

Health and Safety Executive Board		Paper No: HSE/12/23	
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<b>Chief Executive's Report to the Board</b>			

### Update on Irlam gas explosion in December 2010

1. A gas explosion on Merlin Road, Irlam, Salford on 2 November 2010 destroyed three houses and caused significant damage to other properties; an elderly woman also received serious burns. There was considerable local and regional interest, including that from the local MP. The complex investigation was concluded, and prosecution approved, in February 2012. Paul Kay, a Gas Safe registered fitter who undertook gas work in 74 Merlin Road (the seat of the explosion) the day before the incident, has been charged with breaching Regulation 7(1) of the Gas Safety (Installation and Use) Regulations 1998 - this relates to failing to ensure that a gas fitting was properly supported and protected. Mr Kay is due to appear before Trafford Magistrates' Court on 15 June for the first hearing in the case.

### 10 Minute Rule Bill - Freezing company assets to ensure that fines can be paid and achieving justice for the bereaved

2. On the 8<sup>th</sup> February, Labour MP Luciana Berger introduced a 10 Minute Rule Bill (TMB) in which she proposed that the Health and Safety at Work Etc Act 1974 be amended to give health and safety inspectors the power to seek a court order to freeze some, or all, of the assets of a company under investigation following a death or serious injury. The assets could then be used to pay any fines imposed by the courts if the company went into administration. The Bill's purpose was for such companies to be properly held to account, and thereby to achieve justice for the bereaved.
3. However, it is part of the legitimate conduct of company law for companies to enter liquidation and administration quite properly, and the consequences of doing so affect other areas of regulation, not just health and safety. In answer to a Parliamentary Question tabled by Ms Berger on 19 March, the Minister for Employment responded that HSE officials will make contact with the Member's office to explore how the concerns underpinning the Bill may be most effectively addressed. Officials will then liaise with officials in the Department of Business Innovation and Skills and the Ministry of Justice.

### Chief Executive and Chair appearances at IOSH Annual Conference

4. Judith Hackitt and Geoffrey Podger both took part in the IOSH 2012 Conference in Manchester on 6-7 March 2012. The focus of this year's conference was "Health and Safety: Changing Perceptions" with a focus on

legislation and enforcement, working smarter, behavioural safety and culture and health.

5. Geoffrey took part in an in-depth discussion with Professor Lofstedt and HSE Board Member and TUC senior policy officer for Health and Safety, Hugh Robertson. It covered a number of topical issues with Geoffrey stressing in particular the importance of high standards of professional consultancy and the need to address failures to provide proportionate and properly targeted advice.
6. Judith took part in a plenary debate on the second day of the conference, alongside senior DWP official James Wolfe, on whether health and safety professionals make a positive or negative contribution to the public perception of health and safety. Judith took the opportunity to highlight to IOSH members that they face a clear choice between overcomplicating requirements or being part of the solution by helping to make things as easy as possible for business to understand and implement.
7. The subject of risk and young people was also raised and Judith again emphasised the importance of learning how to deal with risk through experience and how young people should not be wrapped in cotton wool.

### **HSE impact assessments rated fit for purpose by the Regulatory Policy Committee (RPC)**

8. The Government requires the evidence and analysis supporting regulatory (and most deregulatory) proposals to be reviewed by the independent Regulatory Policy Committee, and to be judged 'fit for purpose' for the proposal to proceed. The RPC has just published its latest report, covering Impact Assessments (IAs) scrutinised during 2011. The full report is at: [www.regulatorypolicycommittee.independent.gov.uk/fourth-rpc-report](http://www.regulatorypolicycommittee.independent.gov.uk/fourth-rpc-report)
9. I am pleased to say that HSE comes top of the 'league table' of Departments and Agencies in terms of IAs rated as fit for purpose (green or amber rather than red) last year - 91%, compared to the average of 72%. The RPC note that "HSE received only a single 'not fit for purpose' Opinion and received an above average proportion of Green Opinions ... generally the analysis presented was of a high standard, and the Department has consistently produced IAs in line with our seven recommendations". Our aim will be to continue to maintain a high level of performance in future, as the demands on analyst and policy resource increase. So far in 2012 we have received six RPC Opinions, three green and three amber.

### **Construction Intensive Inspection Initiative 2012**

10. The inspection initiative ran for 4 weeks from 20 February to 16 March. Inspectors targeted the refurbishment sector, and small sites in particular, because the evidence shows these are the poorest performing part of the construction industry. Inspectors concentrated on safe work at height and site good order, again, because statistics show these are the areas which give rise to the greatest number of accidents.

11. Inspectors visited 3237 sites and carried out 3887 inspections (the higher number reflecting significant interventions with one or more sub-contractors on some sites). They served 913 enforcement Notices on 581 sites (dutyholders on some sites received more than one notice). This means that on approximately 1 in 6 sites conditions were so poor that inspectors needed to take formal enforcement action to put things right.

### **Launch of European Agency biennial 'Healthy Workplaces' Campaign**

12. The next Healthy Workplaces European campaign is entitled 'Working together for risk prevention'. Launching on 18 April 2012, it runs until late 2013. The campaign themes are leadership and worker participation. The term 'risk prevention' is commonplace terminology in European institutions and some Member States. 'Risk management' would have been preferable for the UK context, but the campaign themes are the focus of any activities.

13. The UK launch will take the form of a video podcast recorded by the Chair. The podcast will be placed on the HSE website and interested stakeholders will be encouraged to diffuse it. The social partners are encouraged to promote the campaign. The Agency provides a 'European Campaign Assistance Package' to support certain campaign events.

### **Update on Löfstedt recommendations and Challenge Panel II**

14. HSE is progressing implementation plans to deliver the Löfstedt recommendations in line with the timetable announced by the Government. Delivery to date has included:

- launch of the Independent Regulatory Challenge Panel
- consultation on a first revocation package of Statutory Instruments

15. We are currently recruiting members for a second Challenge Panel which will look at decisions made by non-regulators in the name of health and safety. It is expected that the panel will be launched in April 2012.

**KEVIN MYERS**  
**Acting Chief Executive**

## Operations

### Fatality details

Since the last update to the HSE Board on Wednesday 29<sup>th</sup> February 2012, 18 fatal accidents for 2011/12 were reported to HSE under RIDDOR and subsequently published on HSE's website. Please see [Annex 2](#) for details.

In some cases, the publication of a fatality on the HSE website and notification to the Board may be some months after the actual date of the initial incident. This is due to the verification checks that are carried out to ensure that the fatality is within HSE's enforcement remit and if so, the correct information is subsequently published. The complex nature of some fatality investigations may mean that it can take some time to verify this information.

Of the 18 fatalities listed in the current report, 4 occurred prior to January 2012. 14 fatalities occurred in January 2012, compared with 23, which occurred in January 2011. 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 February 2012

- [Railcare Ltd](#) were fined £133,000 (reduced from £200,000 on account of their guilty plea) at Glasgow Sheriff Court following the death of one of their employees on 15 December 2008 as a result of head injuries sustained whilst working at an axle lathe that had an unguarded chuck
- [Montracon Ltd](#) was fined a total of £100,000 and ordered to pay £33,030 in costs at Hull Crown Court after a worker died when a six-metre steel machine landed on top of him after it was dislodged from overhead brackets at a factory in East Yorkshire
- [Avon Freight Group Ltd](#) was fined £30,000 and ordered to pay £26,147 costs, Simon Poole was fined £30,000 and ordered to pay £26,147 costs and Ronald MacPhee was fined £2,500 and ordered to pay £500 costs at Worcester Crown Court for putting at least 20 people at risk of lung disease from asbestos fibres
- [Mr Hayward, trading as Richard Hayward Properties](#) was fined £12,000 and ordered to pay costs of £20,000 at Pontypridd Magistrates' Court for failing to manage properly the risks from asbestos at the former Rhondda Pressing building, located on the Penygraig Industrial Estate
- [Quality Exhaust Supplies and Fitting Service Ltd](#) was fined £15,000 and ordered to pay £3,000 in prosecution costs at Manchester Crown Court over the death of a 76-year-old man who fell through a fragile garage roof in Manchester

- [Aden Pro Form Ltd](#) was fined £15,000 and ordered to pay £17,104 at Bournemouth Crown Court when a man had his arm crushed while trying to feed metal sheeting through machinery
- [John Webster](#) was fined £22,500 and ordered to pay prosecution costs of £2,500 at Liverpool Crown Court after he and an employee suffered multiple burns in an explosion
- [R & G Construction Ltd](#) was fined £ 30,000 and ordered to pay full costs of £7,515 at Westminster Magistrates' Court after a worker suffered life-changing injuries when he fell seven metres from an unguarded roof
- [Fisher Engineering Ltd](#) was fined £50,000 and ordered to pay costs of £16,595 and [CM Structural Services Ltd](#) was fined £15,000 and ordered to pay costs of £12,692 after a man was killed when a steel beam weighing more than a tonne fell on him while it was being unloaded from a lorry
- [Chalcroft Ltd](#) was fined £14,000 with £23,236.28 in costs at Cheltenham Magistrates Court when two workers fell eight metres from a temporary structure that collapsed while they were upon it
- [Paul Jowett](#) from Suffolk was sentenced to six months in prison at Ipswich Crown Court for putting lives at risk by illegally working on domestic gas appliances.
- [Skyways Shopfitters Ltd](#) was fined £18,000 and ordered to pay full costs of £6,210 for a series of health and safety breaches, which put its employees at risk

## Events, Campaigns and Publications in February 2012

### Crown Censure

The National Offender Management Service (NOMS), an executive agency of the Ministry of Justice was served a formal Crown Censure by HSE, after the death of a prisoner at HMP Bullingdon in Bicester, Oxfordshire. Details can be found [here](#).

### National construction inspection initiative started – Monday 20 February

Construction Inspectors from HSE carried out an intensive, national inspection campaign of refurbishment sites and those involving roof works during February and mid March 2012. Check here for [details](#)

### FOI Requests made to HSE

There were 568 FOI requests made to HSE during the month of February 2012.

### Parliamentary Business

HSE dealt with 14 PQs and provided contributions to 3 PQs that were led by DWP during the month of February 2012.

## Annex 2

The following table is an extract of all 2011/12 work-related deaths notified to HSE since the last update to the Board on 29<sup>th</sup> February 2012, it contains fatalities notified to us in January 2012. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 5th March 2012.

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
02/06/2011	Geraldine Grace	67	The deceased died after being struck by cattle	Somerset	Sedgemoor	Agriculture	Raising Of Dairy Cattle	Member of the Public
22/10/2011	Lee Baker	24	The deceased was struck by a moving vehicle	Walsall	Walsall	Service	Other urban, suburban or metropolitan area passenger land transport (not incl. underground, metro and the like)	Employee
27/10/2011	Damian Bowen	32	The deceased died after coming into contact with a harmful substance	London	Kensington & Chelsea	Service	Hospital activities	Employee
02/11/2011	John Raymond Cann	51	The deceased died from asphyxiation	Stockton on Tees	Stockton on Tees	Service	Justice and judicial activities	Member of the Public
03/01/2012	Harold John Hitchcock	64	The deceased came into contact with machinery	Derbyshire	Amber Valley	Agriculture	Mixed Farming	Self employed
05/01/2012	Mark Nyland	34	The deceased was struck by a moving vehicle	Cambridgeshire	South Cambridgeshire	Water Supply/Waste Management	Collection of non-hazardous waste	Employee
09/01/2012	Arthur Day	94	The deceased died from carbon monoxide poisoning	Lewisham	Lewisham	Service	Other letting and operating of own or leased real estate	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
13/01/2012	Jonathan Kent	18	The deceased was struck by a falling object	Berkshire	West Berkshire UA	Service	Landscape service activities	Employee
14/01/2012	William Murray	59	The deceased fell from height	Coventry	Coventry	Service	Maintenance and repair of motor vehicles	Self Employed
14/01/2012	Thomas Rowe	54	The deceased fell from height	Milton Keynes	Milton Keynes UA	Construction	Roofing activities	Employee
18/01/2012	John Altoft	29	The deceased was struck by an object	Rugby	Rugby	Construction	Other building completion and finishing	Employee
22/01/2012	Donald Mark	82	The deceased fell from height	Kent	Shepway	Service	Medical Nursing Home	Member of the Public
23/01/2012	Daniel Lobb	43	The deceased fell from height	Salford	Salford	Service	Window cleaning services	Self Employed
23/01/2012	Donna Edwards	51	The deceased died following a fall	Nottingham	Gedling	Service	Other letting and operating of own or leased real estate	Member of the Public
23/01/2012	Keith Harrison	72	The deceased fell from height	Barnsley	Barnsley	Service	Window cleaning services	Self Employed
24/01/2012	Ryszard Karpuc	45	The deceased fell from height	Maidenhead	Windsor & Maidenhead	Construction	Construction of residential and non-residential buildings	Self employed
27/01/2012	Timothy Elton	28	The deceased was trapped by falling objects	North East Lincolnshire	North East Lincolnshire	Service	Employment Agencies n.e.c	Employee
31/01/2012	Graham Readfern	56	The deceased fell from height	Manchester	Manchester	Construction	Construction of residential and non-residential buildings	Self employed

**MARCH 2012 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](mailto:stephen.taylor@hse.gsi.ov.uk))

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

<b>Social partners' consultation on environmental tobacco smoke</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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, with a second consultation due at some point (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.	
<b>Lead Department</b>	<b>DH</b>
<b>HSE contact</b>	HSE SCS Lead – Kären Clayton HSE Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, <a href="mailto:gill.fod.smith@hse.gsi.gov.uk">gill.fod.smith@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

<b>Amending European OSH Directives to align them with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. The EC is conducting an impact assessment of its plans to amend these directives.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Draft social partners' agreement on the prevention of health risks in the hairdressing sector</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 signed by the parties.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, <a href="mailto:cameron.adam@hse.gsi.gov.uk">cameron.adam@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Social partners' consultation on reviewing the Working Time Directive</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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 on amending the Directive in April 2009. There have since been two rounds of social partner consultation on Commission options for the Directive, with the social partners now having decided to open negotiations on an agreement on the Directive. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – David Sowerby HSE Policy Lead – Bernadette Cadman, Field Operations Directorate, 0151 951 5710, <a href="mailto:bernadette.cadman@hse.gsi.gov.uk">bernadette.cadman@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

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

<b>Future initiative on Ergonomics at Work</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) is working on a proposal 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 are expecting the EC's Impact Assessment Board to consider the IA on the draft proposal <b>at the end of March. Current indications point to a proposal potentially appearing at the beginning of the forthcoming Cypriot Presidency of the EU Council of Ministers.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Peter Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, <a href="mailto:peter.lennon@hse.gsi.gov.uk">peter.lennon@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Future initiative on Carcinogens and Mutagens Directive (2004/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, <a href="mailto:gill.fod.smith@hse.gsi.gov.uk">gill.fod.smith@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Future initiative on enforcement of posted workers rights</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission is working on a proposal dealing with the enforcement of workers rights when they are posted abroad by their employers, i.e. what are classified as 'posted workers'. We anticipate that this will be published later this year. HSE is advising the Department for Business, Innovation and Skills on aspects relating to the enforcement of health and safety rights.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Clive Fleming

	HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, <a href="mailto:kate.haire@hse.gsi.gov.uk">kate.haire@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha
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### **ENTERPRISE AND INDUSTRY DOSSIERS:**

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

<b>Potential amendment of Pressure Equipment Directive to align it with the EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b>	<b>BIS</b>
<b>HSE contact</b>	HSE SCS Lead – Stephen Williams HSE Policy Lead – David Bosworth, Operational Strategy Division, 0151 951 4778, <a href="mailto:david.bosworth@hse.gsi.gov.uk">david.bosworth@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

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

<b>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</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

<b>Proposed Directive to replace the Electromagnetic Fields Directive (2004/40/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> The European Commission (EC) has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. Following activity under the Polish Presidency, negotiations in the Council on the dossier recommenced under the Danish Presidency on January 12. Discussions are also proceeding in the European Parliament. The EC has also proposed another Directive to further delay the transposition deadline of the 2004 Directive. This is to ensure that the current April 2012 transposition deadline of the 2004 Directive does not dictate the pace of the negotiations on the proposed replacement Directive. <b>We anticipate that the Council and the European Parliament will agree an 18-month extension to the current transposition deadline of the 2004 Directive.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Brown Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**ENVIRONMENT DOSSIERS:**

<b>Proposal Directive on control of major accident hazards</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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. <b>The Danish Presidency has made good progress on the dossier. However, there still remain a number of issues to be resolved between the Council and the European Parliament.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Peter Baker Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, <a href="mailto:sandra.ashcroft@hse.gsi.gov.uk">sandra.ashcroft@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

<b>Proposed recast of the EC Regulation on the Export and Import of Dangerous Chemicals (689/2008)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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. <b>A first reading deal has now been agreed between the Council and the European Parliament. The recast Regulation is expected to be adopted before the end of the current Danish Presidency and is likely to apply from 1 October 2013.</b> The 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed EC Regulation concerning the placing on the market and use of biocidal products (replacing Directive 98/8/EC)</b>	
<b>Current status (NEW DEVELOPMENTS):</b> 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. An informal second reading deal was reached in November 2011 on the text of the Regulation. The European Parliament voted positively on the agreed package of amendments to the proposed Regulation on 19 January 2012, effectively endorsing the final text. Member States are expected to adopt the final Regulation in Council within the next two months or so. The Regulation will be directly applicable in member states and will not require transposition, <b>although regulations will be required on enforcement and fees, which are now being prepared.</b> It will apply from 1 September 2013.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosely

<b>Proposed amendment of the Biocidal Products Directive (98/8/EC) to include flufenoxuron in Annex I</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> Flufenoxuron was subject to a vote at the September 2011 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 has been referred to Council and the European Parliament (EP) under the regulatory procedure with scrutiny. The Council has 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. If neither blocks the Commission's proposal, then an inclusion Directive amending the BPD will be adopted.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed amendment of the Biocidal Products Directive (98/8/EC) to include didecyldimethylammonium (DDA) carbonate in Annex I</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> DDACarbonate was subject to a positive vote at the March 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed amendment of the Biocidal Products Directive (98/8/EC) to include Cis-tricos-9-ene, hydrogen cyanide and chlorfenapyr in Annex I, to extend the Annex I inclusion for nonanoic acid, and to amend the headings in Annex I; a proposed Commission Decision not to include bifenthrin in Annex I; and three proposed Commission Implementing Decisions to approve restrictions of authorisations of biocidal products containing the active substance difethialone</b>	
<b>Current status (NEW DEVELOPMENTS):</b> Cis-tricos-9-ene, hydrogen cyanide and chlorfenapyr will be subject to votes at the May 2012 meeting of the Standing Committee on Biocidal Products for inclusion in Annex I of the BPD. Nonanoic acid will be subject to a vote to extend the current Annex I inclusion to private area and public area disinfectants. A vote will also take place to amend two of the headings of Annex I, such that references to the degree of purity of the active substance will be widened to increase the potential number of manufacturing sources that will be covered by Annex I inclusion. Finally, there will be votes on three Commission Implementing Decisions addressed to named member states (Denmark, Germany and Sweden) approving restrictions of those member states' authorisations of rodenticide products containing the active substance difethialone.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

### ENTERPRISE AND INDUSTRY DOSSIERS

<b>EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Proposed 3rd Adaptation to Technical Progress</b>	
<b>Current status (NEW DEVELOPMENTS):</b> <b>The 3<sup>rd</sup> adaptation to technical progress (ATP) of the European Regulation on classification, labelling and packaging of substances and mixtures was adopted on 23 February.</b> The adopted ATP included new and revised classifications for 16 substances. One of the substances for which a new classification was initially proposed – epoxiconazole – was removed by the European Commission before the measure was brought to the vote, in response to concerns from a number of member states, including the UK. Epoxiconazole is a suspected reprotoxin and an important fungicide. The recently agreed European Pesticides Regulation will prohibit this important use of epoxiconazole when approval for its use as a pesticide is next reviewed – at the latest in 2019. The UK did <b>not oppose the classification of epoxiconazole per se, but is concerned that it be based on a thorough and robust consideration of all the available evidence, which was not sufficiently certain for us to endorse the proposed classification at this time.</b>	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Future recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) has published a proposal to recast the Directive on the classification, packaging and labelling of dangerous preparations. This amends 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.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed EU Regulation on Type Approval of Agricultural Vehicles (Replacement for Directive 2003/37/EC)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b>	<b>DfT</b>
<b>HSE contact</b>	HSE SCS Lead – Stephen Williams HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

<b>Proposed Directive codifying directives relating to the driver's seat on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b>	<b>HSE</b>
<b>HSE contact</b>	SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed Directive codifying directives relating to the front-mounted roll-over protection structures on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed Directive codifying directives relating to the driver's operating area on tractors</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>HSE</b> SCS Lead – Stephen Williams Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, <a href="mailto:alastair.mitchell@hse.gsi.gov.uk">alastair.mitchell@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Proposed EU Regulation on European Standardisation</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. 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.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

<b>Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission has drawn up 9 separate amending directives to bring a number of supply directives into line with the European Regulation on Accreditation and Market Surveillance. The directives being amended that are HSE's responsibility to enforce include explosives for civil use, lifts, low voltage and simple pressure vessels. Negotiations have now begun in the Council. The Department for Business Innovation and Skills, the UK lead on the dossier, has started a 12-week public consultation paper on the proposals; this ends on 6 April 2012.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Stephen Williams HSE Policy Lead – Phil Papard, Operational Strategy Division, 0161 952 8402, <a href="mailto:phil.papard@hse.gsi.gov.uk">phil.papard@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

### **EURATOM DOSSIERS:**

<b>Proposed Directive on Radioactive Waste Management</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE)</b> The European Commission published its proposal for a directive on radiation waste and spent fuel on 3 November. The Department for Energy and Climate Change is leading on this dossier for the UK, with HSE support as appropriate.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Les Philpott HSE Policy Lead – Mike Warnes, Office for Nuclear Regulation, 0151 951 4547, <a href="mailto:mike.warnes@hse.gsi.gov.uk">mike.warnes@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

<b>Proposed Directive on Radiological Protection</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) published a legislative proposal to bring together a number of Directives, Decisions, Regulations and Recommendations dealing with radiological protection into one Directive on 29 September. Negotiations are proceeding in the Council. Ministerial clearance has been given for the UK approach to the negotiations.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Peter Brown HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 4909, <a href="mailto:matthew.penrose@hse.gsi.gov.uk">matthew.penrose@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

**ENERGY DOSSIER:**

<b>Proposed European Regulation on safety of offshore oil and gas drilling</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The European Commission (EC) published its legislative proposal on the safety of offshore oil and gas activities on the 27 October 2011. This follows the publication of the EC's Communication on "Facing the challenge of the safety of offshore oil and gas activities" on the 13 October 2010. The proposal takes the form of a direct acting Regulation rather than a Directive. Many requirements are similar to those under the existing UK regime. However, there are some new requirements for the UK to consider relating to establishing a competent authority structure and on information sharing and transparency. Minister has now cleared the UK negotiating strategy on the proposal. A revised text of the draft Regulation has been prepared by the Danish Presidency. This will form the basis for negotiations in three planned Energy Working Group meetings under its Presidency. It is likely that the negotiations will continue into the Cypriot Presidency later this year. HSE has prepared a case study on the impact of the proposed Regulation on the UK's Safety Case Regulations.	
<b>Lead Department</b> <b>HSE contact</b>	<b>DECC</b> HSE SCS Lead – Steve Walker HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, <a href="mailto:jim.neilson@hse.gsi.gov.uk">jim.neilson@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

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

<b>Directive establishing a 3<sup>rd</sup> List of Indicative Occupational Exposure Limit Values (2009/161/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> The Directive was transposed in Great Britain and Northern Ireland by the publication of the revised edition of EH40/2005. This sets workplace exposure limits for hazardous substances. Gibraltar has now transposed the Directive. However, implementation is also required in relation to ships and fishing vessels.	
<b>Lead Department HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, <a href="mailto:gill.fod.smith@hse.gsi.gov.uk">gill.fod.smith@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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. Work is underway to transpose the Directive, with a public consultation on the necessary measures currently planned for summer 2012.	
<b>Lead Department HSE contact</b>	<b>HSE</b> SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, <a href="mailto:anna.bliss@hse.gsi.gov.uk">anna.bliss@hse.gsi.gov.uk</a> SCS Lawyer – Navorza Ladha

**ENVIRONMENT DOSSIERS:**

<b>EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b>	
This European Regulation came into force on 1 June 2007. Key recent developments include:	
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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 draft statutory instrument has been prepared for consultation, and an impact assessment is being finalised. Industry and HSE met heritage sector representatives in late January to ensure that their needs are met by the industry-led training scheme. Arrangements for a similar meeting with rail sector representatives are in hand with industry. Updates on the HSE website, topic e-bulletins and FOD News are being distributed throughout February to inform stakeholders about developments.</li> <li>• Discussions are ongoing with the DEFRA on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system.</li> <li>• HSE has held discussions with the Department for Business, Innovation and Skills and a representative from the 'trichloroethylene' supply industry regarding the potential inclusion of this substance in the REACH list of substances subject to authorisation. Discussions will continue on this.</li> </ul>	
<b>Lead Department</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b>
<b>HSE contact</b>	HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

**HEALTH AND CONSUMERS DOSSIER:**

Directive on the sustainable use of pesticides (2009/128/EC)	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): <b>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 26 November 2011. National transposing legislation is expected to be completed in spring 2012, with ministers having agreed not to consult on the draft legislation since there are no new policy implications. The majority of measures needed under the Directive by the November 2011 deadline are already in place in the UK under existing legislation.</b>	
<b>Lead Department</b> <b>HSE contact</b>	<b>DEFRA (Policy Lead) HSE (UK Competent Authority)</b> HSE SCS Lead – Dave Bench HSE Policy Lead – Adrian Dixon, Chemicals Regulation Directorate, 01904 455 701, <a href="mailto:adrian.dixon@hse.gsi.gov.uk">adrian.dixon@hse.gsi.gov.uk</a> HSE SCS Lawyer – Peter Loosley

**INDUSTRY AND ENTERPRISE DOSSIERS:**

Services Directive (2006/123/EC)	
Current status ( <b>UNCHANGED FROM LAST BOARD UPDATE</b> ): 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 on the final scheme to comply with the requirements of the Directive is nearing completion.	
<b>Lead Department</b> <b>HSE contact</b>	<b>BIS</b> HSE SCS Lead – Clive Fleming HSE Policy Lead – Chris Rowe, Strategic Interventions Division, 020 7227 3811, <a href="mailto:chris.rowe@hse.gsi.gov.uk">chris.rowe@hse.gsi.gov.uk</a> HSE SCS Lawyer – Navroza Ladha

<b>EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority</b>	
<b>Current status (UNCHANGED FROM LAST BOARD UPDATE):</b> 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.	
<b>Lead Department HSE contact</b>	<b>HSE</b> SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long latency Health Risks Division, 020 7227 3814, <a href="mailto:robin.foster@hse.gsi.gov.uk">robin.foster@hse.gsi.gov.uk</a> SCS Lawyer – Peter Loosley

<b>Directive (2012/32/EU) amending Directive 2008/43/EC setting up a system for the identification and traceability of explosives for civil uses</b>	
<b>Current status (NEW DEVELOPMENTS):</b> Directive 2008/43/EC Directive is implemented in Great Britain by the Identification and Traceability of Explosives Regulations 2010 which are due to enter into force on 5 April 2012. There are also similar regulations in Northern Ireland. Directive 2012/32/EU amends 2008/43/EC to deal with some practical problems raised by industry about the 2008 Directive and to delay the implementation date for most of the measures until 5 April 2013 and for some until 5 April 2015. Proposals have been to put for ministerial agreement to amend the above Regulations to extend their coming into force date until 2013 and to introduce a review clause. Proposals will also be prepared to implement the other substantive changes made by 2012 Directive.	
<b>Lead Department HSE contact</b>	<b>HSE</b> SCS Lead – Susan Mackenzie Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, <a href="mailto:anna.bliss@hse.gsi.gov.uk">anna.bliss@hse.gsi.gov.uk</a> SCS Lawyer – Navroza Ladha

**TRANSPORT DOSSIER:**

<b>Directive on investigation of accidents in the maritime transport sector (2009/18/EC)</b>	
<p><b>Current status (NEW DEVELOPMENTS):</b>            The 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 in harbour – such accidents have previously been left to HSE. A consultation on the draft transposing regulations closed on 24 February 2012. <b>HSE did not respond to the consultation as the measure does not affect HSE’s investigation powers onboard ships or other vessels. The Regulations are expected to be introduced later in 2012.</b> The proposed Regulations go beyond the Directive to allow MAIB to continue to conduct safety investigations over certain classes of vessels, namely fishing vessels under-15 metres in length and inland waterway craft. In certain circumstances, certain types of incident will be reportable to HSE under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995, and may also fall to MAIB to investigate. In these cases, there is a Memorandum of Understanding (MoU) between HSE, MAIB and the Maritime and Coastguard Agency which seeks to ensure effective coordination between all three agencies regarding their duties for health and safety enforcement and accident investigation. <b>It will, however, be necessary to amend the MoU and to ensure that inspectors are aware of these changes, and of the restrictions on any material gathered by MAIB, which may be made available to HSE for the purposes of an investigation. The MoU is next scheduled for review during 2012/2013.</b></p>	
<p><b>Lead Department</b>  <b>HSE contact</b></p>	<p><b>DfT (MAIB)</b>            HSE SCS Lead – Stephen Williams            HSE Policy Lead – Christine Barringer, Operation Strategy Division, 01342 33 4261,  <a href="mailto:christine.barringer@hse.gsi.gov.uk">christine.barringer@hse.gsi.gov.uk</a>            HSE SCS Lawyer – Peter Loosley</p>