

Health and Safety Executive Board		Paper No: HSE/11/58	
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Chief Executive's Report to the Board			

Gleision Colliery fatalities

1. HSE Mines Inspectors are investigating the deaths of four miners at Gleision Colliery in the Swansea valley following an inrush of water on Thursday 15 September. Three other miners escaped from the mine and one remains in critical condition in hospital. An extensive rescue operation was undertaken but was ultimately unsuccessful and all four bodies were recovered over the following days. Mines Inspectors were at the mine throughout the rescue, liaising with and providing expert assistance to the Police and other emergency services.
2. The investigation is being carried out jointly with South Wales Police under the terms of the Work-Related Deaths Protocol. The initial focus is to establish what happened and then how and why. Inspectors have been collecting evidence both from inside the mine and at the surface. HSE will issue a general alert to the industry on the dangers of inrush shortly.

Update on Chevron refinery explosion and fire, Pembrokeshire

3. HSE continues to investigate the incident at the Chevron oil refinery on 2 June in which 4 workers died. There is a joint investigation team working under the Work Related Deaths Protocol comprising Dyfed Powys Police, and HSE and the Environment Agency as the COMAH Competent Authority. The Police still have primacy. The Crown Prosecution Service have also been engaged in the investigation. The team is following a number of lines of enquiry in relation both to the refinery operator and to the contractors. HSE has published an industry alert on the relevant precautions for tank maintenance.
4. More than 50 statements have been taken and interviews with potential witnesses will continue for the foreseeable future in accordance with the witness interview strategy agreed by the investigation team. The condition of the fifth person involved in the incident who suffered serious burns has improved but he has not yet been well enough to be formally interviewed. Forensic examination, metallurgical testing and analysis of equipment and samples is being carried out by HSL at their Buxton laboratories.
5. Chevron Limited sold the Pembroke Refinery on 9 August to Valero Energy Limited and Valero Energy Ltd became the COMAH operator from that date.

Update on Shell Gannet Alpha oil release incident

6. Work has begun on a joint DECC-HSE investigation into the Gannet Alpha oil release incident in August. DECC Inspectors are currently leading the

investigation to consider the environmental nature of the incident with support from Inspectors from HSE's Gas and Pipelines Unit. A preliminary meeting has been held with the Crown Office and Procurator Fiscal Service to brief them on the incident and to outline initial plans for the joint investigation.

7. The investigation teams visited the Gannet Alpha offshore installation during w/c 29 August and investigation work is continuing onshore with a series of structured interviews/statements with key Shell personnel. The Gannet pipelines remain isolated and Shell continue to work closely with the Secretary of State's Representative in preparing procedures to remove the remaining hydrocarbon pollution from the system.

Report by the Commons Select Committee on Science and Technology

8. On 14 September, the House of Commons Science and Technology Committee published its Report on whether health and safety concerns are preventing science practicals in schools and fieldwork and field trips. The Report supports the views of HSE that health and safety legislation is not a barrier to education in and outside the classroom.
9. The Committee began its inquiry due to perceptions that health and safety concerns have been preventing practical science, fieldwork and fieldtrips to encourage "hands on" experience of science. The Committee took evidence from a range of witnesses including from HSE. The Committee's findings reflected oral evidence provided by Kevin Myers, Deputy Chief Executive, on 4 July 2011 and written evidence provided by HSE. The Committee found no convincing evidence that health and safety legislation itself prevents this from happening.
10. The Report recommends more should be done to develop the skills and competencies of teachers to enable them to deliver science education with more effective hands on experience. The Report also makes recommendations to improve the quality of materials, management and support for teachers; and to improve delivery of the science curriculum. The Department for Education are considering the recommendations of the Report and will be responding to the Committee on how these might be implemented.

Update on Red Tape Challenge and Löfstedt Review

11. The Red Tape Challenge spotlight on health and safety regulations concluded on 21 July. In total around 1200 comments concerning health and safety regulations have been made on the site up to 21 July. Since the conclusion of the spotlight, very few further comments have been received. A spotlight period for the cross-cutting theme of enforcement began on 11 August and ran for five weeks. Few comments relating to health and safety were received.
12. A Senior Steering Group is meeting regularly to oversee work on the Challenge and HSE work for the Löfstedt Review. The deadline for written evidence to the review was the 29th July 2011. Professor Löfstedt has attended a number of inspection visits covering a range of sectors e.g. construction and manufacturing. Professor Löfstedt has also had meetings with a range of stakeholders.

Co-operation with the Care Quality Commission (CQC)

13. The Chair and I met with Dame Jo Williams, Chair, and Cynthia Bower, Chief Executive, of CQC on 5th September 2011. One of the issues raised at the Mid Staffs Public Inquiry was the importance of HSE (and where appropriate the police) being alerted to cases of such gravity as to justify HSE investigation. We envisage only a few such cases each year and agreed with CQC that a small team should be set up to draft the necessary guidance to staff. Arrangements for such a team have now been made. We shall be advising the Inquiry of this.

Update on cost recovery

14. The formal consultation closes on 14 October. Meanwhile HSE has finalised preparations for undertaking a dry run of the new systems, processes and procedures needed to support cost recovery. From October to December staff in two regions of the country will operate as if cost recovery was implemented, up to the point of actually sending out invoices to businesses. This will ensure that final system design is as efficient and effective as possible and that operational guidance both reflects the new process and supports staff through the cost recovery process. The dry run will also feed further data and information into the final stage Impact Assessment which will support the passage of new legislation.

Update on the FASe Programme

15. The Incident Contact Centre (ICC) run by Santia closed on 9 September. The new ICC service successfully opened with Jobcentre Plus on 12 September. The new interactive notification forms are successfully being completed and submitted by dutyholders with no major issues arising. A comprehensive package of communications was launched on the 12 September to both internal and external audiences to explain the service delivery changes.

16. The interim arrangements for the acceptance of emailed RIDDOR notifications from companies with automated accident reporting systems started on 12 September and are working well. HSE will be implementing an alternative file transfer facility for these companies and timescales are currently being finalised.

17. Plans are on track to close the Infoline service on 30 September. Call volumes to Infoline are reducing as planned with calls down to 6,152 in August 2011, a reduction of 57% from the same month last year. In August HSE also received 1,058,614 hits on the website, an increase of c. 20% from the same month last year. Improvements to the information on the HSE website are continuing.

Update on asbestos training initiative

18. I provided details of this initiative in my report to the August Board meeting. Since the launch on 5 September HSE has received pledges of 5008 hours of free classroom training and 3067 hours of free e-learning training against a combined target of 4000 hours. The combined total of 8075 hours training equates to free asbestos training for c. 2323 tradespeople. We are also working with ASHEeLA

(the association representing e-learning training providers) to translate the asbestos awareness course into foreign languages. The initiative has been received very positively in the media.

Launch of 2011 HSE People Survey

19. HSE are participating in the civil service-wide People Survey for the third year running. The survey launched on 19 September and runs until 21 October. It measures levels of employee engagement in HSE, HSL and ONR. Engagement is the measure of an employee's emotional commitment to their organisation and its success.
20. Headline results will be available in November and full results in December. The results can be benchmarked against those of previous years, as well as those of other participating organisations.

Operations

Fatality details

Since the last update to the HSE Board on 17 August 2011, 26 fatal accidents for 2011/12 were reported to HSE under RIDDOR and subsequently published on HSE's website. These include fatalities in July of 2011 and also those which took place in April, May and June. Please see [Annex 2](#) for details.

Of these 26 fatalities, 14 occurred in July 2011, compared with 20 which occurred in July 2010.

The last update contained details of four fatalities on 2 June 2011 at the Chevron plant in Pembroke. These were originally classified as construction fatalities. Following clarification with the investigating inspector, these fatalities have subsequently been reclassified as services fatalities to reflect the activities of the deceased on the day of the incident. The HSE website has been amended accordingly.

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 August 2011

- [Power Networks \(formerly known as EDF Energy Networks Limited\)](#) was fined £300,000 and ordered to pay costs of £219,352.09 at Norwich Crown Court after an employee died while working at one of its Norfolk sites.
- [Tuffnells Parcels Express Ltd](#) has been fined £150,000 and ordered to pay £19,000 costs at Chelmsford Crown Court after an employee was seriously injured when his skull was crushed by a reversing lorry at the company's depot in West Horndon near Brentwood, Essex.
- [DavyMarkham Ltd](#) was fined a total of £33,333 with £49,247 in costs Sheffield Crown Court when a 28 year old was killed when he and colleagues attempted to unload a four-ton crate from a shipping container at the DavyMarkham Ltd factory in Darnall, Sheffield.
- [Whiteinch Demolition Limited](#) was fined £15,000 at Glasgow Sheriff Court after a worker was killed when a weight from a face shovel machine fell on him
- [Foptel Ltd](#) was prosecuted following the death of a worker who fell while carrying out work on a roof. The 29 year old suffered fatal head injuries after falling 13.5 metres from a four-storey house onto a side patio in Belsize Park, London on 3 February 2008. The court fined the company £1 as the company was no longer trading and was shown to have no assets.
- [Vion Foods Scotland Ltd](#) was fined £100,000 at Livingston Sheriff Court after a worker was killed when he was hit by a forklift truck so badly loaded its driver could not see him.

- [Tulip Ltd](#) was fined £16,000 and ordered to pay costs of £4,076 at Grantham Magistrates' Court after a worker severed two fingers in an unguarded mixing machine.
- [Ovenride Wholesale Ltd](#) was fined a total of £1 at the City of London Magistrates' Court after a man died of injuries sustained when he fell from a stepladder. The manager Amjad Mahmood was fined a total of £300 and ordered to pay costs of £200 for failing to provide a safe system of work which led to the death the handyman.
- [Moughton Engineering](#) was fined £6,000 and ordered to pay costs of £4,846.80 Great Yarmouth Magistrates' Court after an incident in which a teenage apprentice welder suffered burns to his face and one of his eyes
- [Lowmac Alloys Ltd](#) was fined £80,000 at Ayr Sheriff Court after a worker was severely injured when he was crushed between two skips.

Events, Campaigns and Publications in August 2011

West coast fish farmers received safety advice

Scottish fish and shellfish farmers attended a special aquaculture and maritime safety event in Oban on 6 September.

The free event aims were to remind those working in aquaculture of good practice through practical demonstrations and enabled them to identify common workplace hazards and precautions. It follows the success of four similar events, the last held in Kishorn in September 2010 and provided an opportunity for the industry to get together and share their experiences.

Qualified instructors and experienced personnel from the industry presented practical demonstrations on how to avoid the most common causes of accidents and ill health arising in aquaculture and other marine activities, such as:

- Fork lift truck/ transport operations
- Manual handling
- Chemical handling
- Working in confined spaces
- Lifejackets
- Life rafts and flares
- Cold shock

FOI Requests made to HSE

There were 535 FOI requests made to HSE in August 2011.

Parliamentary Business

There were 9 PQs dealt with by HSE during the month of August 2011

Annex 2

The following table is an extract of all 2011/12 work-related deaths notified to HSE since the last update to the Board on 17 August 2011. It is taken from the latest "Names and details of fatalities" update published on HSE's website on 5 September 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
19/04/2011	John Round	44	The deceased died after coming into contact with machinery	Stroud	Stroud	Agriculture	Growing of crops combined with farming of animals (mixed farming)	Self employed
23/04/2011	Robert Mayne	59	The deceased drowned after falling from a vehicle	Essex	Thurrock	Construction	Construction of civil engineering constructions	Employee
24/04/2011	Eric Davey	-	The deceased died during a diving activity	Chepstow	Forest of Dean	Services	Activities of private training providers	Member of the Public
04/05/2011	Palaniappan Thevarayan	47	The deceased died following a fall	Surrey	Epsom & Ewell	Services	Other business activities not elsewhere classified	Member of the Public
06/05/2011	Paulo Almeida De Silva	47	The deceased fell from height	Somerset	Taunton Deane	Agriculture	Growing of cereals and other crops not elsewhere classified	Employee
10/05/2011	Alexander Gerrard	69	The deceased died whilst under medical care	Falkirk	Falkirk UA	Services	Public sector hospital activities including NHS trusts	Member of the Public
25/05/2011	Mohammed Shakeel Abu	47	The deceased died in a fire at his workplace	Rochdale	Rochdale	Manufacturing	Manufacture of household textiles	Employee
06/06/2011	Dorothy Thorn	90	The deceased died following a fall	Devon	South Hams	Services	Nursing home activities	Member of the Public

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
08/06/2011	Anthony Muir	40	The deceased was electrocuted	Slough	Slough UA	Services	Maintenance and repair of motor vehicles	Self employed
11/06/2011	Charles Bunyasi	50	The deceased was struck by a vehicle	London	Crawley	Services	Freight transport by road not elsewhere classified	Self employed
14/06/2011	Christopher Stanley	38	The deceased died following a fall	Birmingham	Birmingham	Services	General (overall) public service activities	Employed By Other
30/06/2011	Sophie Howard	13	The deceased was struck by a falling object	Cambridgeshire	Huntingdon	Services	General (overall) public service activities	Member of the Public
01/07/2011	Muhammad Talha Baber	12	The deceased drowned at a swimming pool	East Sussex	Lewes	Services	Adult/Oth Education	Member of the Public
03/07/2011	Konrad Miskiewiez	24	The deceased was electrocuted	Falmouth	Cornwall UA	Agriculture	Growing of crops combined with farming of animals (mixed farming)	Employee
06/07/2011	Robert Shore	20	The deceased was struck by a falling object	Hertfordshire	St Albans	Construction	Joinery Installation	Employee
06/07/2011	Michael Kelly	26	The deceased was struck by a falling object	Staffordshire	Stoke-on-Trent	Construction	Joinery Installation	Employee
11/07/2011	Michael Wickstead	63	The deceased was struck by a moving object	Oldham	Oldham	Manufacturing	Manufacture of other fabricated metal products not elsewhere classified	Employee
13/07/2011	David Astley	56	The deceased was crushed by a trailer	Cheshire	Halton UA	Services	Freight transport by road not elsewhere classified	Employee
13/07/2011	Peter Cochrane	51	The deceased fell from height	Wirral	Wirral	Construction	Floor and wall covering	Self employed
15/07/2011	Paul Gray	48	The deceased asphyxiated	Essex	Epping Forest	Agriculture	Farming of cattle, dairy farming	Employee
16/07/2011	Marie Kirkham	58	The deceased died following a fall	Wigan	Wigan	Construction	Construction of highways, roads, airfields and sport facilities	Member of the Public

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
19/07/2011	Ahmet Yakar	52	The deceased was struck by falling objects	Swansea	Swansea UA	Manufacturing	Manufacture of electric motors, generators and transformers	Employed by other
20/07/2011	Mark Williams	41	The deceased was crushed by an overturning vehicle	Newbury	West Berkshire UA	Construction	Construction of Commercial Buildings	Employee
21/07/2011	Anthony McGowan	58	The deceased was struck by a falling object	Southampton	New Forest	Construction	Construction of Commercial Buildings	Employee
22/07/2011	Mark Newlands	58	The deceased fell from height	Glasgow	Glasgow UA	Construction	Joinery Installation	Self employed
27/07/2011	Ronald Meese	58	The deceased was struck by falling objects	West Midlands	Sandwell	Manufacturing	Manufacture of non-domestic cooling and ventilation equipment	Employee

SEPTEMBER 2011 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

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

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

Social partners' consultation on environmental tobacco smoke	
Current status (NEW DEVELOPMENTS): The European Commission is considering whether there is a need for EU action on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, and a second consultation is due later this year (at the moment, a contractor is carrying out an assessment of potential actions to inform the latter consultation). The Department of Health is leading on this with support from HSE. HSE has replied that it would not support any new or amended EU legislation in this area.	
Lead Department HSE contact	DH HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

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

Draft social partners' agreement on the prevention of health risks in the hairdressing sector	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European social partners covering the hairdressing profession have negotiated a draft agreement on the prevention of health risks in their sector, though it is yet to be adopted.	
Lead Department HSE contact	HSE SCS Lead – Stephen Williams Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Social partners' consultation on reviewing the Working Time Directive	
Current status (UNCHANGED FROM LAST BOARD UPDATE): In September 2009, the European Commission (EC) announced its commitment to review the Working Time Directive, following the collapse of the previous round of negotiations in April 2009. The review process began with the first of a required two stage consultation of the European social partners between March and June 2010. In parallel, the EC began the process of preparation of an Impact Assessment to accompany any future proposal. The second phase of the consultation of the social partners has now closed; their views on the envisaged action at EU level to amend the Directive should become apparent soon. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, bernadette.cadman@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

Future initiative on Ergonomics at Work	
Current status (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. We don't expect a legislative proposal from the EC until sometime in the first half of 2012.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Future initiative on Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is considering whether there is a need for a potential future amendment of the Directive. The EC engaged a contractor to look at this issue. They have recommended that a flexible approach to setting occupational exposure limits for carcinogens is retained within the EU and that such an approach is underpinned by agreed guidance from experts. A separate study considering the inclusion within the Directive of substances toxic for reproduction started in May 2011 and is due for completion by May 2012. A legislative proposal may potentially appear in 2013.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

EURATOM DOSSIER:

Future revision of EURATOM Directives dealing with radiological protection	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) is currently working on a draft legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive. A legislative proposal is currently expected in September.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

ENTERPRISE AND INDUSTRY DOSSIERS:

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

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

	david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo
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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 now expected towards the end of 2011.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

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 3 rd adaptation to technical progress of the European Regulation on classification, labelling and packaging of substances and mixtures. These will provide new or revised harmonised classifications for certain specified substances. The EC's proposal is now expected towards the end of 2011.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
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. 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. The UK supports the current drafting of the "package". Formal negotiations of the package of proposals are expected to begin in the Technical Harmonization Working Group in October 2011 with consideration by the Competitiveness Council under AOB on the December 5th.	

Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean
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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 (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) plans to put forward legislative proposals on the safety of offshore oil and gas activities later this year. This follows the publication of the EC’s Communication on “Facing the challenge of the safety of offshore oil and gas activities” on the 13 October 2010. This outlined the EC’s ideas to ensure that a disaster similar to the one in the Gulf of Mexico will never happen in EU waters and that the best practices existing in Europe should become the standard throughout the area.	
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

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

Proposed amendment of Pregnant Workers Directive (92/85/EC) on introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Parliament (EP) has proposed a number of amendments to the Directive, including ones on health and safety, following its plenary session on 20 October 2010. The EP's amended proposal has been sent to the Council, which is now considering it.	
Lead Department HSE contact	BIS HSE SCS Lead – Peter Brown HSE Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

Proposed replacement of Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission (EC) has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new directive. The Polish Presidency began negotiations on the proposal in July.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, matthew.penrose@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

ENVIRONMENT DOSSIERS:

Proposal Directive on control of major accident hazards
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Current status (NEW DEVELOPMENTS):	
The European Commission has published a proposal for a Directive on control of major accident hazards. This would replace Directive 96/82/EC, as amended by Directive 2003/105/EC (otherwise known as the 'Seveso II' Directive). The proposal is designed to bring 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures and to make other technical changes. The Polish Presidency, following a handover from the Hungarian Presidency, has now picked up the negotiations on the dossier and is aiming to try to reach a first reading deal on it; the vote in the ENVI Committee in the European Parliament on 4 October should give a good indication of how likely that is.	
Lead Department	HSE
HSE contact	SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Prakash Bachoo

Proposed recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission has published a proposal to recast the existing European Regulation on the Export and Import of Dangerous Chemicals. This is to include references in it to the European Regulation on classification, labelling and packaging (CLP Regulation), align its definitions with those in the CLP Regulation and set out the European Chemical Agency's future role in its implementation. The Council is now considering the recast proposal through meetings of its Environment Working Group. Any agreed proposal will necessitate the replacement and re-enactment of the UK enforcing regulations for the 2008 European Regulation as they make specific reference to it.	
Lead Department	HSE
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):	
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 will be subject to a vote on 27 September. If they are agreed, and provided that there is no objection from the Council or European Parliament, they are likely to come into force in spring 2012.	
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 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 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 January 2012, with a view to the Regulation applying from Summer 2013. **Second reading negotiations between Council and Parliament started in September.** The Regulation will be directly applicable in member states and will not require transposition, although regulations may be required on enforcement and fees.

**Lead Department
HSE contact**

HSE

SCS Lead – Kären Clayton

Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include bendiocarb, flufenoxuron, copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic in Annex I, and two proposed Commission Decisions not to include certain active substances in Annex I

Current status (UNCHANGED FROM LAST BOARD UPDATE):

Bendiocarb and flufenoxuron copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic will be subject to votes at the September 2011 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. Annex I is a list of active substances with requirements agreed at European level for inclusion in biocidal products. When an active substance is listed it paves the way for biocidal products containing such active substances to be authorised for placing on the market. As such the inclusions are not expected to impose costs on businesses. Following the vote, a Directive listing the active substances for inclusion under Annex I of the BPD will be published in the Official Journal and the member States will have to transpose it into national law. In GB and NI this is achieved by using an ambulatory reference inserted into the definition of the BPD in the relevant national implementing regulations thus ensuring automatic transposition. Copper (II) oxide, copper (II) hydroxide and copper (II) carbonate basic were due to be voted on at the July 2011 meeting, but the vote was postponed until September due to technical issues raised by other member states. The Standing Committee will also vote in September on two proposed European Commission Decisions not to include 20 active substances in Annex I.

**Lead Department
HSE contact**

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 margosa extract, methyl nonyl ketone and hydrochloric acid in Annex I, and two proposed Commission Decisions not to include dichlorvos and naled in Annex I

Current status (NEW DEVELOPMENTS):	
Margosa extract, methyl nonyl ketone and hydrochloric acid will be subject to votes at the December 2011 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. The Standing Committee will also vote in December on two proposed European Commission Decisions not to include dichlorvos and naled in Annex I.	
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

ENTERPRISE AND INDUSTRY DOSSIERS

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

Proposed Directive codifying directives relating to the driver's seat on tractors**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The European Commission, in 2008, published a proposal to codify Directives relating to the driver's seat on wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.

Lead Department**HSE****HSE contact**

SCS Lead – Stephen Williams

Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures on tractors**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The European Commission has published a proposal to codify Directives relating to the rear-mounted roll-over protection structures in narrow tracked wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.

Lead Department**HSE****HSE contact**

SCS Lead – Stephen Williams

Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean

Proposed Directive codifying directives relating to the front-mounted roll-over protection structures on tractors**Current status (UNCHANGED FROM LAST BOARD UPDATE):**

The European Commission has published a proposal to codify Directives relating to the front-mounted roll-over protection structures in narrow track wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.

Lead Department**HSE****HSE contact**

SCS Lead – Stephen Williams

Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk

SCS Lawyer – Abigail Dean

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

Proposed EU Regulation on European Standardisation and amending a number Council and other Directives	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a Regulation to update and improve the standardisation system in the EU. It follows a European Parliament report that identified a number of challenges, including: the lack of balance on drafting working groups; lack of input from SMEs; the length of time taken to revise standards; the need to develop standards in new areas; and the cost of taking part in the process. The Department for Business, Innovation and Skills (BIS) is leading the negotiations for the UK. HSE, in consultation with BIS, is looking to see if there is scope for developing better cooperation among member state work equipment market surveillance authorities so they can be more effective at developing good harmonised standards and blocking defective ones.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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. This would involve amendments to the HSE publication 'EH40 Workplace Exposure Limits'. Implementation is also required in Northern Ireland and Gibraltar. The consultation on measures to transpose the Directive ended on 4 August and a revised impact assessment is currently awaiting RPC clearance.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gill Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Abigail Dean

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

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
This European Regulation came into force on 1 June 2007. Key recent developments include:	
<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. The UK intends to apply to evaluate three substances in 2012. These substances mostly concern environmental rather than human health matters, reflecting early REACH priorities in addressing less well-understood environmental risks. • HSE is planning for measures to enact a permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. Industry has agreed to consider developing the necessary certified (or other quality-assured) training scheme. A paper on this issue is due to go the HSE Board shortly. • Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. 	
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 – Abigail Dean
EC Regulation (834/2011) amending Annex I to the EC Regulation (689/2008) on the Export and Import of Dangerous Chemicals	
Current status (NEW DEVELOPMENTS):	
This Regulation, which adds substances to Annex I of the European Regulation on the Export and Import of Dangerous Chemicals and removes one existing entry was published in the Official Journal on 20 August and will apply from 1 October 2011. These amendments are routine and reflect the inclusion of these substances into existing pesticides controls.	
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

HEALTH AND CONSUMERS DOSSIERS:

EC Regulation (1107/2009) concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC	
Current status (NEW DEVELOPMENTS): This European Regulation replaces and updates the European Union’s authorisation regime for pesticides. It includes provisions to increase the level of protection given to human health, animal welfare and the environment. It also aims to speed up decision-making and provide clearer rules for the crop protection industry. It took effect from 14 June 2011. Implementing legislation will come into force on 24 September.	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Dave Bench HSE Policy Lead – Mark Hawkins, Chemicals Regulation Directorate, 01904 455 759, mark.hawkins@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

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

INDUSTRY AND ENTERPRISE DOSSIERS:

Services Directive (2006/123/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The Provisions of Services Regulations 2009 came into force on 28 December 2009 and apply UK-wide. Health and safety law relating to the protection of employees/self-employed is not within scope of the Directive however, that relating to the protection of the public is. A screening exercise was undertaken by HSE in March 2010 to determine which of our regulations/authorisation schemes were deemed to fall within the scope of the Directive. Work is currently being undertaken to ensure compliance with the requirements of the Directive.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Chris Rowe, Strategic Interventions Division, 020 7227 3811, chris.rowe@hse.gsi.gov.uk HSE SCS Lawyer – Prakash Bachoo

Machinery Directive amendment (2009/127/EC)	
Current status (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) has now completed the amendment to the Supply of Machinery (Supply) Regs 2008, and this comes into effect from 15 December 2011 implementing Directive (2009/127/EC) for machinery applying pesticides.	
Lead Department HSE contact	BIS HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, phil.papard@hse.gsi.gov.uk HSE SCS Lawyer – Abigail Dean

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

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

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. Discussions are in progress with the devolved administrations about the potential mechanisms for appointing HSE as the UK competent authority for the Regulation.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Abigail Dean</p>

TRANSPORT DOSSIER:

Directive on investigation of accidents in the maritime transport sector (2009/18/EC)	
<p>Current status (NEW DEVELOPMENTS): 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 has drafted implementing regulations, for Ministerial consideration at DfT. Subsequently, MAIB will consult publicly, including inviting comment from HSE. It is MAIB's hope to have these regulations in force during Q1 2012/2013.</p>	
<p>Lead Department HSE contact</p>	<p>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</p>