

Health and Safety Executive Board		Paper No: HSE/11/02	
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Chief Executive's Report to the Board			

Energy and Climate Change Select Committee Report

1. In response to the Gulf of Mexico incident, the Energy and Climate Change Committee initiated an inquiry into the safety and environmental regulation of oil and gas operations on the UK continental shelf (UKCS) and the potential impacts of a moratorium on deepwater drilling. The Committee published its report on the 6 January 2011. HSE, the Department of Energy and Climate Change (DECC) and the Maritime Coastguard Agency (MCA) jointly submitted a Memorandum of Evidence to the Committee in September 2010, and gave oral evidence.

2. The Committee's Report stresses that the UK has high offshore regulatory standards as exemplified by HSE's Safety Case regime. It also concludes that there should not be a moratorium on deep water drilling in the UK, nor should there be any increased regulatory oversight from the European Commission. These conclusions mirror the written and oral evidence HSE and DECC presented to the Committee.

3. The report makes 25 conclusions and recommendations relating to safety, environmental protection, oil spill response and liability. Twelve of these relate to HSE, either as the primary lead or working jointly with DECC and cover a number of issues, including: improving industry planning for high-consequence, low-probability events; the need for someone offshore to have the authority to halt drilling operations at any time; the Government should adopt minimum, prescriptive safety standards for fail-safe devices such as the blowout preventers; ensuring that the UK offshore inspection regime does not allow simple failures to go unchecked, and; measures to improve safety culture.

4. The Government needs to respond to these conclusions and recommendations by the 6th March 2011. HSE will contribute to this response. HSE has already committed to undertaking a joint review with DECC and MCA of the oil and gas safety and environmental regimes following the outcome of investigations into the causes of the Gulf of Mexico incident. This will consider the Select Committee report recommendations and the lessons from the Report published in the USA on 11 January by the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (see below).

Final report of the US National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling

5. On the 22 May 2010, President Obama announced the creation of the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. This is an independent body asked to determine the causes of the Gulf of Mexico disaster, and to improve the US's ability to respond to spills, and to recommend reforms to make offshore energy production safer. The Commission published its report on the 11 January.

6. The key safety conclusion in the report is that the explosive loss of the Macondo well could have been prevented. The report identifies that the immediate causes of the well blowout can be traced to a series of identifiable mistakes made by BP, Halliburton, and Transocean that reveal such systematic failures in risk management that they place in doubt the safety culture of the entire industry in the US. However, the report also identified significant failures in the US offshore regulatory regime including recommending the development of a proactive, risk-based performance approach similar to the UK safety case approach in the North Sea. This is leading to significant reform of the US Department of the Interior's offshore safety and environmental regulator. The report also stresses the need for the regulator to be properly resourced and not subject to undue political and industry pressure.

7. Any lessons from this report for HSE (and DECC) will be considered as part of the DECC/HSE review (see paragraph 4). HSE will also continue its collaboration with its US counterparts, both via the International Regulators Forum (IRF) and also bilaterally, on post-Deepwater Horizon learning.

EC proposal for a new 'Seveso' Directive on the control of industrial major accident hazards involving dangerous substances

8. The European Commission published a proposal for a new directive on 21 December 2010 to replace Directive 96/82/EC. The proposal addresses the consequences for Seveso II of the new EU Regulation on the classification, labelling and packaging of chemical substances and mixtures and also reflects the findings of a recent Commission review of the effectiveness of the existing Directive. The legislation addresses risks to both people and the environment. The Commission presented the proposal at a Working Party on the Environment meeting on 17 January.

Update on the Mid Staffs Public Inquiry

9. The Mid Staffs Public Inquiry resumed on 10 January. HSE is awaiting a decision from the Inquiry about if and when HSE will be called to give evidence.

Introduction of the Occupational Safety and Health Consultants Register (OSHCR)

10. The Occupational Safety and Health Consultants Register (OSHCR) has been developed with a number of health and safety professional bodies in response to Lord Young's recommendation to raise standards in his *Common Sense, Common Safety* report.

11. The register will only be open to those individual consultants who are members of certain professional bodies who primarily deal with general health and safety risk management. They will be required to have achieved a set standard within that body. It has been agreed that the criteria should be set at degree level qualification, a minimum of two years experience and engagement with a continued professional development scheme. This is usually at Chartered, Fellow or Registered Member

status. Consultants will be able to apply to join the register from 31 January 2011 and employers will be able to search against this by 4 April 2011.

12. Any complaints will be handled by the professional bodies and if a decision to withdraw the membership status is made, the consultants will no longer be eligible to appear on the register.

13. The participating professional bodies have formed a not-for-profit company limited by guarantee (OSHCR Ltd) for governance purposes. HSE will continue to support the professional bodies as the register becomes up and running, through the provision of administrative support.

National Audit Office (NAO) Memorandum on the work of HSE in Scotland for the Scottish Affairs Committee (SAC)

14. Following SAC's meeting on 27 October 2010, NAO was asked for a memorandum on the work of HSE in Scotland. A factual report based on detailed information supplied by HSE is now complete. The report makes comparisons of activity and outcomes in the limited areas where information can be disaggregated between Scotland and other parts of GB.

15. No date has yet been set for the report to be considered by the SAC. If the SAC decides to take further evidence, HSE could be called as a witness.

Update on Voluntary Exit scheme

16. Following DWP and Cabinet Office approval of HSE's business case, a Voluntary Exit Scheme was launched on 22nd December 2010 under the terms of the new Civil Service Compensation Scheme.

17. A scrutiny of applications has been concluded and offers of release have been made to staff. Those staff involved have until 28th January 2011 to confirm acceptance of the offer if they wish to take it up. Those released will have a final working day of 25th February 2011 enabling HSE to score the cost this financial year.

18. The scheme has been targeted, although not exclusively, to reduce administrative support roles and other non-chargeable areas whilst retaining capability in regulating high hazard and high risk industries. The overall aim is to reduce the possibility of requiring compulsory redundancies in the future while retaining the maximum capability to deliver the Board's objectives and plans.

GEOFFREY PODGER

Operations

Fatality Details

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

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

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

Since the last update to the HSE Board in December 20 fatal accidents were reported to HSE under RIDDOR and are published on HSE's website. Please see [Annex 2](#) for details.

Significant Prosecutions for December 2010

- [Deeside Metal Company Ltd and Jeyes UK Ltd](#) were fined a total of £440,000 at Caernarfon Crown Court after a worker suffered 90 per cent burns and died, when the aerosol canisters he was crushing caught fire. A separate health and safety charge was also brought by the Crown Prosecution Service (CPS) against the manager of Deeside Metal Company Ltd, Mr. Robert Roberts.
- [Trevett Engineering Limited](#) was fined £30,000 and ordered to pay costs of £11,630 at Milton Keynes Crown after a worker was crushed to death at its premises.
- [British Telecommunications Plc \(BT\)](#) was fined £300,000 and ordered to pay costs of £196,150 at Southwark Crown Court following the death of a worker who fell from a ladder while carrying out installation works.
- [Scottish Power UK PLC](#) was fined £130,000 and ordered to pay £48,000 costs at Shrewsbury Crown Court after a 20-year-old was killed when a cable hit him in the face fatally injuring him
- [Open Contracts Ltd](#) was fined £60,000 and ordered to pay costs of £29,757 and Sub-contractor, Malcolm Dunn, who was trading as 3D Coatings was also fined £2,000 with no costs at Southwark Crown Court after a man fell to his death through a rooflight

- [Arken PoP Ltd](#) was fined £80,000 plus £16,914 costs at Peterborough Crown Court after an employee was crushed to death by a stack of glass he was unloading on his first day at work.
- [Bergwerff Numansdrop BV](#) was fined £60,000 with £21,709 costs after a 42 year-old worker fell to his death from a ladder.
- [Glossop Carton and Print Ltd](#) was fined £50,000 with £76,150 costs at Birmingham Crown Court after a worker was killed when a machine he was working on was activated while he was still inside.
- [Health and Care Services \(UK\) Limited](#) was fined £80,000 and ordered to pay £40,823 costs at Leeds Crown Court for serious training failures following the death of a patient because of "inappropriate and dangerous" restraint techniques.
- [Hochtief Construction AG](#) was fined £266,000 (reduced from £400,000 due to their plea of guilty) at Inverness Sheriff Court for a breach of Health and Safety legislation, following the death of an employee on construction site.
- [Heritage Manor Ltd](#) was fined £16,500 and ordered to pay £25,000 towards costs at Worcester Magistrates' Court when a 92-year-old woman died after falling from a first floor window in its Worcestershire care home
- [SCA Hygiene Products UK Ltd](#) was fined £120,000 and ordered to pay full costs of £18,514 at Mold Crown Court after an employee was paralysed from the chest down when he was crushed by a two tonne reel of paper.
- [Schlumberger Oilfield UK PLC](#) was fined a £300,000 at Aberdeen Sheriff Court today, for a breach of Health and Safety legislation that placed workers from other companies operating on a North Sea installation at risk of exposure to radiation.
- [Catalent U.K. Swindon Zydis Limited \(trading as Catalent Pharma Solutions\)](#) was fined £50,000 plus £50,123.10 costs at Swindon Magistrates' Court after a number of its employees were sensitised to a potent substance and developed allergic contact dermatitis

FOI Requests made to HSE

There were 439 FOI requests in December 2010.

Events, Campaigns and Publications in December 2010

Webtool for shops takes worry out of risk assessment

On 15 December 2010, a quick and easy online tool to help retailers assess the hazards in their shop was made available on HSE website. The web tool is to help implement Lord Young's recommendation that low-risk workplaces, such as shops are spared unnecessary paperwork and bureaucracy

Consultation opens in January on RIDDOR changes

HSE have opened a three-month consultation period on proposed changes to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) following Lord Young recommended that RIDDOR be amended by extending to seven days the period before an injury or accident needs to be reported.

Warning to users of hand-fed platen machines

Users of hand-fed platen – die cutting – machines are being urged to follow revised operating and safeguarding guidance to reduce the risk of serious crush injuries and even death. Two operators were killed in 2007/08 in the UK and HSE is aware of three other fatalities in other countries since 2007. HSE has now written to known users of these machines, alerting them to the risks and providing a new Information Sheet to help manage them, which is based on extensive consultation with industry, users and suppliers

Parliamentary Business

There were seven PQs in December 2010.

In-year work-related deaths reported to HSE

The following table is an extract of all 2010/11 work-related deaths notified to HSE since the last update to the Board on 15 December 2010. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 10 January 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	LA code	General Industry Sector	Detailed Standard Industry Classification (SIC)	SIC Code	Employment status
03/07/2010	Philip Smith	48	The deceased sustained a head injury after his wheelchair rolled down a slope	Bolton	Bolton	4205	Service	General (overall) public service activities	75110	Member of the public
28/08/2010	Noel Mickleborough	76	The deceased choked after swallowing an object	Ryedale	Ryedale	2736	Service	Nursing home activities	85113	Member of the public
30/08/2010	Colin Holt	52	The deceased asphyxiated	Kent	Medway Towns UA	2280	Service	Nursing home activities	85113	Member of the public
13/09/2010	Derrick McCulloch	58	The deceased collided with a works vehicle	Kent	Sevenoaks	2245	Service	General (overall) public service activities	75110	Member of the public
19/09/2010	Alison Carrick	39	The deceased fell from height	Farnworth	Bolton	4205	Service	Health and Social Work	85110	Member of the public
29/09/2010	Roger Brichard	68	The deceased was swept away by river current whilst fishing	Scotland	Highland UA	9068	Agriculture	Forestry and logging	02010	Member of the public
11/10/2010	Michael Bird	63	The deceased fell from height	Midlands	South Staffordshire	3430	Construction	Construction	45250	Self employed
01/11/2010	Patrick Foale	75	The deceased's wheelchair fell down stairs	Devon	South Hams	1125	Service	Nursing home activities	85113	Member of the public
03/11/2010	David Towns	28	The deceased died from suspected carbon monoxide poisoning	Kent	Canterbury	2210	Service	Other letting of own property	70200	Member of the public
04/11/2010	Roy Claringbold	58	The deceased sustained a head injury whilst emptying commercial waste bin	Cropwell Bishop	Milton Keynes UA	0435	Service	Collection and treatment of other waste	90020	Employee
05/11/2010	Olga Llewellyn	92	The deceased fell from height	Bridgend SW	Bridgend UA	6915	Service	Nursing home activities	85113	Member of the public
09/11/2010	Marcin Rogala	29	The deceased was struck by falling objects	Warwickshire	Nuneaton	3710	Service	Freight transport by road not elsewhere classified	60249	Employee
09/11/2010	Brian Gutteridge	64	The deceased was struck by a vehicle	Reading	Reading	0345	Construction	Construction	45210	Employee
12/11/2010	Roger Freeman	63	The deceased was struck by a bull	Stanford-on-Soar	Rushcliffe	3040	Agriculture	Farming of cattle, dairy farming	01210	Member of the public
13/11/2010	Richard Smith	30	The deceased died from suspected carbon monoxide poisoning	Saltash	Cornwall UA	0840	Service	Other letting of own property	70200	Member of the public
13/11/2010	Kevin Branton	32	The deceased died from suspected carbon monoxide poisoning	Saltash	Cornwall UA	0840	Service	Other letting of own property	70200	Member of the public
16/11/2010	Robert Rogers	60	The deceased fell from height	Kent	Shepway	2250	Manufacturing	Manufacture of other fabricated metal products not elsewhere classified	28750	Employee
17/11/2010	Christopher Watson	61	The deceased fell from a horse	Suffolk	Forest Heath	3510	Service	Other sporting activities not elsewhere classified	92629	Member of the public
18/11/2010	Christopher Johnson	64	The deceased was trapped by vehicle	Leicestershire	Leicester UA	2465	Service	Maintenance and repair of motor vehicles	50200	Self employed
23/11/2010	Brian Hicks	63	The deceased was struck by a vehicle	Norfolk	W Norfolk & Kings Lynn	2635	Extractive/Utility	Operation of gravel and sand pits	14210	Employed by other

Footnotes

Third parties provide this information when notifying these incidents to HSE. We will verify its accuracy (e.g. the name and age of the deceased) when the incident is investigated and as more information becomes available. Although we may have done some validation of the notifier's information prior to publication on HSE's web pages we cannot guarantee the accuracy of all of the above details.

All possible work-related fatalities are separately notified to the Coroner and the Coroners Court release the name of the deceased when they open the inquest. To ensure that this release has taken place, we do not publish this information until at least a month after the date of the reported incident.

JANUARY 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, with a second consultation due in 2011. 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 – Marion Evans, Work Environment, Radiation and Gas Division, 01511 951 4423, marion.evans@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 – Marcia Davies Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo</p>

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

Future initiative on work-related musculoskeletal disorders	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is working on integrating the Manual Handling and Display Screen Equipment Directives into a new Directive on work-related musculoskeletal disorders. A 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 amendment of Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is drafting a legislative proposal to amend the delayed Electromagnetic Fields Directive. An accompanying draft impact assessment (IA) is currently under consideration 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 currently expected midway through the Hungarian Presidency.	
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 has engaged a contractor to undertake an impact assessment to help decide the next steps for a potential future amendment of the Directive. The contractor is due to report by March 2011. A separate study considering the inclusion within the Directive of substances toxic for reproduction is due to start in early 2011. A legislative proposal may potentially appear in 2013.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk

SCS Lawyer – Prakash Bachoo

ENVIRONMENT DOSSIERS:

Future recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2000)	
Current status (NEW DEVELOPMENTS): The European Commission (EC) plans to put forward an amendment to the European Regulation on the Export and Import of Dangerous Chemicals. This would amend the Regulation to include references to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and set out the European Chemical Agency's future role in its implementation. <i>The EC's proposal is expected this year.</i>	
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

Future amendments to Offshore Oil and Gas Directives – including Directive 92/91/EEC which covers the minimum requirements for improving the safety and health of workers in the mineral-extracting industries through drilling	
Current status (NEW DEVELOPMENTS): The European Commission (EC) currently plans to put forward legislative proposals on the safety of offshore oil and gas activities by summer 2011. This follows the publication of the EC's Communication on "Facing the challenge of the safety of offshore oil and gas activities" on the 13 October 2010. This document outlines the EC's ideas to ensure that a disaster similar to the one in the Gulf of Mexico will never happen in the waters around the EU and that the best practices existing in Europe should become the standard throughout the area.	
Lead Department HSE contact	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

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 draft impact assessment (IA) is likely to be scrutinised by the EC's IA Board in December. A legislative proposal is likely later this year. In the UK, three stakeholder-working groups on occupational, medical, and public and environmental exposures are helping with an IA to inform the UK position.	
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 – Marcia Davies 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 (NEW DEVELOPMENTS): 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 Regulation. 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 – Marcia Davies HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

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>

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 (NEW DEVELOPMENTS): 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	BIS
HSE contact	HSE SCS Lead – Peter Brown HSE Policy Lead – Marion Evans, Work Environment, Radiation and Gas Division, 0151 951 4423, marion.evans@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards	
Current status (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.	
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 (NEW DEVELOPMENTS): The European Commission has published a proposal for a European Regulation to replace the current Biocidal Products Directive. It identifies five policy areas for change: scope, product authorisation, data sharing, data requirements and fees. 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.	
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 Annexes I and V to the EC Regulation on the Export and Import of Dangerous Chemicals (689/2009)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): European Commission proposals to add further substances to Annexes I and V of the European Regulation on the Export and Import of Dangerous Chemicals and to amend several existing entries to reflect the inclusion of these substances into existing pesticides controls were agreed on 20 October. Provided there is no objection by the Council or European Parliament, they are expected to come into force in March 2011.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include (Z,E)-Tetradeca-9,12-dienyl acetate, nonanoic acid, fenoxycarb and bifenthrin in Annex I

Current status (UNCHANGED SINCE LAST BOARD UPDATE):

(Z,E)-Tetradeca-9,12-dienyl acetate, nonanoic acid, fenoxycarb and bifenthrin were subject to positive votes at the September 2010 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. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by the simple use of an ambulatory reference inserted into the definition of the BPD in the relevant national implementing Regulations so that Annex I inclusion Directives are automatically transposed.

Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean
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Proposed amendment of the Biocidal Products Directive (98/8/EC) to include abamectin, imidacloprid, 4,5-Dichloro-2-octyl-2H-isothiazol-3-one (DCOIT), copper (II) oxide, copper (II) hydroxide, basic copper carbonate and fipronil in Annex I

Current status (NEW DEVELOPMENTS):

Abamectin, imidacloprid, DCOIT, copper (II) oxide, copper (II) hydroxide, basic copper carbonate and fipronil will be subject to votes at the February 2011 meeting of the Standing Committee for Biocidal Products for inclusion in Annex I of the Biocidal Products Directive (BPD). Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by the simple use of an ambulatory reference inserted into the definition of the BPD in the relevant national implementing Regulations so that Annex I inclusion Directives are automatically transposed.

Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean
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Proposed amendment of the Biocidal Products Directive (98/8/EC) to include creosote in Annex I	
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 at the committee vote stage, and so the issue will be referred to Council and the European Parliament (EP) under the regulatory procedure with scrutiny. The Hungarian Presidency will arrange for its consideration in the Council, which will have 2 months to reach a decision on whether to block or support the adoption of the inclusion Directive. The EP will then have a further 2 months to decide whether to act.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

ENTERPRISE AND INDUSTRY DOSSIERS

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

Proposed EC Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)	
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 – Marcia Davies HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the driver's seat on wheeled agricultural or forestry tractors	
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 – Marcia Davies 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 – Marcia Davies 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 – Marcia Davies 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	
<p>Current status (NEW DEVELOPMENTS): 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.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Marcia Davies Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk 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 – Tbc HSE SCS Lawyer – Abigail Dean</p>

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

Artificial Optical Radiation Directive (2006/25/EC)	
Current status (NEW DEVELOPMENTS): The Control of Artificial Optical Radiation at Work Regulations 2010 came into force in Great Britain on 27 April 2010. Transposition has also occurred in Northern Ireland and Gibraltar. Transposition has now occurred in relation to ships and fishing vessels.	
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
Directive establishing a 3rd List of Indicative Occupational Exposure Limit Values (2009/161/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive by 18 December 2011. HSE will consult in spring 2011 on implementation in Great Britain, which will be achieved through amendments to the HSE publication 'EH40 Workplace Exposure Limits'. Implementation is also required in Northern Ireland and Gibraltar.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo
Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive by 11 May 2013.	
Lead Department HSE contact	HSE SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, anna.bliss@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
<p>Current status (NEW DEVELOPMENTS):</p> <p>This European Regulation came into force on 1 June 2007. Key recent developments include:</p> <ul style="list-style-type: none"> • HSE has met with the Department for Environment, Food and Rural Affairs (DEFRA) to discuss its expected consultation on measures to assure the continued management of the asbestos legacy under the new REACH restrictions system. We are expecting publication of the consultation document soon, following a recent European Commission decision that REACH should not apply to buildings. • 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. Amendment of the UK REACH Enforcement Regulations 2008 will be required. • 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. DEFRA leads on all amendments to REACH. • The first deadline for REACH registration of ‘existing’ substances passed in December 2010. 24,675 registration dossiers were received by the European Chemicals Agency from businesses in the EU, for an estimated total of 4,300 substances. 12% of registrations (2,430) were by UK companies. Of the total number of registrations, 14% were by small and medium-sized enterprises as opposed to larger concerns, reflecting the relatively high tonnage threshold associated with the first deadline. The next deadline for registration – that applying to substances manufactured or imported in quantities of 100 tonnes or more per year – is June 2013. • Along with DEFRA, the UK REACH Competent Authority is considering its approach to the REACH ‘substance evaluation’ mechanism, which will begin in 2012. Substance evaluation presents an opportunity for Member States to assess registration data for given substances, to establish whether further regulatory controls are needed. Planning is in its early stages. 	
<p>Lead Department HSE contact</p>	<p>DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo</p>

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. The Government published its response to the 2010 consultation on options for implementation on 15 December 2010. It concluded that no statutory measures will be introduced over and above those imposed by the Regulation.	
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. The Government published its response to the 2010 consultation on options for implementation on 15 December 2010. It concluded that only relatively minor changes to current arrangements are necessary to meet the new requirements.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, adrian.dixon@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

EURATOM DOSSIER:

Directive Establishing a Community Framework for the Nuclear Safety of Nuclear Installations (2009/71/EURATOM)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): Member states are required to transpose the Directive by 22 July 2011. HSE and DECC have worked up a draft transposition strategy for clearance by the HSE Board and ministers.	
Lead Department HSE contact	DECC (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Les Philpott HSE Policy Lead – Kobina Lokko, Nuclear Directorate, 0207 556 3557, kobina.lokko@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 – Marcia Davies HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Services Directive (2006/123/EC)	
Current status (NEW DEVELOPMENTS): 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 around March 2011.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Kevin Walkin, Strategic Interventions Division, 020 7227 3831, kevin.walkin@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

Machinery Directive amendment (2009/127/EC)	
Current status (NEW DEVELOPMENTS): Member states are required to transpose the Directive, which introduced a limited number of environmental protection requirements for pesticides application machinery, by 15 June 2011. The Department for Business, Innovation and Skills (BIS) is currently working on draft amendments to the Supply of Machinery (Safety) Regulations 2008 to transpose these requirements. BIS and HSE will be liaising with relevant stakeholders over this. European Commission guidance on these requirements will be drafted in the first half of 2011.	
Lead Department HSE contact	BIS HSE SCS Lead – Marcia Davies 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 Accreditation and Market Surveillance (RAMS) (765/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This European Regulation applied from 1 January 2010 and sets accreditation and market surveillance obligations relating to the marketing of products in the European Union. Following agreement between HSE and the Department for Business, Innovation and Skills (BIS) on existing gaps in enforcement powers in UK legislation to meet the requirements of RAMS, BIS wrote to HSE asking if it should introduce legislation to give us and other authorities these powers. They also asked HSE if the Placing on the Market and Supervision of Transfers of Explosives Regulations (POMSTER) 1993 should be included in the list of applicable legislation. HSE has agreed that POMSTER should be included as relevant legislation. BIS is now in the final stages of drafting regulations, following a public consultation, to give these extra powers to inspectors of HSE and other relevant authorities. The regulations are expected in early 2011.	
Lead Department	BIS
HSE contact	HSE SCS Lead – Marcia Davies 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 – Marcia Davies HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

Directive (2010/22/EU) adapting a number of directives, including Directive 86/415/EEC (Installation, location and operation of the controls of agricultural tractors), to technical progress	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This directive amends Directive 86/415/EEC relating to external power take-off (PTO) controls of agricultural tractors, allowing hold-to-run control for the first 3 seconds, after which full activation of the PTO can occur. The UK will have until 30 April 2011 to transpose the directive.	
Lead Department	DfT
HSE contact	HSE SCS Lead – Marcia Davies HSE Policy Lead – Tony Mitchell, Operational Strategy Division, 01604 73 8321, tony.mitchell@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 (UNCHANGED FROM LAST BOARD UPDATE): 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 have now been referred to the ECJ and will come up for hearings in due course.</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 – Marcia Davies HSE Policy Lead – Christine Barringer, Operational Strategy Division, 01342 334261, christine.barringer@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean