted under the French Presidency later this year.

#### **Infractions**

10. Infraction proceedings are confidential matters between the EC and Member States, however the EC began in June 2008 to publish limited case details (reference number, title and stage of proceedings) with the implication being that the public can now see which cases are currently underway against the UK. Updates on the three active health and safety cases plus information on a linked case are in the paragraphs below.

#### **Active cases:**

11. **Article 226 Letter on Directive 98/81/EC on the Contained Use of Genetically Modified Organisms**
12. **Article 226 Reasoned Opinion on Directive 2006/8/EC on Dangerous Preparations**
13. **Article 226 Reasoned Opinion on Directive 2006/15/EC establishing a 2<sup>nd</sup> List of Indicative Occupational Exposure Limit Values**

#### **Linked case:**

14. **Pre-Article 226 Letter on Directive 2003/105/EC on the Control of Major Hazards involving Dangerous Substances**

#### **Consultation**

15. Policy Teams with active dossiers, LAO, PFPD and Communications Directorate.

### **Financial/Resource Implications for HSE**

16. The annual full staff cost (in policy group) for work on HSE's current EU dossiers is estimated at around £2.1m and this will be met from the existing budget allocation. This is based on the assumption that for those involved, EU work constitutes most of their activity. It is anticipated that costs will remain at about the same level for the rest of the SR 2007 period.

### **Action**

17. That the Board notes the contents of this paper. Subject to any views of the Board, an update on these matters will be provided in six months time.

### **Paper clearance**

18. This paper was prepared by Stephen Taylor and was cleared by the Senior Management Team on 2 July 2008.

## ANNEX A

### EU HEALTH AND SAFETY DOSSIERS

#### ON THE HORIZON:

<b>Initiative on 3<sup>rd</sup> List of Indicative Occupational Exposure Limit Values (IOELVs)</b>	
<b>Current status:</b> The EC's Advisory Committee on Safety and Health at Work has voted on its opinion on a draft Commission Directive establishing a 3rd list of IOELVs under Directive 98/24/EC on Chemical Agents.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

  

<b>Initiative on Musculoskeletal Disorders</b>	
<b>Current status:</b> The EC is currently carrying out an Impact Assessment on the socio-economic impact of a range of policy options that will decide the next step for the initiative.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Neville Higham, MSD Programme, 0207 717 6831, <a href="mailto:neville.higham@hse.gsi.gov.uk">neville.higham@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

  

<b>Initiative on Carcinogens and Mutagens</b>	
<b>Current status:</b> The second stage of social dialogue on potential amendments to the Carcinogens and Mutagens Directive (2004/37/EC) ended without an agreement. The EC is currently deciding on the next step for the initiative.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

<b>Initiative on Needle Stick Injuries</b>	
<b>Current status:</b> The EC has extended the second stage of social dialogue to see if a sectoral agreement is still possible. The EC has indicated that it may pursue a legislative option if social dialogue fails again.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Delyth Dyne, Specific Interventions, 020 7717 6234, <a href="mailto:delyth.dyne@hse.gsi.gov.uk">delyth.dyne@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

### PRE-PROPOSAL STAGE:

<b>Proposed amendment of Electromagnetic Fields Directive (2004/40/EC)</b>	
<b>Current status:</b> The 4 year delay in the implementation of the directive has been adopted. It is anticipated that the EC will publish, during the summer, a tender for an Impact Assessment to develop policy options to decide the next steps for the directive.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Malcolm Darvill, Specific Interventions, 020 7717 6182, <a href="mailto:malcolm.darvill@hse.gsi.gov.uk">malcolm.darvill@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

<b>Proposed revision of Biocidal Products Directive (98/8/EC)</b>	
<b>Current status:</b> The EC has held a number of stakeholder workshops as means to begin looking at a revision of the directive. A proposal is expected late 2008.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Gill Smith, Corporate Specialist Division, 0151 951 4919, <a href="mailto:gill.fod.smith@hse.gsi.gov.uk">gill.fod.smith@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

<b>Proposed revision of Seveso II Directive (96/82/EC) – impact of GHS Regulation</b>	
<b>Current status:</b> The EC has established a technical working group to start looking at the implications of bringing GHS into the Seveso Directive. A proposal is not expected until late 2009	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Sandra Ashcroft, Specific Interventions, 0151 951 3531, <a href="mailto:sandra.ashcroft@hse.gsi.gov.uk">sandra.ashcroft@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft
<b>Proposed recast of Basic Safety Standards Directive (96/29/EURATOM)</b>	
<b>Current status:</b> The EC has asked the Working Party of its Article 31 Group of Scientific Experts to consider a recast of the directive. A proposal is not expected until late 2009.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Robert Parkes, Biological Agents & GMOs, 01245 70 6246, <a href="mailto:robert.parkes@hse.gsi.gov.uk">robert.parkes@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft
<b>Proposed simplification of Pressure Equipment Directives</b>	
<b>Current status:</b> The EC has decided that the review of the directive will not take place until 2010, after which next steps will be decided.	
<b>Lead Department and HSE contact</b>	<b>BERR</b> SCS Lead – Dr Elizabeth Gibby HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft

## UNDER NEGOTIATION:

<b>Regulation on Existing Substances (No. 793/93) – Risk Assessment and Risk Reduction Strategies</b>	
<b>Current status:</b> The UK is working to complete Risk Reduction Strategies for four outstanding substances before the regime folds and is replaced by REACH. The Strategies are due for completion by 1 December 2008.	
<b>Lead Department and HSE contact</b>	<b>HSE (UK Competent Authority)</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS lawyer – Stephen Amos
<b>Dangerous Substances Directive (67/548/EEC) – 31<sup>st</sup> Adaptation to Technical Progress (ATP)</b>	
<b>Current status:</b> This should be taken into GHS so there will be no need for the UK to implement the 31 <sup>st</sup> ATP. However enforcement regulations will be needed for GHS.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 0207 717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos
<b>Marketing and Use Directive (76/769/EEC) – Restrictions on marketing and use of Dichloromethane</b>	
<b>Current status:</b> The EC has published a proposal to restrict the marketing and use of Dichloromethane based paint-strippers. This is currently in the Council Working Party on Technical Harmonisation (Dangerous Substances) and with the European Parliament's Environment, Public Health and Food Safety Committee.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 0207 717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

**Proposed Regulation on Globally Harmonized System (GHS) on Classification, Labelling and Packaging of Chemicals**

**Current status:** Council negotiations began in July 2007. Discussions in the Council are broadly concluded, and negotiations between the Council and the Parliament are in progress, with a view to securing a First Reading deal in September 2008. This would lead to adoption towards the end of 2008.

<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos
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**Proposed Regulation reviewing the New Approach Directives that set out the essential requirements which must be met before products can be sold in the UK or elsewhere in the European Community**

**Current status:** Recently adopted at the June 2008 Agriculture Council.

<b>Lead Department and HSE contact</b>	<b>BERR</b> HSE SCS Lead – Dr Elizabeth Gibby HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft
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**Proposed Regulation on Mutual Recognition of Goods in the European Union**

**Current status:** Recently adopted at the June 2008 Agriculture Council.

<b>Lead Department and HSE contact</b>	<b>BERR</b> HSE SCS Lead – Dr Elizabeth Gibby HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft
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**Proposed Regulation on Community Statistics on Public Health and Health and Safety at Work**

**Current status:** This regulation should be adopted under the French Presidency.

<b>Lead Department and HSE contact</b>	<b>ONS</b> HSE SCS Lead – Jenny Eastabrook/Elizabeth Hodkinson HSE Policy Lead – Francis McGuigan, Enforcement Policy Unit, 020 7717 6423, <a href="mailto:francis.mcguigan@hse.gsi.gov.uk">francis.mcguigan@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos
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## UNDER IMPLEMENTATION:

<b>Artificial Optical Radiation Directive (2006/25/EC)</b>	
<b>Current status:</b> The directive was adopted on 27 April 2006 and member states have until 27 April 2010 to implement the directive. HSE has begun work on transposing the directive by the deadline.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Les Philpott Policy Lead – Malcolm Darvill, Specific Interventions, 020 7717 6182, <a href="mailto:malcolm.darvill@hse.gsi.gov.uk">malcolm.darvill@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos
<b>EC Regulation concerning the import and export of dangerous chemicals</b>	
<b>Current status:</b> The regulation was adopted at the Environment Council meeting on 5 <sup>th</sup> June. HSE is working on regulations to enforce the measure in the UK.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos
<b>EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH)</b>	
<b>Current status:</b> The regulation came into force on 1 <sup>st</sup> June 2007. HSE continues to work with DEFRA, who have the policy lead on REACH, on developing regulations to enforce the measure in the UK and on communication materials for stakeholders.	
<b>Lead Department and HSE contact</b>	<b>HSE (UK Competent Authority)</b> HSE SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos
<b>Dangerous Preparations Directive (2006/8/EC)</b>	
<b>Current status:</b> HSE is currently consulting on draft regulations to transpose the directive by October this year.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 020 7717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

<b>Dangerous Substances Directive (67/548/EEC) – 30<sup>th</sup> Adaptation to Technical Progress (ATP)</b>	
<b>Current status:</b> This should be taken into GHS so there will be no need for the UK to implement the 30 <sup>th</sup> ATP. However enforcement regulations will be needed for GHS.	
<b>Lead Department and HSE contact</b>	<b>HSE</b> SCS Lead – Steve Coldrick Policy Lead – Robin Foster, International Chemicals Unit, 0207 717 6990, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos
<b>Machinery Directive (2006/42/EC)</b>	
<b>Current status:</b> BERR is currently working on measures to implement the directive in the UK.	
<b>Lead Department and HSE contact</b>	<b>BERR</b> HSE SCS Lead – Dr Elizabeth Gibby HSE Policy Lead – Phil Papard, STSU, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> SCS Lawyer – Caroline Croft
<b>Services Directive (2006/123/EC)</b>	
<b>Current status:</b> BERR is currently working on measures to implement the directive in the UK.	
<b>Lead Department and HSE contact</b>	<b>BERR</b> HSE SCS Lead – Jenny Eastabrook/Elizabeth Hodkinson HSE Policy Lead – Francis McGuigan, Enforcement Policy Unit, 020 7717 6423, <a href="mailto:francis.mcguigan@hse.gsi.gov.uk">francis.mcguigan@hse.gsi.gov.uk</a> SCS Lawyer – Stephen Amos

