

Health and Safety Executive Board		Paper No: HSE/11/47	
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Chief Executive's Report to the Board			

Fatality at Sonae Industria Ltd, Merseyside

1. My report to the Board in June included notification of a fire in the woodchip processing plant at Sonae Industria. Following the death on 6 August of a subcontractor a joint investigation with the police has been launched. The deceased was employed by a company responsible for demolition on a section of the site damaged by the previously reported fire at the beginning of June this year. This part of the site was no longer in use due to the damage caused by the fire and was under the control of the demolition company, which is the principal contractor.
2. HSE inspectors attended the site over that weekend and have been working closely with police in the following days.
3. On 7 December 2010, two contractors were killed when they were dragged into machinery in the woodchip processing plant. The HSE investigation into those fatalities is ongoing.

Publication of offshore safety statistics

4. HSE's annual safety statistics were published on 19 July. They showed that the number of offshore oil and gas leaks that could potentially lead to a major incident has fallen. There were 73 major or significant hydrocarbon releases associated with offshore installations in 2010/11, compared with 85 in 2009/10. For the fourth year running, no workers were killed during offshore activities regulated by HSE. There was also a fall in the number of major injuries – 42 were reported compared with 50 the previous year, bringing the total in line with the average of the previous five years.

Launch of consultation on 'cost recovery'

5. On 22 July HSE launched a three-month consultation seeking views about how a new system of recovering costs from businesses that do not comply with health and safety law might work.
6. The underlying principle is that those who do not comply with the law, rather than the public purse, should pay HSE's costs of diagnosing what is wrong, identifying what is broadly required to put things right and checking that this has been done. The deadline for responses is 14 October. Responses made during the consultation period will help shape how the eventual scheme will operate and whether it should apply to those businesses where Local Authorities are the enforcing authority.

7. The launch was supported by press notices and briefings with selected journalists, engagement with key stakeholders, and communications to staff, including the opening of eXchange – HSE’s online staff forum.
8. The consultation is attracting steady interest from respondents to the consultation and from trade media, particularly health and safety, legal and manufacturing publications.

Launch of consultation on safety in the adventure activities licensing sector

9. *Common Sense Common Safety* published last autumn recommended abolishing the Adventure Activities Licensing Authority (AALA), and replacing licensing with a Code of Practice. Licensing was seen as a burden on business, which added little to the safety of young people engaged in adventurous activities.
10. Consultation on new, post-AALA arrangements started on 29 June and will run until 21 September. This will help inform the shape and scope of the proposed Code as well as how we can ensure the existing good standards of safety management remain. These new arrangements include looking at ways of reassuring users of good standards, and ensuring providers comply with existing duties as importantly there will be no change to the underlying framework and general duties of HSWA and Management of Health and Safety at Work Regulations. As a low risk sector, future HSE activity will be minimal.
11. We have received a good response to the consultation from a wide range of stakeholders, including SME's, voluntary groups, Local Authorities and large providers of adventure activities. Views expressed so far suggest many different options for these new, post-AALA arrangements.

Launch of asbestos training pledge initiative

12. The evaluation of the *Hidden Killer* media campaign demonstrated that tradespeople have become increasingly aware of the risks of exposure to asbestos. As part of that campaign HSE is now developing an initiative with industry training providers to capitalise on this shift and to promote behavioural change by increasing access to training for those tradespeople who are most at risk.
13. The “Asbestos Training Pledge” initiative will invite training providers to pledge and deliver free asbestos awareness training. The target is to get 4000 hours of free training pledged: this represents the approximate amount of people who die each year from an asbestos-related disease. The initiative will be launched on 5th September 2011 and will run for 3 months. HSE will host a set of specially designed web pages signposting tradespeople to when and where the free training is available.

Update on Red Tape Challenge/Löfstedt Review

14. Health and safety regulations were in the spotlight on the Red Tape Challenge website for three weeks from 30 June to 21 July. 625 comments were received during this period. 556 comments on health and safety were made in the pre-

spotlight period. In total around 1200 comments concerning health and safety regulations have been made on the site, raising many of the issues addressed by the reports 'Common Sense, Common Safety' and 'Good Health and Safety, Good for Everyone'.

15. Specific comments and suggestions focussed on areas such as construction, risk assessment, work at height and display screen equipment. There was also broad support for current health and safety law.
16. A spotlight period for the cross-cutting theme of enforcement began on 11 August and will run for three weeks. HSE is involved and will be looking at relevant comments placed on the site.
17. A Senior Steering Group is meeting regularly to oversee work on the Challenge and HSE work for the Löfstedt Review. We gave evidence to the Committee on 21 July.

Update on Mid-Staffordshire Public Inquiry

18. I provided evidence to the Public Inquiry on 5 July 2011 at Stafford Town Hall. My witness statements, exhibits, and a transcript of my evidence can be found at: www.midstaffpublicinquiry.com/hearings/s/400/week-thirty-4-7-july-2011
19. Clive Brookes, Principal Inspector, appeared on 30 June 2011. His witness statement, exhibits and a transcript of his evidence can be found at: www.midstaffpublicinquiry.com/hearings/s/387/week-twenty-nine-27-30-june-2011

Update on Gas Safe Register: Two years on

20. Capita Gas Registration and Ancillary Services Ltd (CGRAS) has operated the statutory gas engineers registration scheme on behalf of HSE under a Service Concession Agreement (SCA) since 1 April 2009. HSE and CGRAS held their second annual review of the operation of the Gas Safe Register in May 2011. The key performance indicators (KPIs) in the SCA are used to monitor the delivery of the registration scheme, and were revised for Year 2 to provide a sharper focus on maintaining and improving levels of service delivery, and particularly on driving improvements in consumer awareness and understanding of gas safety issues. Achievement against the KPIs in Year 2 of the scheme's operation has been good. In September 2010 the Board was presented with a "One Year On" update paper which highlighted the underachievement of several KPIs. The subsequent financial penalty imposed upon CGRAS by HSE arising from these failures was spent on an additional awareness campaign specifically aimed at consumers over the age of 65 years.
21. Under the terms of the SCA, CGRAS was required to undertake a review of the enforcement of gas safety legislation. A full cost benefit analysis has now been prepared by CGRAS in consultation with HSE's Economists to support the assessment of the review's findings. The findings in the enforcement review that fall to HSE have been taken into account in developing the downstream gas sector strategy plan.

Update on Future Access to Services (FASe)

22. The FASe Programme is on target. Jobcentre Plus will take RIDDOR notifications of fatalities and major incidents by telephone from 12th September, replacing the current service provided by Santia. All other notifications should be made on-line using new interactive notification forms. These forms will be much easier for dutyholders to use than the current versions available. HSE is working closely with Jobcentre Plus colleagues to implement the new delivery model. The new Incident Contact Centre (ICC) service will be delivered from their Middlesbrough call-centre with their Stockport branch as a contingency measure.
23. HSE is withdrawing the general facility for dutyholders to email RIDDOR notifications from 12 September. However, we are developing an alternative file transfer facility to benefit many of the larger companies that process their own accident/incident details centrally and currently email notifications to the ICC via automated processes. The delivery timescale is currently being finalised. In the meantime, HSE will have a temporary arrangement in place to accept emails made in this way. The companies who use the current system with Santia have been notified of the changes, the proposed development of the file transfer facility and the temporary arrangement which will be in place.
24. The Infoline telephone service will close on 30th September. HSE has been implementing a range of improvements to our website and some of our most popular publications so that customers can find the health and safety information and guidance they need. Over the last six months, the number of telephone calls to Infoline has dropped by over 40%, together with a gradual increase in the number of hits on our website.
25. HSE is currently negotiating the contract for placing the Gas Safety Advice Line with our preferred supplier, following a procurement exercise during June/July.

Update on the local authority co-regulator partnership

26. Following the demise of LG Regulation (previously known as LACORS), HSE and other interested parties agreed to fund a new unit within the LG Group, in that case to support delivery of the HSE strategy and the Government's health and safety reforms. The new Regulatory Support Unit (RSU) is now live and picking up some of the functions previously undertaken by LG Regulation. The LG Group has confirmed its support for the RSU and intends a review by March 2012 to determine its long term future.
27. A consultation document on the future of the LBRO and the extension of the Primary Authority (PA) scheme has been published by the Department for Business, Innovation and Skills (BIS). The proposals have two significant implications for HSE:
 - a) LBRO in its current form will be replaced by a new organisation within BIS known as the Better Regulation Delivery Organisation (BRDO) with HSE forming part of the BRDO governance arrangements, and;

- b) HSE will support LBRO with the development of the PA scheme in respect of health and safety regulation of large multi-site retailers. This directly addresses the “Common Sense, Common Safety” recommendation on strengthening the PA Scheme with an enhanced role for HSE whereby we will use our national knowledge and experience of working with large businesses to assist primary authorities in developing better targeted intervention plans.

“Whistle-blowing” procedure

28. Board Member Robin Dahlberg has now assumed Board-level oversight of HSE’s “whistle-blowing” procedures. Revised guidance has been issued to staff. This includes information about how staff can raise concerns.

GEOFFREY PODGER

Operations

Fatality details

Since the last update to the HSE Board on 29 June 2011, 20 fatal accidents for 2011/12 were reported to HSE under RIDDOR and published on HSE's website. These include those with incident dates in May and June of 2011. In addition to these 20 fatalities for 2011/12, there are 3 fatalities for 2010/11 Please see [Annex 2](#) for details.

The full list of the names of the deceased plus additional details may be viewed at: <http://www.hse.gov.uk/foi/fatalities/in-year-names.htm>.

Significant Prosecutions for June and July 2011

- [Scottish Sea Farms](#) was fined £600,000 and [Logan Inglis Limited](#) was fined £40,000 at Oban Sheriff Court following the death of two fish farm workers on a barge moored at a salmon farm on Loch Creran, Argyll & Bute.
- [Serco Ltd](#) was fined a total of £200,000 and ordered to pay costs of £36,186 and [Birse Civils Ltd](#) was fined £100,000 and ordered to pay costs of £180,093 at Bristol Crown Court when a road worker died of his injuries after falling 12 metres while working over the M5 motorway near Clevedon
- [Carillion Highway Maintenance](#) was fined £200,000 with £50,000 costs. [Traffic Management \(North East\) Ltd](#) who is in administration was fined £2,000 with costs of £120,000 at Southwark Crown Court after a worker employed.
- [Shell UK Ltd](#) was fined a total of £1million and ordered to pay £242,000 costs at Ipswich Crown Court over the explosion and fire at its Bacton gas terminal in Norfolk in 2008.
- [Bupa Care Homes \(CFH Care\) Ltd](#) was fined £100,000 and ordered to pay £50,000 costs at Wolverhampton Crown Court after an elderly resident died after falling from a hoist while being moved.
- [Westwood Yarns Ltd](#) was fined £60,000 and ordered to pay £20,625 in costs at Bradford Crown Court when a 40-year-old factory worker was killed after being crushed in a huge baling machine.
- [Melloy Ltd](#) was fined £100,000 and ordered to pay costs of £75,000 at Cardiff Crown Court after a 44-year-old worker was crushed to death at a factory near Pontypridd.
- [C B Skip Hire](#) was fined £150,000 plus £55,000 in costs at Salisbury Crown Court after one of its employees died when a tyre he was fixing exploded.

- [Sue Ryder Care](#) was fined £65,000 and ordered to pay £35,000 towards the cost of the prosecution at Preston Crown Court following the death of a 40-year-old mother-of-one, who became trapped between a mattress and a bed rail.
- [Oak Farm Gas Company Ltd, trading as Mr Fizz](#), was fined £90,000 and ordered to pay costs of £50,000 at Uxbridge Magistrates' Court after an explosion killed a worker and severely injured a member of the public.
- [Hoistway Ltd](#) was fined £70,000 with £14,616 costs. [Miller Construction \(UK\) Ltd](#), was fined £40,000 with £17,232 costs at Bristol Crown Court after a Bristol man suffered severe head injuries when a scaffolding tube fell on him from 15 stories.
- [INEOS Manufacturing Scotland Ltd](#) was fined £100,000 following an uncontrolled release of crude oil at their Grangemouth refinery in May 2008.
- [Gentoo Group Ltd](#) was fined £40,000 with £25,000 costs at Newcastle Crown Court after a pensioner died in his home from carbon monoxide poisoning.
- [TRN Electrical Ltd](#) was fined £30,000 and ordered to pay costs of £14,850 and [Cladcoat UK Ltd](#) was fined £10,000, with no costs at Southampton Crown Court after a father-of-two died when he fell through a rooflight sustaining fatal head injuries.
- [Euro Earthworks Ltd](#) was fined £20,000 and ordered to pay costs of £13,000 at City of London Magistrates' Court over an incident where a foreman died when an excavator bucket filled with concrete fell on him at a London construction site.
- [Bridgford Interiors Limited](#) was fined £25,000 and ordered to pay costs of £23,392 at the Old Bailey after two men were injured while carrying out refurbishment work at a TK Maxx outlet in Hounslow.
- [Compass Engineering Ltd and Kaltenbach Ltd](#) were jointly prosecuted with fines and costs totalling £115,000 at Sheffield Crown Court after a worker sustained horrific injuries but miraculously escaped with his life after being dragged through a gap not wider than a CD case.
- [Greenway Environmental Ltd and Pakawaste Ltd](#) were fined £87,500 and ordered to pay costs of £137,030 following a major chemical fire in Crewe, which covered more than 10,000 square metres and made aerosols rocket into the air.

FOI Requests made to HSE

There were 1224 FOI requests made to HSE in June and July 2011.

Events, Campaigns and Publications in June and July 2011

HSE launches consultation on safety in the adventure activities sector

The Adventure Activities Licensing Authority (AALA) will be abolished, and a 12-week long public consultation on its replacement with a code of practice began on 29 June 2011. Outdoor activity providers, sports clubs and teachers are among those asked for their views on proposals to change the health and safety requirements for young people's adventure activities.

Parliamentary Business

There were 47 PQs dealt with by HSE during the months of June and July 2011

Annex 2

The following table is an extract of all 2011/12 work-related deaths notified to HSE since the last update to the Board on 29 June 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 8 August 2011. It also includes 3 fatalities from 2010/11 which have not previously been notified to the Board.

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 quarterly injury figures and validated figures and information will only be available on publication of the annual fatality statistics for Great Britain.

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
28/06/2010	Victor Elliott	89	The deceased was struck by a vehicle	Devon	Teignbridge	Agriculture	Growing of crops combined with farming of animals (mixed farming)	Self employed
18/02/2011	Elizabeth Rowling	82	The deceased died whilst under medical care	Cornwall	Cornwall UA	Services	Public sector hospital activities including NHS trusts	Member of the Public
08/03/2011	John Gittins	89	The deceased died following a fall	Shropshire	Shropshire UA	Services	Public sector hospital activities including NHS trusts	Member of the public
03/05/2011	Betty Moore	88	The deceased died following a fall	South Yorkshire	Sheffield	Service	Inland Water	Member of the Public
14/05/2011	Norman Robertson	67	The deceased was struck by a falling object	Fife	Fife UA	Agriculture	Forestry and logging	Self employed
27/05/2011	Wilfred Williams	57	The deceased was struck by machinery	Midlands	Dudley	Manufacturing	Wholesale of metals and metal ores	Employee
02/06/2011	Bradley Watts	21	The deceased was electrocuted	West Sussex	Chichester	Construction	Insulation work activities	Employee
02/06/2011	Julie Schmitz	54	The deceased was fatally injured in an explosion	Pembroke	Pembrokeshire UA	Construction	Insulation work activities	Employee
02/06/2011	Robert Broome	48	The deceased was fatally injured in an explosion	Pembroke	Pembrokeshire UA	Construction	Insulation work activities	Employee
02/06/2011	Andrew Jenkins	33	The deceased was fatally injured in an explosion	Pembroke	Pembrokeshire UA	Construction	Insulation work activities	Employee
02/06/2011	Dennis Riley	52	The deceased was fatally injured in an explosion	Pembroke	Pembrokeshire UA	Construction	Insulation work activities	Employee
07/06/2011	Mark Cooper	46	The deceased fell from height	Corby	Corby	Construction	Other construction work involving special trades	Self employed

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
08/06/2011	Anthony Podmore	56	The deceased fell from height	Bromsgrove	Bromsgrove	Agriculture	Growing of crops combined with farming of animals (mixed farming)	Self employed
09/06/2011	Dominik Molak	30	The deceased was struck by a falling object	Essex	Colchester	Manufacturing	Manufacture of basic iron and steel and of ferro-alloys	Employee
11/06/2011	Graeme Mackie	31	The deceased died during a diving activity	Largo Bay	Not Applicable	Services	Other business activities not elsewhere classified	Employee
13/06/2011	Alexander Banks	64	The deceased died after coming into contact with cattle	Caithness	Highland UA	Agriculture	Hunting, trapping and game propagation including related service activities	Self employed
15/06/2011	Alan Beutner	58	The deceased fell from height	Plymouth	Plymouth UA	Construction	Other building completion	Employee
16/06/2011	George Carr	67	The deceased fell from height	Dundee	Dundee UA	Construction	Other construction work involving special trades	Self employed
16/06/2011	Lee Bertram	37	The deceased fell from height	North Sea	Not Applicable	Extractive/Utilities	Extraction of crude petroleum and natural gas	Employed by other
19/06/2011	Donald MacDonald	55	The deceased fell from height	Invergordon	Highland UA	Construction	Construction of civil engineering constructions	Employee
19/06/2011	Brian Newton	37	The deceased died following a fire	Berwickshire	Borders UA	Manufacturing	Manufacture of other food products not elsewhere classified	Employee
19/06/2011	Carole Bullett	57	The deceased was struck by a moving vehicle	Bury St Edmunds	St Edmundsbury	Services	Other recreational activities not elsewhere classified	Member of the Public
20/06/2011	Kevin Livesey	48	The deceased was struck by a falling object	Harrogate	Harrogate	Construction	Construction of commercial buildings	Self employed

JULY-AUGUST 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 (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is considering whether there is a need for EU action on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, and a second consultation is due later this year (at the moment, a contractor is carrying out an assessment of potential actions to inform the latter consultation). The Department of Health is leading on this with support from HSE.	
Lead Department HSE contact	DH HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@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 have negotiated a draft agreement on the prevention of health risks in their sector, though it is yet to be adopted.	
Lead Department HSE contact	HSE 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 second phase of the consultation of the social partners has now closed; their views on the envisaged action at EU level to amend the Directive should become apparent soon. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department HSE contact	BIS 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 had planned to discuss its draft impact assessment with both groups in June but that will not now happen until later in the year. We therefore don't expect a legislative proposal from the EC until sometime in the first half of 2012.	
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 initiative on Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is considering whether there is a need for a potential future amendment of the Directive. The EC engaged a contractor to look at this issue. They have recommended that a flexible approach to setting occupational exposure limits for carcinogens is retained within the EU and that such an approach is underpinned by agreed guidance from experts. A separate study considering the inclusion within the Directive of substances toxic for reproduction started in May 2011 and is due for completion by May 2012. 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

EURATOM DOSSIER:

Future revision of EURATOM Directives dealing with radiological protection	
Current status (NEW DEVELOPMENTS): The European Commission (EC) is currently working on a draft legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive. A legislative proposal is currently expected in September.	
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

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 (NEW DEVELOPMENTS): 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 now expected towards the end of 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 – Prakash Bachoo

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress	
Current status (NEW DEVELOPMENTS): The European Commission (EC) plans to put forward a proposal for a 3 rd 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 now expected towards the end of 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 – Prakash Bachoo

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
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. 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.	
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:

<p>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</p>	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) plans to put forward legislative proposals on the safety of offshore oil and gas activities later this year. 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 outlined 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.</p>	
<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>

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 2010. The EP's amended proposal has been sent to the Council, which is now considering it.	
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 replacement of Electromagnetic Fields Directive (2004/40/EC)	
Current status (NEW DEVELOPMENTS): The European Commission has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new directive. The Polish Presidency began negotiations on the proposal in July.	
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

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards	
Current status (NEW DEVELOPMENTS): 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. The Polish Presidency, following a handover from the Hungarian Presidency, has now picked up the negotiations on the dossier and is aiming to try to reach a first reading deal on it.	
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 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 has published a proposal to recast the existing European Regulation on the Export and Import of Dangerous Chemicals. This is to include references in it 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 Council is now considering the recast proposal through meetings of its Environment Working Group. Any agreed proposal will necessitate the replacement and re-enactment of the UK enforcing regulations for the 2008 European Regulation as they make specific reference to it.	
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 amendment of Annex I to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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. The proposals were subsequently agreed on 12 April, 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 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 January 2012, with a view to the Regulation applying from Summer 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 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, and a proposed Commission Decision not to include certain active substances 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 using an ambulatory reference inserted into the definition of the BPD in the relevant national implementing regulations thus ensuring automatic transposition. A vote on one further active substance (sulphur dioxide) was postponed after an intervention from the winemaking industry, which raised concerns over sulphur dioxide's use for disinfecting wooden barrels and pipes. Non-inclusion was proposed because industry had not taken responsibility to provide the data package required under the Directive to keep the substance on the market. **The European Commission is in discussions with the wine industry to find a solution allowing the industry to submit the required data so that the substance can remain on the market and be assessed under the Directive.**

Lead Department
HSE contact

HSE

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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 bendiocarb, flufenoxuron, copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic in Annex I, and two proposed Commission Decisions not to include certain active substances in Annex I

Current status (NEW DEVELOPMENTS):

Bendiocarb and flufenoxuron will be subject to votes at the September 2011 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. Copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic were due to be voted on at the July 2011 meeting, but the vote was postponed until September due to technical issues raised by other member states. The Standing Committee will also vote in September on two proposed European Commission Decisions not to include 20 active substances in Annex I.

Lead Department
HSE contact

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SCS Lawyer – Abigail Dean

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include creosote in Annex I	
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. From this, the Presidency concluded there was no QM in favour or against, and asked member states to submit any compromise proposals. None were put forward and so the Council was unable to act on the proposal. It was then sent formally to the EP, which had until 10 June to act. No objections were raised by the EP and so the proposal will be adopted by the Commission as currently drafted.	
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

Proposed EU Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)	
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.	
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 tractors	
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. This codification has now 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.	
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 on tractors	
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 narrow tracked 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. This codification has now 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.	
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 on 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 narrow track 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. This codification has now 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.	
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 on 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. This codification has now 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.	
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 EU Regulation on European Standardisation and amending a number Council and other Directives	
<p>Current status (NEW DEVELOPMENTS): The European Commission has published a proposal for a Regulation to update and improve the standardisation system in the EU. It follows a European Parliament report that identified a number of challenges with the current system, including: the lack of balance on drafting working groups; lack of input from SMEs; the length of time taken to revise standards; the need to develop standards in new areas; and the cost of taking part in the process. The Department for Business, Innovation and Skills (BIS) is leading the negotiations for the UK. HSE, in consultation with BIS, is looking to see if there is scope for developing better cooperation among member state work equipment market surveillance authorities so they can be more effective at developing good harmonised standards and blocking defective ones.</p>	
<p>Lead Department HSE contact</p>	<p>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</p>

EURATOM DOSSIER

Proposed Directive on Radioactive Waste Management	
<p>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.</p>	
<p>Lead Department HSE contact</p>	<p>DECC HSE SCS Lead – Les Philpott HSE Policy Lead – Mike Warnes, Office for Nuclear Regulation, 0151 951 4547, mike.warnes@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean</p>

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

Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (NEW DEVELOPMENTS): Member states are required to transpose the Directive by 18 December 2011. The consultation on measures to the transpose the Directive in Great Britain ended on 4 August. This would involve 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. It concerns protecting workers in the hospital and healthcare sectors from the risk of injury and infection from needles, scalpels and other medical sharps.	
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 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. The Department for Environment, Food and Rural Affairs (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. The UK intends to apply to evaluate three substances in 2012. These substances mostly concern environmental rather than human health matters, reflecting early REACH priorities in addressing less well-understood environmental risks. • 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. A paper on this issue is due to go the HSE Board shortly. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. 	
<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>

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 took effect from 14 June 2011. Implementing legislation is due to be laid shortly.	
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 (UNCHANGED FROM LAST BOARD UPDATE): 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.	
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. Work to develop the necessary implementation measures is nearing completion.	
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 (NEW DEVELOPMENTS): Member states are required to transpose the Directive by 22 July 2011. The UK has notified its transposing measures for Great Britain to the European Commission. These include changes to the Nuclear Site Licence Conditions that are regulated by the Health and Safety Executive.	
Lead Department HSE contact	DECC (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Les Philpott HSE Policy Lead – Teresa Quinn, Office for Nuclear Regulation, 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 (NEW DEVELOPMENTS): 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. The Directive was transposed in the UK by the Tractor etc (EC Type-Approval) (Amendment) Regulations 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

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 (NEW DEVELOPMENTS): 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 Directive was transposed in the UK by the Tractor etc (EC Type-Approval) (Amendment) Regulations 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. Work is currently being undertaken to ensure compliance with the requirements of the Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Chris Rowe, Strategic Interventions Division, 020 7227 3811, chris.rowe@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. European Commission guidance on these requirements will be drafted in late 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

EC Regulation on Classification, Labelling and Packaging of Substances and Mixtures (1272/2008) – 1 st Adaptation to Technical Progress	
<p>Current status (NEW DEVELOPMENTS): The 1st 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 30th and 31st 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 30th 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 30th 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 were referred to the ECJ. Following the Advocate General's Opinion (AGO), the judgement of the ECJ was published on 21 July 2011. It fully supported the findings of the AGO, i.e. the re-classifications of both the borate substances and certain nickel compounds were legal and valid. The case has now been referred back to the national court for consideration of the payment of costs.</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 – Prakash Bachoo</p>

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority	
<p>Current status (NEW DEVELOPMENTS): 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. Discussions are in progress with the devolved administrations about the potential mechanisms for appointing HSE as the UK competent authority for the Regulation.</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 – Prakash Bachoo</p>

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 334261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean