

Health and Safety Executive Board		Paper No: HSE/11/20	
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Chief Executive's Report to the Board			

Ministerial announcement: Reforming Britain's Health and Safety System

1. On 21 March the Minister for Employment, the Rt Hon Chris Grayling MP, announced the next steps in the Government's plans for health and safety regulation in Britain. The main features comprise
 - Making more effective use of regulation by shifting the focus of health and safety activity away from businesses that do the right thing and concentrating on higher risk areas and dealing with serious breaches of regulation.
 - A review of health and safety regulation and legislation chaired by Professor Ragnar Löfstedt.
 - Reducing the number of proactive inspections of relatively low risk and good performing workplaces by one third, frequently poor advice to businesses from badly qualified consultants and a complex structure for regulation.
 - Recovering HSE costs from businesses who are found to be materially at fault (fee for intervention).
 - New charges for users of HSE's services:
 - Extending to the remainder of the high hazards / permissioning regimes
 - Introduction of fees for the land use planning services
 - Better support for low risk businesses in making their workplaces safe and healthy:
 - Launch of the Occupational Safety and Health Consultants Register (OSCHR)
 - Launch of the Health and Safety Made Simple website

Implications for the Japanese Earthquake for the UK and new nuclear build

2. HSE's Nuclear Directorate (ND) has monitored events in Japan closely through the Redgrave Court Incident Suite, to provide independent expert advice to the UK Government and to consider any immediate implications for the UK facilities. This is likely to continue for some time.
3. The nuclear regulatory standards in the UK ensure our nuclear power reactors are robust against all the external hazards that may be reasonably foreseen in the UK. Our reactors are of a different designs to those involved in the Japanese accident. ND has however initiated a confirmative check of all the

relevant protection systems for UK nuclear facilities, and will seek to examine the event in detail and learn lessons.

4. The Secretary of State for Energy and Climate Change, Chris Huhne MP, has asked Dr Mike Weightman, as Her Majesty's Chief Nuclear Inspector, to provide a report to the Government on the implications of the unprecedented events in Japan and the lessons to be learned for the UK nuclear industry. Dr Weightman's reports will be put in the public domain, with an initial version requested for mid-May and the final version in 6 months from now. They will be independent, evidence based, comprehensive, wide in scope and based on the best technical advice, with Dr Weightman taking input from stakeholders and from international with colleagues and organisations.
5. It is too early to say what the impact of the review will be on the timeframe for our work on the Generic Design Assessment (GDA) and site licensing, but ND will be discussing with the relevant industry stakeholders over the coming weeks. However, as a result of considering the implications from Japan the Programme Team is unlikely now to conclude on its initial GDA assessment in June 2011, as planned, and will take the necessary time to learn from what has happened in Japan and to address any learning points as it takes forward the assessment of the new reactors that may be built in the UK.
6. I support that stance on GDA, and I also support the view that the most important thing here is that we establish the facts of what is happening in Japan and take the time we need to learn any lessons.

Warwickshire firefighters' gross negligence manslaughter charges

7. On 28 February 2011, following a lengthy investigation into the fire at a vegetable packing factory in Atherstone on Stour, Warwickshire in November 2007 in which four firefighters died, the Crown Prosecution Service announced its decision to prosecute three managers of the Warwickshire Fire and Rescue Service for manslaughter by gross negligence. In addition it is prosecuting Warwickshire County Council under section 2 of the Health and Safety at Work Etc Act 1974 for failing to ensure the health and safety of its employees. The investigation was led by the police, with support from HSE inspectors.
8. The way those in charge of the building ensured the safety of their employees under the Regulatory Reform (Fire Safety) Order 2005 (RRO) was investigated by HSE. The RRO expressly does not apply to firefighters fighting a fire. HSE considered the actions of the owners of the building at the time of the fire, of those of the previous owners, and of the administrators who ran the factory for a short period until it was sold on.
9. The investigation under RRO was conducted in close co-operation with the police, who were investigating the deaths of the firefighters, and with the CPS. After careful consideration of all the evidence, HSE has come to the conclusion that there is insufficient evidence for a prosecution of any of the parties under the RRO. Those concerned were informed on 22 March 2011, shortly after the

decision had been communicated to the families of the four firefighters who died.

Report from National Audit Office to the Scottish Affairs Committee on HSE's work in Scotland

10. In October 2010, the Scottish Affairs Committee (SAC) commissioned a report by the National Audit Office on HSE's work in Scotland. The SAC has now decided to publish the NAO report and to invite views. It will inform HSE of the publication date in due course. Although it has not announced an inquiry as such, the Committee may decide to schedule a session to take oral evidence. HSE would be invited to that session.
11. The NAO report presents factual analysis of information supplied and, in the main, previously published by HSE. As well as highlighting established facts, the report presents a small number of key findings. HSE has challenged some of these observations in responding to the draft of the NAO report as the findings could prompt the misconception that HSE does not sufficiently tailor or target its work to address issues specific to Scotland.

Update on the Office of Nuclear Regulation

12. The Programme to set up ONR as an agency of HSE by 1 April is on track. The radioactive materials transport regulatory function currently situated in DfT is not now expected to transfer across until July in order to align with policy transfer to DECC.

Visit to HSE by Sir Gus O'Donnell

13. Sir Gus O'Donnell, Cabinet Secretary and Head of the Home Civil Service held a question and answer session for HSE staff at Bootle Town Hall on 28 March. His visit was part of a wider programme to discuss staff concerns in response to changes taking place across the Civil Service.

Staff Briefings – April/May 2011

14. Following the Minister's announcement on 21 March, a round of operational staff briefings will take place from early April to mid-May. The focus for the briefings will be the Minister's Review of Health and Safety Regulation, extension of cost recovery across HSE, plans for proactive inspections, an update on the Government's Common Sense – Common Safety Report and HSE's indicative budget for 2011-2015.

GEOFFREY PODGER

Operations

Fatality Details

Following a recommendation made by the Information Commissioner, HSE extended its policy to include the names of the deceased and additional details on these fatal incidents on our webpages. Accordingly, since 1 April 2009, the names of the deceased plus additional details may be viewed at:

<http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>.

To ensure that details are not released prior to inquest, HSE delays publication until at least one month from the date of notification to HSE has elapsed. Occasionally owing to a period of latency between an accident being reported and the death of the injured person, details of incidents that occurred prior to the current reporting period may be included in the statistics.

Since the last update to the HSE Board in February, 27 fatal accidents were reported to HSE under RIDDOR and are published on HSE's website. Please see [Annex 2](#) for details.

Significant Prosecutions for February 2011

- [Tullis Russell Papermakers Ltd](#) was fined £260,000 at Kirkcaldy Sheriff Court after a worker fell almost 50 feet through a fragile roof to his death. However, the case against the contractor remains under consideration by the Health and Safety Division of Crown Office and Procurator Fiscal Service.
- [EPR Ely Ltd](#) was fined £120,000 and ordered to pay £30,735 costs at Cambridge Crown Court when a driver suffered fatal injuries from a 700kg bale of straw which fell on to him.
- [Age Concern Westminster](#) was fined £10,000 and ordered to pay costs of £5,000 at The Old Bailey When an elderly woman died of her injuries after being thrown from a wheelchair.
- [Camden Council](#) was fined £72,000 and ordered to pay costs of £65,000 at Southwark Crown Court after the death of a toddler who was killed when sections of a boundary wall fell onto him.
- [Palms Row Healthcare Ltd](#) was £15,000 and ordered to pay costs of £14,472.02 by Sheffield Magistrates' Court after an elderly resident died after inadvertently drinking toilet cleaner.
- [Ian Nourish](#) was fined £20,000 and ordered to pay £5,076.30 costs at Market Harborough magistrates after a family friend was killed while helping out on his farm.
- [Russell Smith Limited](#) was fined at total of £5,000 and ordered to pay costs of £5,000 after a 22-year-old man died when a trench collapsed on him while

working on an extension of a house in Langdon Avenue, Aylesbury on 16 April 2008

- [O'Keefe Construction \(Greenwich\) Ltd](#) was fined £20,000 and ordered to pay costs of £6,329 at Sevenoaks Magistrates' after a teenager suffered horrific burns to his legs at its depot in Sevenoaks, Kent.
- [Nottingham City Council](#) was fined £30,000 and ordered to pay costs of £12,000 at Nottingham magistrates for failing to manage the risk of asbestos after around 150 people were exposed to the potentially lethal material at one of its depots.
- [Libra Demolition Ltd](#) was fined £1,500 and ordered to pay total costs of £10,000, during a joint HSE and Environment Agency (EA) prosecution at Worksop Magistrates' Court after failing to manage and monitor asbestos removal work at a site in Nottinghamshire.
- Cranswick Convenience Foods' operating company [Studleigh-Royd Ltd](#) was fined £14,000 and ordered to pay £8,387.70 in costs for repeated safety failings after two workers in Barnsley suffered severe injuries in separate incidents just three months apart.

FOI Requests made to HSE

There were 608 FOI requests in February 2011.

Events, Campaigns and Publications in February 2011

Report reveals fundamental management flaws lay behind [Buncefield disaster](#)

Fundamental safety management failings were the root cause of Britain's most costly industrial disaster, a new publication reveals. The report into the explosion and five-day fire at the Buncefield Oil Storage Depot in December 2005 tells for the first time the full story of the Health and Safety Executive (HSE) and Environment Agency's (EA) investigation. Drawing on previously unpublished material held back until the criminal prosecution was completed and the appeals processes exhausted.

Crown Censure

On 21 February 2011 [Dstl](#), an agency of the Ministry of Defence was censured over safety failings that led to the death of a Government scientist

Parliamentary Business

There were 24 PQs in February 2011.

Annex 2

The following table is an extract of all 2010/11 work-related deaths notified to HSE since the last update to the Board on 23 February 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 7 March 2011.

HSE's internet publication is the collated picture of 'as reported' information on fatalities. It does not purport to be a formal statistical release. Subsequent investigation may determine that some are not reportable under RIDDOR, for example deaths due to natural causes. Other deaths shown here may have been caused by gas incidents in the home. In such cases these deaths will not be counted in our statistics for workplace fatal injuries. Provisional quarterly figures for workplace fatal injuries are available from our latest

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	LA code	General Industry Sector	Detailed Standard Industry Classification (SIC)	SIC Code	Employment status
13/10/2010	Robert Dawe	61	The deceased was trapped under an overturned vehicle	Somerset	South Somerset	3325	Service	Maintenance and repair of motor vehicles	50200	Employee
20/10/2010	John Gray	81	The deceased fell over	Falkirk	Falkirk UA	9065	Service	Public sector hospital activities including NHS trusts	85111	Member of the public
20/11/2010	Richard Brufton	62	The deceased lost consciousness during a diving activity	Carnforth	Lancaster	2335	Service	Other sporting activities not elsewhere classified	92629	Member of the public
01/01/2011	William Stanley Bond	88	The deceased died from suspected carbon monoxide poisoning	Lincolnshire	West Lindsey	2535	Service	Private households with employed persons	95000	Member of the public
01/01/2011	Dorothy Bond	86	The deceased died from suspected carbon monoxide poisoning	Lincolnshire	West Lindsey	2535	Service	Private households with employed persons	95000	Member of the public
03/01/2011	James Alexander Fraser	46	The deceased was struck by a falling object	Orkney	Orkney	9000	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Self employed
07/01/2011	Andrew Dytiche	23	The deceased was struck by falling objects	Cheshire	Cheshire East UA	670	Construction	Construction	45210	Employee
11/01/2011	Ross Findlay	49	The deceased was struck by falling object	Dumfries & Galloway	Dumfries & Galloway UA	9058	Agriculture	Growing of crops combined with farming of animals (mixed farming)	01300	Employee
11/01/2011	Travis Hale	45	The deceased was struck by a falling object	Derbyshire	Bolsover	1010	Service	Freight transport by road not elsewhere classified	60249	Employee
11/01/2011	Michael Whinfrey	42	The deceased was struck by an object during an explosion	Yorkshire	Rotherham	4415	Service	Wholesale of waste and scrap	51570	Employee
15/01/2011	Paul Stephenson	61	The deceased fell from height	Hull	Hull City UA	2004	Construction	Erection of roof covering and frames	45220	Self employed
17/01/2011	James Spencer	72	The deceased fell from height	Manchester	Bury	4210	Service	Public sector hospital activities including NHS trusts	85110	Member of the public
18/01/2011	Armand Jonathan Meguer	54	The deceased fell from height	Bromley Kent	Bromley	5180	Service	Architectural activities	74201	Self employed
19/01/2011	David Barker	48	The deceased was struck by a falling object	Galashiels, Scottish Borders	Borders UA	9055	Manufacturing	Slaughtering of animals other than poultry and rabbits	15111	Employee
20/01/2011	Peter Leeman	64	The deceased was trapped by a vehicle	Hull	Hull City UA	2004	Service	Maintenance and repair of motor vehicles	50200	Employee
21/01/2011	George Major	50	The deceased died after coming into contact with machinery	Nottinghamshire	Mansfield	3025	Manufacturing	Manufacture of man-made fibres	24700	Employee
21/01/2011	Daniel Hazelton	30	The deceased was crushed in a collapsed excavation	Great Yarmouth	Great Yarmouth	2615	Construction	Construction	45213	Employed by other
21/01/2011	Tomas Hazelton	26	The deceased was crushed in a collapsed excavation	Great Yarmouth	Great Yarmouth	2615	Construction	Construction	45213	Employed by other
21/01/2011	Peter Johnson	42	The deceased was crushed in a collapsed excavation	Great Yarmouth	Great Yarmouth	2615	Construction	Construction	45213	Employed by other
21/01/2011	Adam Taylor	28	The deceased was crushed in a collapsed excavation	Great Yarmouth	Great Yarmouth	2615	Construction	Construction	45213	Employed by other
22/01/2011	Tony Schulze	49	The deceased was crushed by a vehicle	Cheshire	Halton UA	650	Service	Freight transport by road not elsewhere classified	60249	Employee
25/01/2011	Michael Buckingham	58	The deceased was crushed by machinery	Wakefield	Wakefield	4725	Extractive/Utility	Deep Coal mines	10101	Employed by other
26/01/2011	Charlotte Kate Cole	23	The deceased fell and hit her head	Worcester	Wychavon	1840	Service	Activities of racehorse	92621	Self employed
27/01/2011	Emori Ratu	30	The deceased was crushed by metal structure	Weymouth	Weymouth & Portland	1235	Service	Defence activities	75220	Employee
28/01/2011	Edward Bingham	98	The deceased died following a fall	Kent	Swale	2255	Service	Nursing home activities	85113	Member of the public
30/01/2011	James Ingram	83	The deceased died after coming into contact with machinery	Aberdeenshire	Aberdeenshire UA	9052	Agriculture	Growing of crops combined with farming of animals (mixed farming)	1300	Member of the public
30/01/2011	William John Thom	62	The deceased was crushed by a vehicle	Aberdeenshire	Aberdeenshire UA	9052	Agriculture	Growing of crops combined with farming of animals (mixed farming)	1300	Self employed

APRIL 2011 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

This annex to the Chief Executive's Report provides the Board with a monthly update on progress with EU health and safety dossiers that HSE leads on for HMG or other dossiers that HSE has an interest in but not the lead. To help the Board keep track of developments, each dossier is either marked '**UNCHANGED FROM LAST BOARD UPDATE**' or '**NEW DEVELOPMENTS**'. For further information about this annex, please contact Stephen Taylor, EU Coordinator in HSE's International Unit (Tel: 020 7227 3830 or e-mail: stephen.taylor@hse.gsi.ov.uk)

SOCIAL DIALOGUE:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Social partners' consultation on environmental tobacco smoke	
Current status (NEW DEVELOPMENTS): The European Commission is considering whether there is a need for an initiative on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, and a second consultation is now underway. The Department of Health is leading on this with support from HSE.	
Lead Department HSE contact	DH HSE SCS Lead – Peter Brown HSE Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

Amending European OSH Directives to align them with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The old European scheme for the classification of chemicals will be fully replaced by the new European Regulation on the classification, labelling and packaging (CLP) of substances and mixtures by 2015. A number of Health and Safety Directives that classify chemicals according to the requirements of the old scheme need aligning with the CLP Regulation. As these Directives deal with health and safety requirements, the European Commission (EC) is required to consult the social partners on its plans. The first-stage of social dialogue occurred at the end of 2009 and a second-stage is due in the near future. The EC is also conducting an impact assessment of its plans to amend the Directives.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Draft social partners’ agreement on the prevention of health risks in the hairdressing sector

Current status (UNCHANGED FROM LAST BOARD UPDATE):
 The European social partners covering the hairdressing profession are currently negotiating a draft agreement on the prevention of health risks in their sector. The social partners have asked that any finalised agreement be submitted to the Council for a decision. The European Commission has informed the social partners that three tests will need to be satisfied before it does this for any future agreement. These concern the following; the text must be compatible with existing EU legislation, the representativeness of the social partner organisations must be confirmed, and there should be consideration on whether the self-employed need to be covered (research on this should be ready in 2011). HSE is monitoring the situation.

Lead Department	HSE
HSE contact	SCS Lead – Stephen Williams Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Social partners’ consultation on reviewing the Working Time Directive

Current status (UNCHANGED FROM LAST BOARD UPDATE):
 In September 2009, the European Commission (EC) announced its commitment to review the Working Time Directive, following the collapse of the previous round of negotiations in April 2009. The review process began with the first of a required two stage consultation of the European social partners between March and June 2010. In parallel, the EC began the process of preparation of an Impact Assessment to accompany any future proposal. The EC has now launched its second phase consultation of social partners, seeking their views on the content of envisaged action at EU level to amend the Directive. HSE has a role in enforcing the domestic regulation that transposes the original Directive.

Lead Department	BIS
HSE contact	HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, bernadette.cadman@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

PRE-PROPOSAL STAGE:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Future initiative on Ergonomics at Work	
Current status (NEW DEVELOPMENTS): The European Commission (EC) is working on an initiative to combine the Manual Handling and Display Screen Equipment Directives into a new directive on minimum health and safety requirements on ergonomics at work. The EC plans to discuss its interim report on this work with the Musculoskeletal Disorders Working Party of its Advisory Committee on Safety and Health at Work and its National Experts Group in March. The Commission has also opened a simple, on-line consultation seeking views on proposed options for the initiative. A potential legislative proposal is currently scheduled for late 2011.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Future revision of Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is drafting a legislative proposal to revise the delayed Electromagnetic Fields Directive. An accompanying impact assessment (IA) has been cleared by the EC's IA Board. The EC's Advisory Committee on Safety and Health at Work will also be asked for an opinion on the draft proposal before its formal publication. A legislative proposal is expected in April 2011.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Future initiative on Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has engaged a contractor to undertake an impact assessment to help decide the next steps for a potential future amendment of the Directive. The contractor is due to report by March 2011. A separate study considering the inclusion within the Directive of substances toxic for reproduction is due to start in early 2011. A legislative proposal may potentially appear in 2013.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton

	Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo
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ENVIRONMENT DOSSIERS:

Future recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) plans to put forward an amendment to the European Regulation on the Export and Import of Dangerous Chemicals. This would amend the Regulation to include references to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and set out the European Chemical Agency's future role in its implementation. The EC's proposal is expected in the near future.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

EURATOM DOSSIER:

Future recast of Basic Safety Standards Directive (96/29/EURATOM)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is currently working on a draft legislative proposal to recast the Directive. The accompanying impact assessment (IA) is currently being scrutinised by the EC's IA Board. A legislative proposal is likely later this year.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

ENTERPRISE AND INDUSTRY DOSSIERS:

Proposed simplification of Pressure Equipment Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission plans to conduct a future review of the Directive, with no decision taken yet on the timing.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778,

	david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean
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Proposed amendment of Pressure Equipment Directive to align it with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is currently developing a draft proposal to align Directive 97/23/EC with the European Regulation on the classification and labelling of chemicals. This would be under the same procedure as the proposed modification of the New Approach Directives in line with the European Regulation on Accreditation and Market Surveillance.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Future recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) plans to put forward a proposal to recast the Directive on the classification, packaging and labelling of dangerous preparations. This would amend the Directive to include references to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and include post-Lisbon comitology arrangements. The EC's proposal is expected in the summer.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) plans to put forward a proposal for a 3rd adaptation to technical progress of the European Regulation on classification, labelling and packaging of substances and mixtures. These will provide new or revised harmonised classifications for certain specified substances. The EC’s proposal is expected to be published soon.</p>	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has drawn up 10 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance and an accompanying Decision. It had hoped to have a single “Omnibus Directive” to cover all 10 Directives, however, this was not possible so separate amending directives will be processed but as a single package. Work has started on draft proposals with them currently out for comment. The directives being amended that are HSE’s responsibility to enforce include explosives for civil use, pressure equipment, lifts, low voltage and simple pressure vessels. The draft proposals are currently being considered in the relevant Commission working groups.</p>	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

ENERGY DOSSIER:

Future amendments to Offshore Oil and Gas Directives – including Directive 92/91/EEC which covers the minimum requirements for improving the safety and health of workers in the mineral-extracting industries through drilling

Current status (NEW DEVELOPMENTS):

The European Commission (EC) currently plans to put forward legislative proposals on the safety of offshore oil and gas activities by summer 2011. This follows the publication of the EC’s Communication on “Facing the challenge of the safety of offshore oil and gas activities” on the 13 October 2010. This document outlines the EC’s ideas to ensure that a disaster similar to the one in the Gulf of Mexico will never happen in EU waters and that the best practices existing in Europe should become the standard throughout the area. **The EC plans to consult on its proposals in Spring 2011.**

<p>Lead Department HSE contact</p>	<p>HSE and/or DECC (depends on the focus of the future proposal) SCS Lead – Steve Walker Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk SCS Lawyer – Abigail Dean</p>
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UNDER NEGOTIATION:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Proposed amendment of Pregnant Workers Directive (92/85/EC) on introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October. The EP's amended proposal has been sent to the Council, which is now considering it. The Hungarian Presidency expects to offer a progress report at the June meeting of the Employment, Social Policy, Health and Consumer Affairs.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed European Regulation to require member states to collect and provide health and safety statistics under the European Regulation on Community statistics on public health and health and safety at work (1338/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) has developed a proposal for an implementing regulation that will set out the exact nature of the data on accidents at work that member states must provide under the European statistical framework regulation introduced in 2008. The proposal, along with proposed certain derogations for the UK and other member states, was given a favourable opinion at the 18 November 2010 meeting of the European Statistical System Committee (on which the Office for National Statistics represents the UK). Provided there is no objection by the Council or European Parliament, it is expected that the EC will adopt the measure in March 2011.	
Lead Department HSE contact	HSE SCS Lead – David Riley Policy Lead – Simon Warne, Chief Scientific Adviser's Group, 0151 951 3335, simon.warne@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a Directive on control of major accident hazards. This would replace Directive 96/82/EC, as amended by Directive 2003/105/EC (otherwise known as the 'Seveso II' Directive). The proposal is designed to bring 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes.	
Lead Department HSE contact	HSE SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a European Regulation to replace the current Biocidal Products Directive. It aims to update and improve the existing Directive and it has been estimated that it will lead to savings of £135-£264m for UK businesses. On 20 December 2010, the Environment Council of Ministers reached political agreement on the proposed Regulation. It is anticipated that the Council and the European Parliament will reach a 2 nd reading deal in the autumn of 2011, so enabling the Regulation to come into force as planned on 1 January 2013. The Regulation will be directly applicable in member states and will not require transposition, although regulations may be required on enforcement and fees.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed amendment of Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (NEW DEVELOPMENTS): The European Commission has published further proposals to add substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and to remove one existing entry. These amendments are needed to reflect the inclusion of these substances into existing pesticides controls. There will be a vote on the proposals on 12 April. If agreed, and provided that there is no objection from the Council or European Parliament, they are expected to come into force in autumn 2011.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include abamectin, imidacloprid and 4,5-Dichloro-2-octyl-2H-isothiazol-3-one (DCOIT) in Annex I

Current status (NEW DEVELOPMENTS):

Abamectin, imidacloprid and DCOIT were subject to positive votes at the February 2011 meeting of the Standing Committee for Biocidal Products and will now be included in Annex I of the Biocidal Products Directive (BPD). Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. As such the inclusions are not expected to impose costs on businesses. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by the simple use of an ambulatory reference inserted into the definition of the BPD in the relevant national implementing Regulations so that Annex I inclusion Directives are automatically transposed.

Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean
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Proposed amendment of the Biocidal Products Directive (98/8/EC) to include copper (II) oxide, copper (II) hydroxide, basic copper carbonate and fipronil in Annex I

Current status (NEW DEVELOPMENTS):

Copper (II) oxide, copper (II) hydroxide, basic copper carbonate and fipronil will be subject to votes at the May 2011 meeting of the Standing Committee for Biocidal Products for inclusion in Annex I of the Biocidal Products Directive (BPD). Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. As such the inclusions are not expected to impose costs on businesses. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by the simple use of an ambulatory reference inserted into the definition of the BPD in the relevant national implementing Regulations so that Annex I inclusion Directives are automatically transposed.

Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean
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Proposed amendment of the Biocidal Products Directive (98/8/EC) to include creosote in Annex I	
<p>Current status (NEW DEVELOPMENTS): Creosote was subject to a vote at the 17 December 2010 meeting of the Standing Committee for Biocidal Products on its inclusion in Annex I of the Biocidal Products Directive (BPD), which would allow it to continue to be used in wood preservative biocidal products. There was no overall qualified majority (QM) at the committee vote stage, and so the issue has been referred to Council and the European Parliament (EP) under the regulatory procedure with scrutiny. The proposal was discussed at the 18 February meeting of the Environment Council Working Group (WG). From this, the Presidency concluded there was no QM in favour or against, and asked member states to submit any compromise proposals by 11 March, for discussion at the 29 March WG meeting. If there is no blocking majority in the Council or EP, the proposal will be adopted by the Commission as currently drafted.</p>	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

ENTERPRISE AND INDUSTRY DOSSIERS

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 2 nd Adaptation to Technical Progress	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): European Commission (EC) proposals to amend the technical criteria in the European Regulation on classification, labelling and packaging of substances and mixtures to incorporate the changes agreed in the 3rd revised edition of the United Nation’s Globally Harmonised System of classification and labelling of chemicals were agreed on 18 October. Provided there is no objection by the Council or European Parliament, they are expected to come into force in early 2011</p>	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The UK is required, under European Regulation No. 1272/2008, to appoint a competent authority for proposals for harmonised classification and labelling of chemicals and to be responsible for the enforcement of the obligations set out in the Regulation. HSE is looking at whether domestic regulations are required to establish the UK competent authority or whether this can be achieved by alternative means.</p>	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Proposed EC Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to align agricultural vehicles in the same European regulatory framework as other vehicles. It would be a direct replacement for the current Type Approval Directive which came fully into force on 1 July 2009. The Department for Transport (DfT) is leading on the negotiation of this proposal for the UK. HSE is advising DfT on health and safety interests.</p>	
Lead Department HSE contact	DfT HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the driver's seat on wheeled agricultural or forestry tractors	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission, in 2008, published a proposal to codify Directives relating to the driver's seat on wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. However this codification has been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.</p>	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures in tractors
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Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission has published a proposal to codify Directives relating to the rear-mounted roll-over protection structures in wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the front-mounted roll-over protection structures in tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission has published a proposal to codify Directives relating to the front-mounted roll-over protection structures in wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the driver’s operating area in tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission has published a proposal to codify Directives relating to the safety requirements for the driver’s operating area in wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

EURATOM DOSSIER

Proposed Directive on Radioactive Waste Management	
Current status (UNCHANGED FROM LAST BOARD UPDATE)	
The European Commission published its proposal for a directive on radiation waste and spent fuel on 3 November. DECC is leading on this dossier for the UK, with HSE support as appropriate.	
Lead Department	DECC
HSE contact	HSE SCS Lead – Les Philpott HSE Policy Lead – Teresa Quinn, Nuclear Directorate, 020 7556 3455, teresa.quinn@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

UNDER IMPLEMENTATION:**EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:**

Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive by 18 December 2011. HSE will consult in spring 2011 on implementation in Great Britain, which will be achieved through amendments to the HSE publication 'EH40 Workplace Exposure Limits'. Implementation is also required in Northern Ireland and Gibraltar.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive by 11 May 2013.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, anna.bliss@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
<p>Current status (NEW DEVELOPMENTS): This European Regulation came into force on 1 June 2007. Key recent developments include:</p> <ul style="list-style-type: none"> • The Department for Environment, Food and Rural Affairs (DEFRA) has informed HSE that its legal arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system will be in place by the 1 June deadline set by the European Commission. • HSE is planning for measures to enact a permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. Industry has agreed to consider developing the necessary certified (or other quality-assured) training scheme. • The European Commission (EC) have brought forward proposals to add the first seven substances to the REACH 'authorisation' process (with a lead time of several years), and also to amend the list of substances subject to 'restriction', including the addition of the HSE-rapporteured substance acrylamide as a carry-over from the pre-REACH regime. Other annexes are also being amended, mostly for environmental concerns rather than occupational safety and health. DEFRA leads on all amendments to REACH. • Along with DEFRA, the UK REACH Competent Authority team is considering its approach to the REACH 'substance evaluation' mechanism, which will begin in 2012. Substance evaluation presents an opportunity for Member States to assess registration data for given substances, to establish whether further regulatory controls are needed. Planning is in its early stages. 	
<p>Lead Department HSE contact</p>	<p>DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo</p>

Proposed amendment of Annexes I and V to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
<p>Current status (NEW DEVELOPMENTS): European Commission proposals to add further substances to Annexes I and V of the European Regulation on the Export and Import of Dangerous Chemicals and to amend several existing entries to reflect the inclusion of these substances into existing pesticides controls were agreed on 20 October 2010. These amendments were subsequently adopted on 25 February and 3 March 2011 respectively and will apply from 1 May 2011.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean</p>

HEALTH AND CONSUMERS DOSSIERS:

EC Regulation (1107/2009) concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC	
Current status (NEW DEVELOPMENTS): This European Regulation replaces and updates the European Union's authorisation regime for pesticides. It includes provisions to increase the level of protection given to human health, animal welfare and the environment. It also aims to speed up decision-making and provide clearer rules for the crop protection industry. It will take effect from 14 June 2011. A programme of work is in progress to develop the necessary implementation measures. DEFRA published a consultation document on 1 March concerning draft legislation to support the operation of the Regulation and implement fees and charging provisions for it and Directive 2009/128/EC on the sustainable use of pesticides. It is due to close on 12 April.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Mark Hawkins, Chemicals Regulation Directorate, 01904 455 759, mark.hawkins@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Directive on the sustainable use of pesticides (2009/128/EC)	
Current status (NEW DEVELOPMENTS): This directive introduces substantive new legislation on the use of pesticides. It requires member states to develop national action plans to reduce the risk associated with the use of pesticides and dependency on these chemicals. It lists a number of measures that will populate the plans, including: training of users, distributors and advisors; controls on sales; testing of application equipment; protection of watercourses, amenity and conservation areas; handling and storage; and use of integrated pest management approaches. There are a variety of implementation dates for the provisions contained within the directive however, the legislation and administrative procedures necessary to ensure compliance must be in place by 14 December 2011. A programme of work is in progress to develop the necessary implementation measures. DEFRA published a consultation document on 1 March which included draft legislation to implement fees and charging provisions for the Directive. It is due to close on 12 April.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, adrian.dixon@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

EC Regulation on pesticide statistics (1185/2009)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This European Regulation requires member states to collect data on pesticides sales and use. The data will populate models developed under an associated European project to assess the risks that can arise from the use of pesticides. It will apply to sales of products in the 2011 calendar year and use of products in yet-to-be determined reference years in 2012-2016. A programme of work is in progress to develop the necessary implementation measures.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Julie Howarth, Chemicals Regulation Directorate, 01904 455 737, julie.howarth@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

EURATOM DOSSIER:

Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive by 22 July 2011. A transposition strategy for the HSE led aspects of the Directive was agreed by the Board in September 2010, and is currently proceeding, after ministerial approval.	
Lead Department HSE contact	DECC (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Les Philpott HSE Policy Lead – Teresa Quinn, Nuclear Directorate, 020 7556 3455, teresa.quinn@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

INDUSTRY AND ENTERPRISE DOSSIERS:

Directive adapting certain tractor directives to technical progress (2010/52/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Directive amends Directives 79/763/EEC (passenger seats for tractors) and 2009/144/EC (components and characteristics of tractors) to include a European standard for the testing of roll-over protection and seat belt anchorages for passenger seats in tractors and to use an existing directive for whole body vibration testing. The stated aim is to remove tractors from the requirements of the Machinery Directive. Member states are required to transpose the Directive by 1 March 2011.	
Lead Department HSE contact	DfT HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Services Directive (2006/123/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Provisions of Services Regulations 2009 came into force on 28 December 2009 and apply UK-wide. Health and safety law relating to the protection of employees/self-employed is not within scope of the Directive however, that relating to the protection of the public is. A screening exercise was undertaken by HSE in March 2010 to determine which of our regulations/authorisation schemes were deemed to fall within the scope of the Directive. The SMT has agreed to press ahead with work to ensure compliance and it is anticipated that most of this will be completed in early 2011.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Kevin Walkin, Strategic Interventions Division, 020 7227 3831, kevin.walkin@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

Machinery Directive amendment (2009/127/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive, which introduced a limited number of environmental protection requirements for pesticides application machinery, by 15 June 2011. The Department for Business, Innovation and Skills (BIS) is currently working on draft amendments to the Supply of Machinery (Safety) Regulations 2008 to transpose these requirements. BIS and HSE will be liaising with relevant stakeholders over this. European Commission guidance on these requirements will be drafted in the first half of 2011.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

EC Regulation on Mutual Recognition of Goods in the European Union (764/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This European Regulation applied from 13 May 2009 and defines the rights and obligations of, on the one hand, competent authorities and, on the other, enterprises wishing to sell in a member state products lawfully marketed in another member state, when competent authorities intend to take restrictive measures concerning a product in accordance with national technical rules. We do not expect the Regulation to affect significantly HSE's activities as the majority of work products already come under specific supply directives, but the full effects will take some time to become evident.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Directive (2010/22/EU) adapting a number of directives, including Directive 86/415/EEC (Installation, location and operation of the controls of agricultural tractors), to technical progress	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This directive amends Directive 86/415/EEC relating to external power take-off (PTO) controls of agricultural tractors, allowing hold-to-run control for the first 3 seconds, after which full activation of the PTO can occur. The UK will have until 30 April 2011 to transpose the directive.	
Lead Department	DfT
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1st Adaptation to Technical Progress	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The 1 st Adaptation to Technical Progress (ATP) of European Regulation on classification, labelling and packaging was published in the Official Journal on 5 September 2009 as European Commission Regulation No. 790/2009. Duty holders have to comply with the new substance classifications by 1 December 2010. This ATP incorporated the then proposed 30 th and 31 st ATPs to the Dangerous Substances Directive. In December 2008, ETIME SA, a Turkish borate producer, issued proceedings against DWP seeking Judicial Review and referral from a British Court to the European Court of Justice (ECJ), challenging the classifications for borate substances that appear in the 30 th ATP. This followed similar action initiated by the nickel industry against DWP in September 2008, seeking Judicial Review of the classification of certain nickel compounds also in the 30 th ATP, and referral to the ECJ. On 6 May 2009, Rio Tinto joined the action initiated by ETIME. Rio Tinto is opposed to the re-classification of borate substances. Both cases have now been referred to the ECJ and will come up for hearings in due course.	
Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
This directive on the investigation of marine accidents requires the Marine Accident Investigation Branch (MAIB) to undertake a ‘no blame’ investigation into all serious marine casualties and incidents. MAIB are interpreting this to require it to investigate serious accidents involving shore-based workers on board a ship – such accidents have previously been left to HSE. MAIB are currently developing draft implementing regulations and will invite comment from HSE.	
Lead Department	DfT (MAIB)
HSE contact	HSE SCS Lead – Stephen Williams HSE Policy Lead – Christine Barringer, Operational Strategy Division, 01342 33 4261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean