

Health and Safety Executive Board		Paper No: HSE/11/25	
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Chief Executive's Report to the Board			

Löfstedt Review of Health & Safety Legislation

1. The review will consider the opportunities for reducing the burden of health and safety legislation on UK businesses while maintaining the progress made in improving health and safety outcomes. The review will gather evidence from a range of key stakeholders, including Government bodies, employers' organisations, employee organisations, professional health and safety bodies, and academics. The review will focus on the statutory instruments owned and enforced by HSE/local authorities, and the associated Approved Codes of Practice (ACoP). The review will report back in October 2011.
2. To oversee work in support of both areas HSE has put in place an oversight committee chaired by the the Chief Executive and including the Deputy Chief Executive and other senior members of staff.

Red Tape Challenge

3. The Red Tape Challenge is a new web-based Government tool for the public, businesses (large and small), volunteers etc to provide views on Regulations. Because health and safety in the workplace is a cross cutting theme, all health and safety regulations will be available for comment on the site continuously for the next 2 years but they will also be highlighted as the main topic on the site for two weeks starting on 30 June.
4. As part of this initiative, HSE will be expected to develop views on which regulations to scrap; do differently; merge/simplify; improve implementation; and those that it is necessary to keep as they are. HSE will be responsible for facilitating discussions on the health and safety theme on the site. A communications strategy is being developed to ensure HSE's key stakeholder organizations and individuals know health and safety regulations will be in the spotlight and they are able to actively contribute ideas and suggestions.
5. Following a review process, HSE is intending to provide a structured list of the comments to the Löfstedt review team (see above), along with comments received in response to the 'Your Freedom' exercise last year. This will ensure a considered and independent review of the suggestions received and prevent potential contradictory proposals emerging. Any regulations not considered by the review team as part of the scope of the review may then be considered at a later date as part of a three monthly report to the Reducing Regulation Committee expected for each of the cross cutting themes in the Red Tape Challenge.

Update on the Mid Staffs Public Inquiry

6. The Public Inquiry is now into its twenty third week of hearing evidence. During week commencing 16th May 2011, it took evidence from senior staff at the Care Quality Commission. In previous weeks evidence has been taken from the Healthcare Commission, West Midlands Strategic Health Authority and Mid Staffordshire NHS Foundation Trust.
7. Arrangements have now been made for my statement to be taken by the solicitors for the Inquiry on 6th June. It is assumed that the interview will focus on policy and high level contact with other regulators. Solicitors for the Inquiry have already taken a statement from the HSE Principal Inspector Clive Brookes concerning local interactions with the Trust.
8. Whilst an exact timetable has not been given the Chairman, Robert Francis QC, in his opening remarks on 8th November 2010, set out his intention to complete the oral hearings by the middle of 2011. This will be followed by some time to complete the analysis of the evidence and to write the final report.
9. Judith Hackitt wrote to her counterpart in CQC, Dame Jo Williams, on 4 May 2011 agreeing to CQC's request for a meeting to discuss the Inquiry and wider matters. In accordance with propriety, we have stipulated that the meeting will be held after both organisations have given evidence to the Inquiry assuming we are called.

Farming Regulation Review: Report of the MacDonald Task Force

10. The Government set up a Task Force on Farming Regulation in June 2010 to identify ways to reduce the bureaucratic burden on farmers and food processors by reviewing regulations and their implementation in the agricultural industry. More specifically, it was tasked with advising on how best to achieve a risk-based system of enforcement whilst maintaining high environmental, welfare and safety standards. Although work related health and safety legislation was not explicitly included in the Terms of Reference, Judith Hackitt and I met with and provided evidence to Richard MacDonald (the Task Force Chair) in late 2010.
11. The Review of Agricultural Regulation report was launched at an event on 17 May 2011, at which the following key themes were identified:
 - need for culture change in Defra
 - the need for more - not less - engagement in Europe;
 - a more pragmatic, targeted and proportionate approach to enforcement and implementation of the regulatory regime;
12. Although there was no specific reference to health and safety legislation at the event, the Report:
 - endorsed HSE's risk-based approach to inspection and its proactive approach to improving compliance; and
 - placed the onus firmly on farmers to provide an explicit commitment to their own health and safety, and to that of their family and their workforce

before suggesting that if the farming community wants to avoid more inspection and regulation, it must address the issue more seriously.

13. Whilst there appear to be no recommendations directly related to health and safety, a number of others e.g. to do with pesticides and emerging energy technologies have a bearing on the work of HSE.

HSE role in the first DECC Carbon Capture and Storage Demonstration Competition

14. HSE and the Scottish Environment Protection Agency (SEPA) have assessed the health, safety and environment material submitted by the Scottish Power Consortium (a partnership of Scottish Power, National Grid and Shell) as part of their bid for funding under the first DECC Carbon Capture and Storage Demonstration (CCS) Competition. Feedback went to the Consortium and to DECC on 18 April to meet the strict deadlines of the Competition.

15. Longannet Power Station in Scotland will pump high-pressure gaseous carbon dioxide via a 165 mile long former National Grid pipeline to the coast at St Fergus. Here it will be further pressurised to become dense phase (or liquid phase) and be pumped offshore for permanent storage below the sea via a decommissioned offshore installation called Goldeneye.

16. Major hazard legislation (such as COMAH and the Pipeline Safety Regulations) does not currently apply to carbon dioxide transport and storage. Carbon dioxide has been processed and stored safely by industry for many years but the very large quantities (many thousands of tonnes), very high pressures and the development of novel technology in the detailed bid warrant close attention.

17. The key assessment conclusion is that there are very few grounds for concern with the proposals but the science associated with understanding how dense phase carbon dioxide behaves during transport and release is not yet well enough developed to give sufficient confidence in some parts of the Consortium submission. Industry is doing more research to reduce these uncertainties and HSE/SEPA will maintain contact with the Consortium to ensure that it progresses satisfactorily. There will be no further detailed assessment until it has been completed.

Workers' Memorial Day

18. HSE took part in a number of events across the country to commemorate Workers' Memorial Day on 28 April. These included events in London, Edinburgh, Cardiff, Chelmsford, and Nottingham. Andrew Hodge (HSE Trade Unions) and I laid flowers in the presence of colleagues at the Redgrave Court memorial.

Closure of Infoline telephone service

19. On 10th May HSE announced to external stakeholders, the public and HSE staff, its decision to close the Infoline telephone service from 30 September 2011. Businesses and members of the public seeking information and official guidance on health and safety can use HSE's website. The

website currently receives 26 million visits every year and, over the next few months, is being further improved to help people quickly access the information they need. We are working closely with the current supplier (Santia Consulting Ltd) to manage the service towards closure, ensuring that as many people are aware of this shift in service provision as possible.

20. The replacement Incident Contact Centre arrangements, for the reporting of RIDDOR notifications, are currently being implemented. This service will maintain the ability to report fatal and major incidents and injuries by telephone, with a revised suite of interactive notification forms being made available on the HSE website. This revised service will be operational from 12 September 2011. The Gas Safety Advice Line, providing advice on domestic gas issues, will continue, and arrangements for this are being developed currently

Visit to Poland

21. On 17 May, colleagues and I visited Poland for a series of bilateral meetings in Warsaw in advance of the Polish Presidency of the EU. I held meetings with HSE's Polish counterpart, the Chief Labour Inspectorate, the Central Institute of Labour Protection (CIOP), and the Ministry of Labour and Social Policy. We held useful and informative discussions on a number of issues, including the pressing health and safety issues facing both bodies and forthcoming proposed European Directives relating to health and safety. We also discussed an exchange of inspectors between HSE and the labour Inspectorate as a way of continuing co-operation.

Update on Staff Briefings – April/May 2011

22. A round of operational staff briefings are taking place over April/May. The focus for the briefings are 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.
23. The sessions are still ongoing, but feedback from those events held so far indicates that 70% of staff found them to be extremely or very useful. Staff appreciated the opportunity for a face-to face update and 89% rated the sessions 'good' or 'very good'. Colleagues appreciated the clarification on HSE's approach to cost recovery and an insight into the current political climate. Concerns remain around estates issues and the practical implications of cost recovery

GEOFFREY PODGER

Operations

Fatality details

Since the last update to the HSE Board on 7 April 36 fatal accidents for 2010/11 were reported to HSE under RIDDOR and published on HSE's website. These include those with incident dates in February and March of 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 March and April 2011

- [Calsonic Kansei UK Limited](#) was fined £400,000 and ordered to pay £44,790.14 at Swansea Crown Court after an employee died when he was struck by a forklift truck on the day he was to take voluntary redundancy.
- [Robertson Construction Central Ltd](#) was fined £200,000 and [Stirling Stone Ltd](#) was fined £200,000 at Glasgow Sheriff Court when a stonemason fell to the ground from the scaffold loading tower platform at a Glasgow construction site and died from his injuries.
- [Team Waste \(Southern\) Ltd](#) was fined a total of £250,000 and ordered to pay costs of £50,000 at Lewes Crown Court after a bin lorry ran over and killed a member of the public.
- [East Sussex County Council](#) was fined £50,000 and ordered to pay costs of £27,670 at Lewes Crown Court when a man with learning difficulties died and five others suffered agonising internal injuries after confusing dishwasher fluid with orange squash and drinking it on a council-organised trip.
- [Hydraline Engineering Ltd](#) was fined £40,000 and ordered to pay £20,000 costs by Stafford Crown Court after an employee was crushed to death while working under a plant vehicle.
- [Micor Ltd](#) were fined £100,000 and ordered to pay costs of £20,000 and [Crane and Transport Services Ltd](#) were fined £30,000 and ordered to pay costs of £10,000 at Basildon Crown Court after a 31-tonne concrete beam on a building site in Thurrock killed a worker.
- [Mackay Steelwork and Cladding Ltd](#) was fined £40,000 and [James Paterson Haulage Ltd](#) was also fined £13,300 at Inverness Sheriff Court after a lorry driver was killed when he was hit by steel gates falling off his vehicle as it was unloaded by a forklift truck.

- [Kaman Brookhouse Composites Ltd](#) was fined £50,000 and ordered to pay £35,000 in costs and [Kaman Brookhouse Tooling Ltd](#) was fined £25,000 with costs of £35,000 at Preston Crown Court after a worker was crushed to death at a Darwen factory.
- [Blackford \(Newbury\) Ltd](#) was fined £50,000 and ordered to pay £20,000 in costs at Southampton Crown Court prosecuted after a new employee was electrocuted while operating a lorry driven crane
- [Spartan UK Ltd](#) was fined a total of £40,000 and ordered to pay £9,757.99 in costs at Gateshead Magistrates after a worker's feet were crushed in a rolling mill.
- [Cannon Automotive Limited](#) was fined a total of £20,000 and ordered to pay costs of £13,100 at City of London Magistrates' Court after a worker suffered fatal head injuries when he was struck by a steel barrier while carrying out maintenance on a machine.
- [Land Rover](#) was fined £20,000 and ordered to pay £60,606 costs at Solihull magistrates Court for failing to take into account the risks associated with workers at its Solihull plant using vibrating hand tools.
- [Imerys Minerals Ltd](#) was fined £30,000 and ordered to pay costs of £45,124 at Truro Crown Court after failing to ensure the safety of staff engaged in manually loading of bags onto conveyors at the European Milling Centre site at Par Docks where a man was seriously injured when he was drawn into machinery used to flatten bags.
- [Mitras Automotive \(UK\) Ltd](#) was fined £20,000 and ordered to pay £8,792 in prosecution costs at Chester Crown Court after a worker was injured when a 31-tonne load was dropped from an overhead crane.
- [Coolrec Group BV](#) an international waste recycling firm was fined £60,000 and ordered to pay £22,000 costs at Basildon Magistrates' Court after a worker lost part of his arm in an industrial incident in Basildon.
- [Laing O'Rourke Utilities Ltd](#) was fined £4,000 fine and ordered to pay £15,062 in costs after an agency worker suffered prolonged exposure to a hazardous chemical.

FOI Requests made to HSE

There were 1114 FOI requests made in March and April 2011.

Events, Campaigns and Publications in March and April 2011

New online directory to increase confidence in health and safety advice

A new online directory to help businesses find a health and safety consultant that they can trust to give sensible, expert advice was launched on 21 March 2011. It has been created to increase employers' confidence that they are receiving good quality, proportionate health and safety advice should they need external help and more than 1,600 highly qualified consultants in the UK have signed up to the online Occupational Safety and Health Consultants Register (OSHCR).

[Crown Censure.](#)

On 28 March 2011, Greenwich Hospital accepted a Crown Censure from the Health and Safety Executive (HSE) following HSE's investigation into a climbing incident at the school on 3 March 2009 where a 15-year-old girl, fell six metres in an uncontrolled descent from the top of the wall onto a wood gymnasium floor. The pupil suffered a fractured spine requiring a two-week stay in hospital. She had to wear a body cast for several weeks and continues to receive medical treatment for her injuries

Parliamentary Business

There were 21 PQs in March and April 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 7 April 2011. It is the last extract for 2010/11 and includes incidents in the last two months of 2010/11. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 3 May 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 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
31/05/2010	Mary Moore	72	The deceased fell and hit her head	Kent	Medway Towns UA	Agriculture	Growing of other fruit, nuts and spice crops; growing of other beverage crops	Member of the public
29/10/2010	Robert Webb	63	The deceased fell from height	Suffolk	Forest Heath	Construction	Joinery Installation	Self employed
07/11/2010	Irene Sharples	92	The deceased was struck by a falling object	Manchester	Manchester	Service	Nursing home activities	Member of the public
26/11/2010	Ian Rook	58	The deceased died after coming into contact with cattle	East Hampshire	East Hampshire	Agriculture	Growing of crops combined with farming of animals (mixed farming)	Self employed
30/11/2010	Araz Saleh	23	The deceased died after coming into contact with machinery	Oxfordshire	Oxford	Service	Construction	Self employed
18/12/2010	Keith Richardson	58	The deceased died from suspected carbon monoxide poisoning	Hawick	Borders UA	Service	Other letting of own property	Member of the public
17/01/2011	Silviu Stefanita Radulescu	31	The deceased fell from height	London	Brent	Construction	Construction	Employee
02/02/2011	Adam Baldock	27	The deceased died after coming into contact with machinery	Mitcham	Bromley	Agriculture	Forestry and logging	Self employed
03/02/2011	Niall Page	17	The deceased was crushed by a vehicle	Manchester	Trafford	Service	Freight transport by road not elsewhere classified	Employee
05/02/2011	Andrew Scott Harrold	33	The deceased died after becoming trapped	Inverness	Highland UA	Manufacturing	Manufacture of prepared feeds for farm animals	Employee
08/02/2011	Tony Lawrence	35	The deceased died after a fall	London	Southwark	Construction	Construction	Self employed
11/02/2011	Kenny Swaby	43	The deceased was struck by falling objects	Redditch	Redditch	Manufacturing	Recycling of non-metal waste and scrap	Employee

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
15/02/2011	Alvin Osborne	47	The deceased was trapped by falling object	Wolverhampton	Wolverhampton	Manufacturing	Shaping and processing of flat glass	Employee
15/02/2011	Frank Selwyn Watson	83	The deceased died after coming into contact with cattle	County Durham	Durham County UA	Service	Other business activities not elsewhere classified	Self employed
19/02/2011	Kalwan Singh-Dale	45	The deceased was struck by a falling object	Leicester	Leicester UA	Construction	Demolition and wrecking of buildings; earth moving	Self employed
19/02/2011	Jason Singh-Dale	21	The deceased was struck by a falling object	Leicester	Leicester UA	Construction	Demolition and wrecking of buildings; earth moving	Self employed
19/02/2011	Mark Stebbing	40	The deceased died following a fall	Surrey	Elmbridge	Service	Defence activities	Employed by other
25/02/2011	Helen Burns	94	The deceased died after a fall	Aberdeenshire	Aberdeen City UA	Service	Nursing home activities	Member of the public
26/02/2011	Alan Painter	70	The deceased was struck by a vehicle	Derbyshire	Amber Valley	Agriculture	Growing of crops combined with farming of animals (mixed farming)	Self employed
01/03/2011	Dean Marden	48	The deceased fell from height	Isle of Wight	Isle of Wight UA	Construction	Construction	Self employed
04/03/2011	Paul Storey	37	The deceased fell from height	Northumberland	Northumberland UA	Agriculture	Growing of crops combined with farming of animals (mixed farming)	Self employed
06/03/2011	Kenneth Terrey	74	The deceased fell from height	Essex	Epping Forest	Service	Nursing home activities	Member of the public
10/03/2011	John Kinsella	46	The deceased was crushed by a vehicle	West Midlands	Sandwell	Manufacturing	Manufacture of other products of wood	Employee
12/03/2011	Liam O'Neill	51	The deceased died after coming into contact with machinery	Preston	South Ribble	Manufacturing	Manufacture of electricity distribution and control apparatus	Employee
14/03/2011	Zana Ahmed Karin	35	The deceased fell from height	West Midlands	Birmingham	Service	Extra-territorial organisations and bodies	Self employed
16/03/2011	Kieran Horn	11	The deceased was trapped under an overturned vehicle	Devon	West Devon	Agriculture	Farming of cattle, dairy farming	Member of the public - child
17/03/2011	Graham Needham	-	The deceased fell from height	West Yorkshire	Bradford	Construction	Erection of roof covering and frames	Self employed
17/03/2011	Dorothy Ann Harkes	58	The deceased was crushed by a vehicle	Cumbria	South Lakeland	Service	General (overall) public service activities	Employee

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
18/03/2011	Matthew Quigley	33	The deceased died from crush injuries	Croydon	Croydon	Manufacturing	Manufacture of bearings, gears, gearing and driving elements	Employee
22/03/2011	Gordon Thompson	62	The deceased was struck by a moving object	Gwent South Wales	Monmouthshire UA	Extractive/Utility	Quarrying of stone for construction	Employed by other
22/03/2011	Grace Phillips	86	The deceased fell from height	Staffordshire	Cannock Chase	Service	Other human activities	Member of the public
22/03/2011	Zoltan Luncan	42	DP fell through hatchway of upper floor about 10 metres.	Sheffield	Sheffield	Service	Maintenance and repair of motor vehicles	Employee
24/03/2011	James Irvine	42	The deceased died during a diving activity	Largo Bay	-	Service	Other business activities not elsewhere classified	Employee
25/03/2011	Wayne Potts	35	The deceased was struck by a falling object	West Yorkshire	Wakefield	Manufacturing	Manufacture of paints, varnishes and similar coatings	Employee
25/03/2011	Phillip John Rawlings	58	The deceased fell from height	Pembrokeshire	Carmarthenshire UA	Service	Agents involved in the sale of timber and building materials	Self employed
28/03/2011	Neil Bremner	39	The deceased was crushed by a vehicle	Aberdeenshire	Aberdeenshire UA	Agriculture	Agricultural service activities	Employed by other

MAY 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 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	
<p>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.</p>	
<p>Lead Department HSE contact</p>	<p>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</p>

Social partners' consultation on reviewing the Working Time Directive	
<p>Current status (NEW DEVELOPMENTS): 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 on the Directive should become apparent soon. HSE has a role in enforcing the domestic regulation that transposes the original Directive.</p>	
<p>Lead Department HSE contact</p>	<p>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</p>

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

Future initiative on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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 discussed 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 May/June 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 (NEW DEVELOPMENTS): 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. The contractor reported in March 2011 and 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 will start 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

ENVIRONMENT DOSSIERS:

Future recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (NEW DEVELOPMENTS): The European Commission has published a legislative 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 recast proposal is on the agenda for the Environment Council Working Group meeting on 30 May. 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

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	BIS
HSE contact	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	BIS
HSE contact	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
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

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress

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.

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

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 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.

Lead Department	BIS
HSE contact	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. The communication 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. **A public consultation on the Commission's ideas ended on the 11 May 2011**

Lead Department	HSE and/or DECC (depends on the focus of the future proposal)
HSE contact	SCS Lead – Steve Walker Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

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

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):	
<p>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 2nd 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.</p>	
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 – 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):	
<p>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.</p>	
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 – 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 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. **A proposed European Commission (EC) Decision not to include seven active substances in Annex I was also subject to a positive vote at the meeting. 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. A non-inclusion Decision is the final stage at which removal from the market is confirmed. The non-inclusion Decision for sulphur dioxide was due to be re-tabled on 6th May, but has been postponed again while the EC remains in discussion with the wine industry. The EC hopes to find a solution allowing industry to submit the required data so that the substance can remain on the market and be assessed under the Directive.**

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 – Abigail Dean

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include Fipronil, lambda-cyhalothrin, deltamethrin and Bacillus thuringiensis subsp. Israelensis Serotype H14, Strain AM65-52 (BTI) in Annex I

Current status (NEW DEVELOPMENTS):

Fipronil, lambda-cyhalothrin, deltamethrin and BTI were subject to **positive votes** at the May 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

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 – Abigail Dean

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. None were put forward and so the Council was unable to act on the proposal. It has now been sent formally to the EP, which has until 10 June to act. If there is no blocking majority in EP, the proposal will be adopted by the Commission as currently drafted.</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>

ENTERPRISE AND INDUSTRY DOSSIERS

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>	
<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>

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>	
<p>Lead Department HSE contact</p>	<p>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</p>

Proposed Directive codifying directives relating to the driver's seat on wheeled agricultural or forestry 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. 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.	
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	
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 HSE contact	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

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. HSE is currently seeking ministerial clearance to consult on the measures that would transpose the Directive 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
EU Regulation (349/2011) implementing EC Regulation 1338/2008 on Community statistics on public health and health and safety at work, as regards statistics on accidents at work	
Current status (NEW DEVELOPMENTS): 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). The Regulation was adopted by the Commission on 11 April and applied from 2 May.	
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:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
<p>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-rapporteur 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. Planning is in its early stages. • 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. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. 	
Lead Department	DEFRA (Policy Lead) HSE (UK Competent Authority)
HSE contact	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

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’s consultation 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 closed on 12 April. In light of the consultation, DEFRA has maintained the general approach of the Regulations, with some technical amendments to certain provisions, and has deleted or adjusted some individual fees.	
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’s consultation on European Regulation 1107/2009 included draft legislation to implement fees and charging provisions for Directive 2009/128/EC. It closed on 12 April. In light of the consultation, DEFRA has maintained the general approach to charging, but decided not to proceed with some matters in the Directive which it proposed to fund from the charge.	
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 (NEW DEVELOPMENTS): 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 (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 – Mike Warnes, Office for Nuclear Regulation, 0151 951 4547, mike.warnes@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	BIS
HSE contact	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	BIS
HSE contact	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	BIS
HSE contact	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 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

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 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 2 nd Adaptation to Technical Progress	
<p>Current status (NEW DEVELOPMENTS): 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. There was no objection by the Council or European Parliament and therefore the agreed proposals came into force on 19 April 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

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
<p>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.</p>	
Lead Department HSE contact	DfT (MAIB) 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