

Health and Safety Executive Board		Paper No: HSE/13/43	
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Chief Executive's Report to the Board			

Update on Löfstedt recommendations

HSE continues to deliver the Löfstedt recommendations in line with the timetable announced by the Government.

Recent developments include:

1. The Enterprise and Regulatory Reform Act received Royal Assent on 25 April. Section 69 amends section 47 of the Health and Safety at Work etc Act 1974 regarding strict liability duties.
2. On 7 May 2013 HSE launched consultations on the revised content of two Approved Codes of Practice (ACoPs), these being (i) L56 – Safety in the installation and use of gas systems and appliances and (ii) L24 The Workplace health, safety and welfare regulations. The revised drafts of the ACoPs are subject to a 12-week consultation which closes on 30 July 2013.
3. The consultation seeking views on new draft guidance and supporting material to assist duty holders in their first aid needs assessment and in selecting a first aid training provider closed on 3 May 2013 with 170 responses. Responses were generally positive and will be presented to HSE Board for consideration today.
4. The work at height suite of guidance has been rationalised and much simplified, making it easier for people to comply with the law and manage the associated risks. New guidance is now due to be launched shortly.

Update on HSG65 Refresh

5. Following successful delivery of a stakeholder workshop, where no significant gaps were identified, the first phase of work to refresh HSG65 has now been delivered.
6. In early May 13, HSE published parts 1 (Core elements) and 2 (Are you doing enough?) as a series of new managing for health and safety webpages.
7. HSE will continue to work with stakeholders to finalise parts 3 (Delivering effective arrangements) and 4 (Useful resources) and remain on track to deliver this next phase by July 13.

8. The current HSG65 will remain on the web as a downloadable pdf in the interim, with the hard copy of the refreshed publication available in the Autumn.

Significant Prosecutions

9. On 29 April 2013 chemical manufacturing company, SAFC Hitech Ltd, were fined a total of total £120,000 at Liverpool Crown Court after pleading guilty to charges under S2(1) of the Health & Safety at Work etc Act 1974 and Regulation 5(1) of the Dangerous Substances and Explosive Atmospheres Regulations (DSEAR). HSE were also awarded full costs of £13,328.

10. The cases follow an incident when a worker received severe burns when a glass Winchester of waste trimethylindium (TMI) and highly flammable solvents exploded. TMI spontaneously combusts on contact with air. The investigation identified failings in the company's procedures for deactivating the TMI waste and minimising the risks to employees, including inadequate systems of work, risk assessments, training, instruction and supervision.

11. On 10 April 2013 Tata Chemicals Europe Limited was fined a total of £100,750 at Chester Crown Court after pleading guilty to six charges under Sections 2 and 3 of the Health & Safety at Work etc Act 1974 and the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR). The cases related to four incidents at their Winnington site. HSE was also awarded full costs of over £70,000

Queens Speech

Exemption of some Self-Employed workers

16. The Deregulation Bill announced during the Queen's Speech on 8 May 2013 included the proposed change in legislation to exempt from health and safety law those self-employed persons whose work activities pose no potential risk of harm to others.

17. Some 2.3 million self-employed workers will still be covered by the requirement of health and safety legislation. This will include occupations in high hazard industries including agriculture and construction. The change is estimated to exempt approximately 800,000 people whose activities don't pose a risk of harm to others, for example a writer working at home.

18. An amendment will be made to Section 3(2) of the Health and Safety at Work etc Act 1974. Consequential amendments will be made to some regulations to reflect the change.

Triennial Review

26. On 25 April 2013 the start of the Triennial Review of HSE was announced to Parliament by Minister for Employment Mark Hoban. These three year reviews are standard for all Non-Departmental Public Bodies and are undertaken according to published Cabinet Office guidance.

27. The Review will be led on behalf of DWP by Martin Temple, the Chair of the manufacturers' organisation, EEF, and will look at HSE's functions, form and governance. A call for evidence to inform the review will be issued by DWP shortly and arrangements are in place to ensure that the Review Team has access to any necessary support from HSE.

Memorandum of Understanding between HSE and HM Coroners

28. David Ashton, Director FOD (and colleagues) met His Honour Judge Peter Thornton QC, Chief Coroner on 30 April. The meeting was to make contact with the Chief Coroner in his new role and to discuss how HSE and coroners could work together in a more efficient and effective way. All present agreed that improved cooperation between HSE and coroners was desirable and possible if we worked together more collaboratively - whilst recognising the statutory roles and independence of each organisation. HHJ Thornton expressed interest in the Work-related Deaths Protocol and its relationship to coroners' inquests. The timing and chronology of inquests and HSE prosecutions was discussed, given the shared objective of completing the judicial processes in as timely a manner as possible, putting bereaved family members' interests central to the considerations. Follow up work to the meeting will be undertaken by FODHQ.

GEOFFREY PODGER
Chief Executive

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 24th April 2013, **17** fatal accidents for 2012/2013 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 **17** fatalities listed in the current report, **10** occurred prior to March 2013.

7 fatalities occurred in March 2013, compared with **23** which occurred in March 2012.

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 during April 2013

- [Larkins Logistics Ltd](#) was fined a total of £450,000 and ordered to pay full costs of £23,317 and [Bison Manufacturing Ltd](#) was fined a total of £300,000 and ordered to pay full costs of £21,341 at Derby Crown Court after a driver was run over and killed by his own lorry.
- [South and West Highways Trenching](#) was fined £100,000 and ordered to pay £56,890 in costs at Swindon Crown Court after a worker was killed while operating a tarmac cutter in Box, Wiltshire
- [ThyssenKrupp Elevator UK Ltd \(TKE\)](#) was fined a total of £100,000 and ordered to pay full costs of £25,748 at Southwark Crown Court after the death of a lift engineer from an electric shock while working at Pentonville prison in North London
- [UK Coal Mining Ltd](#) was fined a total of £125,000 and ordered to pay £175,000 in costs at Nottingham Crown Court after an employee was killed by falling pipes at Thoresby Colliery in Nottinghamshire
- [Ralph Coleman International Ltd](#) was fined £75,000 and ordered to pay costs of £25,316 at Warwick Crown Court after a worker was killed when a tall stack of empty wooden pallets toppled on to him.
- [Galt Civil Engineering Ltd](#) received a nominal fine of £50 because the company was in administration and was ordered to pay costs of £24,974. [Peter Stuart](#) was fined £30,000 with no costs by Liverpool Crown Court after an employee fell 15 metres to his death in an empty water storage tank in Macclesfield.

- [Britannia Hotels Ltd](#) was fined a total of £160,000 and ordered to pay £40,051 in costs at Canterbury Crown Court after construction workers and guests were put at risk of asbestos exposure at a Kent hotel.
- [Tata Chemicals](#) was fined a total of £100,750 and ordered to pay £71,082 in prosecution costs at Chester Crown Court after workers were put in danger in three separate incidents at its Cheshire factory.
- [SAFC Hitech Ltd](#) was fined a total of £120,000 and ordered to pay £13,328 towards the cost of the prosecution at Liverpool Crown Court after an employee sustained severe burns when he was engulfed by a fireball at a factory in Wirral.
- [Staples Disposables Ltd](#) was fined a total of £85,000 and ordered to pay costs of £31,380 at Lincoln Crown Court after three workers suffered hand injuries using unguarded machines.
- [Foreman Recycling Limited](#) was fined a total of £27,200 (£13,600 for each offence) and ordered to pay £4,802 in costs at Darlington Magistrates' Court for putting workers' lives at risk after two machines were found to have vital safety mechanisms deliberately disabled.
- [Padley & Venables Ltd](#) was fined £60,000 and ordered to pay £16,419 in costs at Derby Crown Court after an employee suffered multiple injuries when he was hit by a steel bar weighing 1.6 tonnes.
- [RR Transport Ltd](#) was fined £22,000 and ordered to pay £30,000 at Plymouth Crown Court when a pallet containing more than a tonne of render fell on top of the director during a lorry delivery at premises in Devon.
- [Firesafe Installations Limited](#) was fined £30,000 and ordered to pay £29,000 in costs at Southwark Crown Court for failing to properly train staff on how to use equipment that enables them to work at height.
- [Coopers Civil Engineering Ltd](#) was fined £30,000 and ordered to pay £6,500 in costs at Sheffield Crown Court for safety failings that led to one of its workers suffering multiple and life-changing injuries.
- [Arrow Tools \(UK\) Limited](#) was fined a total of £24,000 and ordered to pay £3,000 at Watford Magistrates' Court for endangering workers after neglecting to maintain electrical systems and equipment.
- [City Scrap Ltd](#) was fined £20,000 and ordered to pay £8,964 in costs at Scunthorpe Magistrates' Court after a Lincoln man suffered life-changing injuries because of a series of safety failings at the waste recycling plant where he worked in Scunthorpe.

Events, Campaigns and Publications in April 2013

Triennial Review of the Health and Safety Executive

On 25 April 2013, the Department for Work and Pensions (DWP) announced a Triennial Review of the Health and Safety Executive. For details, please click [here](#)
HSE receives award for outstanding contribution to offshore process safety

On 26 April 2013, HSE received an award from the Institution of Chemical Engineers (IChemE) for its contribution to process safety in the offshore industry for details please click [here](#)

HSE: Tell 'health and safety' jobsworths to pull the other one

A panel set up to expose 'health and safety' excuses has clocked up 150 cases in its first year – helping the public fight back against jobsworths who use safety laws as a convenient ruse to ban legitimate activities. For details, please [here](#)

One in four London construction sites fail safety inspections

One in four of the construction sites visited in London during a month-long inspection initiative failed health and safety checks, according to results released on 4 April 2013. For details, please click [here](#)

FOI Requests made to HSE

HSE received 519 FOI requests during the month of April 2013.

Parliamentary Business

There were 14 PQs answered by HSE during the month April 2013.

Annex 2

The following table is an extract of all 2012/13 work-related deaths notified to HSE since the last update to the Board on Wednesday 24th April 2013, it contains fatalities notified to us in March 2013. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Tuesday 7th May 2013.

HSE's internet publication is the collated picture of 'as reported' information on fatalities. It does not purport to be a formal statistical release. Subsequent investigation may determine that some are not reportable under RIDDOR, for example deaths due to natural causes. Other deaths shown here may have been caused by gas incidents in the home. In such cases these deaths will not be counted in our statistics for workplace fatal injuries. Provisional quarterly figures for workplace fatal injuries are available from our latest quarterly injury figures and validated figures and information will only be available on publication of the annual fatality statistics for Great Britain.

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
28/12/2012	John Crooke	84	The deceased died following a fall	Shropshire	Shropshire UA	Service	Hospital activities	Member of the Public
16/01/2013	Ryan Thomas	28	The deceased fell from height	Cornwall	Cornwall UA	Extractive/Utility	Transmission of electricity	Employee
02/02/2013	Kathleen Perrett	67	The deceased died whilst under medical care	Lichfield	Lichfield	Service	Residential Nursing Care	Member of the Public
06/02/2013	Phyllis Casey	96	The deceased died following a fall	Rhondda Cynon Taff	Rhondda, Cynon, Taff UA	Service	General public administration activities	Member of the Public
12/02/2013	James Jackson	53	The deceased was struck by an object	Manchester	Manchester	Construction	Plumbing, heat and air-conditioning installation	Employee
13/02/2013	Ralph Jones	58	The deceased came into contact with an object	Powys	Powys UA	Service	Maintenance and repair of motor vehicles	Self Employed
13/02/2013	Margaret Samson	99	The deceased after being exposed to fire	Stirling	Stirling UA	Service	Residential Care 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
14/02/2013	William Currie	18	The deceased was struck by an object	Cairngorms	Highland UA	Service	Sports/Recreation Education	Member of the Public
15/02/2013	Barry lock	52	The deceased fell from height	Wealden	Wealden	Construction	Roofing activities	Employee
28/02/2013	Paul Lees	61	The deceased was struck by a moving vehicle	Bristol	Bristol UA	Service	Renting and leasing of construction and civil engineering machinery and equipment	Employee
04/03/2013	Michael Dwyer	48	The deceased was struck by an object	Sheffield	Sheffield	Water/Waste Management	Treatment/Disposal Non Hazardous Waste	Employee
07/03/2013	Mary Haughey	88	The deceased died following a fall	Glasgow	Glasgow UA	Service	Other business support service activities n.e.c.	Member of the Public
12/03/2013	Trevyn Joslin	12	The deceased died following a fall	Norfolk	Broadland	Service	General Secondary Education	Member of the Public
13/03/2013	Kelvin McGibbon	27	The deceased was struck by a moving vehicle	North Yorkshire	Hambleton	Construction	Other specialised construction activities n.e.c.	Employee
14/03/2013	John Phillips	29	The deceased was struck by an object	Angus	Angus UA	Agriculture	Mixed farming	Self Employed
24/03/2013	Michael Boyko	91	The deceased died whilst under medical care	Manchester	Manchester	Service	Hospital activities	Member of the Public
26/03/2013	Mark Patterson	32	The deceased fell from height	Edinburgh	Edinburgh UA	Construction	Joinery installation	Self Employed

MAY 2013 UPDATE ON EU HEALTH AND SAFETY DOSSIERS

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

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

Social partners' consultation on environmental tobacco smoke	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission is considering whether there is a need for EU action on protecting workers from environmental tobacco smoke. It first consulted the social partners on this in 2008, 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.	
Lead Department	DH
HSE contact	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 – Hilton Leslie
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 on amending the Directive in April 2009. There have since been two rounds of social partner consultation on options for the Directive, with the social partners subsequently having decided to open negotiations on an agreement on the Directive, though those talks have now reached an impasse. The EC is now deciding on next steps. HSE has a role in enforcing the domestic regulation that transposes the original Directive.	
Lead Department	BIS
HSE contact	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 – Hilton Leslie

PRE-PROPOSAL STAGE:

EMPLOYMENT AND SOCIAL AFFAIRS DOSSIERS:

Initiative on Ergonomics at Work	
Current status (UNCHANGED FROM LAST BOARD UPDATE)	
The European Commission (EC) is drafting a non-binding Council Recommendation on work-related musculoskeletal disorders. It is being assisted in this by a working party of the EC's Advisory Committee on Safety and Health at Work, with a UK employer representative on the working party. Current indications suggest that the EC is aiming to publish the proposed Recommendation in the second half of the year.	
Lead Department HSE contact	HSE SCS Lead – Clive Fleming Policy Lead – Pete Lennon, Work Environment, Radiation and Gas Division, 0151 951 3014, peter.lennon@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie
Initiative to revise the Carcinogens and Mutagens Directive (2004/37/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission (EC) is currently considering a limited revision of the Directive, with a more substantive alignment with the Chemical Agents Directive a longer-term project. The EC has currently earmarked 2013 for publishing a proposal on the limited revision.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie
Potential implementation of social partners' agreement on the prevention of health risks in the hairdressing sector	
Current status (NEW DEVELOPMENTS):	
The European social partners covering the hairdressing profession, on 26 April 2012, signed their Framework Agreement on the prevention of health risks in their sector. This included a request to the European Commission (EC) that it send the Agreement to the Council for a decision on it becoming binding on member states. The EC has commissioned an external study on the costs and benefits of the Agreement's provisions across all member states and Croatia and is not expected to make a decision on the request from the social partners until after this report is completed. Nine EU member states, including the UK, and Croatia have written to the EC opposing the request of the social partners and suggesting that the Agreement should be implemented by non-legislative means instead. The signatories of the Agreement have criticised the intervention by the nine member states and Croatia.	
Lead Department HSE contact	HSE SCS Lead – Kevin Myers Policy Lead – Cameron Adam, Operational Strategy Division, 0141 275 3096, cameron.adam@hse.gsi.gov.uk

SCS Lawyer – Hilton Leslie

ENTERPRISE AND INDUSTRY DOSSIERS:

Potential 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 – Clive Fleming HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Initiative to amend the Pressure Equipment Directive to align it with the European 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 the Pressure Equipment Directive (97/23/EC) with the European Regulation on the classification, labelling and packaging of substances and mixtures. 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 – Clive Fleming HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

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

Proposed amendment of Pregnant Workers Directive (92/85/EC)	
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, where it remains under consideration.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed Directive to replace the Electromagnetic Fields Directive (2004/40/EC)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal to replace the Electromagnetic Fields Directive (2004/40/EC) with a new Directive. To allow further time for the negotiations, the transposition deadline of the 2004 Directive, which was April 2012, was extended by a further 18 months (Directive 2012/11/EU). Following negotiations under the Polish, Danish and Cyprus Presidencies of the Council, the current Irish Presidency of the Council began trilogue discussions with the European Parliament on 19 February, and reached an informal agreement on the proposed replacement Directive on 26 March 2013. The agreement presents a good outcome, including a three year transposition period, protection of the important derogation provisions – for the Magnetic Resonance Imaging (MRI) and automotive sectors, amongst others, and sensible referencing of suggested long-term health effects, (recognition that long term health effects may occur rather than categorically stating they will occur). It is expected that the Directive will be adopted by the end of June 2013.	
Lead Department HSE contact	HSE SCS Lead – Clive Fleming Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

Proposed Council Decision authorising ratification of ILO Convention 170 concerning safety in the use of chemicals at work	
Current status (NEW DEVELOPMENTS): The European Commission has proposed a Decision of the Council authorising member states to ratify Convention 170 of the International Labour Organization concerning safety in the use of chemicals at work. The Convention dates from 1990 and the UK to date has not ratified it. The Council working party first met on Monday 15 April to discuss the proposed Decision, with a further meeting likely before the end of May.	
Lead Department HSE contact	HSE SCS Lead – Kären Clayton Policy Lead – Gillian Smith, Long Latency Health Risks Division, 0151 951 4919, gill.fod.smith@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
Initiative to amend certain European occupational safety and health directives to align them with the European Regulation on classification, labelling and packaging of substances and mixtures (1272/2008)	
Current status (NEW DEVELOPMENTS): The European Commission has published a proposal to align the chemicals classification provisions of the Young Workers, Pregnant Workers, Chemical Agents, Safety Signs at Work and Carcinogens and Mutagens Directives to the European Regulation on the classification, labelling and packaging (CLP) of substances and mixtures. These Directives are now misaligned with the EU's chemicals classification system, which evolved subsequent to their adoption. In some places the new CLP system bears little or no direct relationship to the criteria cited in the Directives. Therefore this is seen a long overdue technical update. Negotiations are expected to take place during the second half of May and possibly beyond.	
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 – Peter Loosley
Proposed Directive on enforcement of posted workers rights	
Current status (NEW DEVELOPMENTS): The European Commission has published a legislative proposal dealing with the enforcement of workers' rights when they are posted abroad by their employers, i.e. what are classified as 'posted workers'. Although numbers of posted workers are relatively small (less than 37,000 in the UK), analysis of the proposal suggests the impact of the proposal on HSE is likely to be broad though probably fairly shallow. There are possible impacts in relation to resources and targeting, publications, data handling and disclosure of information, and complaints handling. HSE continues to advise the Department for Business, Innovation and Skills, which leads on the proposal for the UK. Recent advice has focused on mechanisms whereby the Competent Authority may prioritise other member states' requests for inspection of the activities of employers of posted workers.	
Lead Department	BIS

HSE contact	HSE SCS Lead – Clive Fleming HSE Policy Lead – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie
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ENTERPRISE AND INDUSTRY DOSSIERS

Proposed amendment of EC Regulation on Classification, Labelling and Packaging of chemical substances and mixtures (1272/2008)	
Current status (NEW DEVELOPMENTS) The fifth adaptation to technical progress (ATP) of the European Regulation on the classification, labelling and packaging of substances and mixtures was subject to a vote by correspondence during April 2013 . The ATP represents the routine updating of the harmonised classification entries for substances listed in Annex VI of the Regulation. The ATP also included an editorial update to changes made in the 4th ATP, originally requested by the UK.	
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 – Peter Loosley

Proposed 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) 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. Negotiations are yet to start.	
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 – Peter Loosley

Proposed Directive codifying directives relating to the driver's seat on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission, in 2008, published a proposal to codify Directives relating to the driver's seat on wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.	
Lead Department HSE contact	HSE SCS Lead – Philip White Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
Proposed Directive codifying directives relating to the rear-mounted roll-over protection structures on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission has published a proposal to codify Directives relating to the rear-mounted roll-over protection structures in narrow tracked wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.	
Lead Department HSE contact	HSE SCS Lead – Philip White Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
Proposed Directive codifying directives relating to the front-mounted roll-over protection structures on tractors	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The European Commission has published a proposal to codify Directives relating to the front-mounted roll-over protection structures in narrow track wheeled agricultural or forestry tractors. The purpose of a codification is to bring together a number of instruments into one codified text, not to make substantive amendments. This codification has now been put on hold while the comitology articles of Directive 2003/37/EC, where the proposal will get its comitology procedure from, are amended in line with the Lisbon Treaty as the current legal basis for those comitology articles cannot be applied to proposals that are agreed after 1 December 2009.	
Lead Department HSE contact	HSE SCS Lead – Philip White Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

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 – Philip White Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk SCS Lawyer – Peter Loosley
Proposed modification of New Approach Directives in line with the EC Regulation on Accreditation and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has drawn up 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 on the proposal are proceeding in the Council.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming, Peter Brown HSE Policy Leads – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk , and Alison Wellens, Specialised Industries Division, 0151 951 3356, alison.wellens@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley
Proposed Regulation on Product Safety and Market Surveillance	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has published a proposal for a regulation on product safety and market surveillance as part of a coherent package to cover the market surveillance of industrial and consumer products. It seeks to simplify the EU's market surveillance framework for manufacturers and market surveillance authorities. The proposal contains powers of product recall, specifies equal priority to dealing with administrative breaches, strengthens the obligation to respond to issues raised by other Member States and explicitly makes provision for the ability to charge fees to cover the costs of market surveillance activities. HSE is acting as an advisor to BIS on the proposal.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk

HSE SCS Lawyer – Hilton Leslie

Proposed Regulation on Consumer Product Safety	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The European Commission has also published, as part of the package of product safety and market surveillance measures mentioned above, a proposal for a regulation on consumer product safety. It would replace the General Product Safety Directive. The proposal includes in its scope products to which consumers are exposed in the provision of a service. How this will impact on HSE regulated activities is not clear at this time.	
Lead Department HSE contact	BIS HSE SCS Lead – Clive Fleming HSE Policy Lead – David Bosworth, Work Environment, Radiation and Gas Division, 0151 951 4778, david.bosworth@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIER

Proposed amendment of the Biocidal Products Directive (98/8/EC) to include the active substance corn cob in Annex I	
Current status (UNCHANGED FROM LAST BOARD UPDATE): At the September 2012 meeting of the Standing Committee on Biocidal Products, there was no overall qualified majority for the inclusion of powdered corn cob in Annex I of the Biocidal Products Directive so the issue has now been referred to the Council and the European Parliament for their decision in line with the Regulatory Procedure with Scrutiny. If neither blocks the EC's proposal, then an inclusion Directive will be adopted.	
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 – Peter Loosley

Proposed EC Regulation on the fees payable to the European Chemicals Agency pursuant to new EU Biocides Regulation (582/2012)
Current status (NEW DEVELOPMENTS):

A vote took place at the Standing Committee meeting on 1 March 2013 on a proposed European Commission Regulation to set fees payable to the European Chemicals Agency in relation to the European Regulation (528/2012) on placing on the market and use of biocidal products. No qualified majority was reached on the proposal so it **was** referred to the **3 May 2013 meeting of the** Appeal Committee under new post-Lisbon Treaty comitology procedures for a final decision. **The European Commission suggested by means of compromise a reduction of 25 % of the application fee for Union authorisation and additional reductions on certain fees for SMEs. However, there was insufficient support for this proposal, and so the vote took place on the original proposal. There was no qualified majority for or against the proposal, which means that the Appeal committee did not deliver an opinion and the Commission will now adopt it.**

**Lead Department
HSE contact**
HSE

SCS Lead – Kären Clayton

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

SCS Lawyer – Peter Loosley

Essential use application following non-inclusion of copper in Annex I, IA or IB of the Biocidal Products Directive (98/8/EC)
Current status (NEW DEVELOPMENTS):

On 9 February 2012, the European Commission (EC) took a decision not to include elemental copper in Annex I, IA or IB of the Biocidal Products Directive (98/8/EC) in relation to biocidal product type 2 (private area and public health area disinfectants and other biocidal products), type 4 (food and feed area disinfectants), type 5 (drinking water disinfectants) and type 11 (preservatives for liquid-cooling and processing systems). The decision was taken because no manufacturer took sufficient action to support the biocidal use of elemental copper during a review period that ended in September 2011. The decision means that supply and use of biocidal copper within these product types has not been allowed from 1 February 2013. However the UK applied to the EC on 29 January 2013 for an ‘essential use derogation’ for copper to allow for its continued use in legionella control systems in the UK within product types 2 and 5. If the EC grants a derogation continued supply and use of copper would be allowed in the UK while suppliers of copper-based systems prepare their case to support copper through the Directive’s assessment process. **Derogation applications have also been submitted by Spain and Norway, and the public consultation periods on these applications end on 11 May and 18 May respectively (the consultation on the UK application ended on 20 April). The EC has indicated that it will take a decision on whether to grant the three applications once all the consultation periods have ended.** HSE has made clear that inspectors will take a sensible and proportionate approach to enforcement if they come across these systems after 1 February 2013 and that, during this interim period, the focus of any enforcement activity will be on the failure to control the risk of exposure to legionella bacteria and the likelihood of legionnaire’s disease developing in a given situation, rather than on the means of control.

**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 – Peter Loosley

EURATOM DOSSIER:

Proposed Directive on Radiological Protection	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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 2011. A revised version of the proposal was circulated by the Cyprus Presidency of the Council on 20 December. Negotiations are now proceeding under the current Irish Presidency of the Council, with it aiming to seek agreement by the end of its term. The European Parliament has only an advisory role.	
Lead Department HSE contact	DECC HSE SCS Lead – Clive Fleming HSE Policy Lead – Matthew Penrose, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENERGY DOSSIER:

Proposed Directive on safety of offshore oil and gas drilling	
Current status (NEW DEVELOPMENTS): The European Commission published its legislative proposal on the safety of offshore oil and gas activities on the 27 October 2011. The proposal originally took the form of a directly-acting Regulation but the discussions under the July-December 2012 Cyprus Presidency of the Council led to agreement that the proposal should take the form of a Directive instead. Informal agreement has been reached on the proposed Directive. This will now go for formal agreement by the European Parliament and the Council. We anticipate that the Directive will be adopted by the summer.	
Lead Department HSE contact	DECC HSE SCS Lead – Peter Brown HSE Policy Lead – Jim Neilson, Hazardous Industries Directorate, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

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

Directive implementing the Framework Agreement on preventing injuries from sharp instruments in the hospital and healthcare sector (2010/32/EU)

Current status (NEW DEVELOPMENTS):

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. At its meeting on 30 January 2013, the HSE Board agreed the proposed transposing Regulations, subject to two minor additions. The Minister for Employment subsequently signed the final Regulations and they were laid before Parliament on 21 March ahead of coming into force on 11 May. **Guidance for duty-holders has been published. Northern Ireland has now taken similar action. Gibraltar has also introduced its Regulations.**

**Lead Department
HSE contact**

HSE

SCS Lead – Peter Brown

Policy Lead – Anna Bliss, Specialised Industries Division, 0151 951 3581, anna.bliss@hse.gsi.gov.uk

SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIERS:

EU Regulation concerning the placing on the market and use of biocidal products (528/2012)

Current status (UNCHANGED FROM LAST BOARD UPDATE):

This Regulation was published on 27 June 2012, and will apply from 1 September 2013. The Regulation replaces the current European regulatory framework for the marketing and use of biocidal products contained in the Biocidal Products Directive (98/8/EC). The Regulation intends to remedy a number of identified weaknesses of the existing framework, to reduce compliance costs, and to pre-empt problems anticipated for the future without reducing the high level of protection provided by the regime for human and animal health and the environment. The Regulation will act directly in member states, and, as such, does not require transposition. However, new domestic legislation will be needed to specify enforcement measures and penalties in relation to breaches of the Regulation in the UK; to appoint a UK competent authority; and provide a system of fees and charges by which the costs of operating the biocides system in the UK can continue to be recovered. Consultations ran on enforcement, penalties and the appointment of competent authorities from 20 December 2012 to 31 January 2013 for the main measures and on biocides fees from 25 February 2013 to 22 March 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 – Peter Loosely

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
This Regulation came into force on 1 June 2007. Key recent developments include:	
<ul style="list-style-type: none"> • The European Commission's (EC) report on the working of REACH was published on 5 February 2013. It contains general conclusions on the attainment of the REACH objectives with regard to human health and the environment, the internal market and competitiveness, and innovation. The EC also reports briefly on its conclusions from the 2012 Second Regulatory Review on Nanomaterials insofar as they affect REACH. The EC's general conclusion is that REACH functions well and delivers on all objectives that at present can be assessed. While broadly supportive of these conclusions, the UK is lobbying for strong recognition of pressure on SMEs and solutions for issues with over elaborate supply chain information. • The EC is working closely with member states to prepare a 'roadmap' for the identification of relevant 'substances of very high concern' (SVHCs) by the year 2020. The plan recognises the need for increased collaboration and effectiveness in processing candidates for SVHCs – paving the way for these subjects to be covered by the REACH authorisation scheme. • Stakeholders are showing increasing interest in the REACH 'authorisation' mechanism – the candidate list of substances which might be made subject to this mechanism is growing, and the first deadlines for businesses to apply for authorisation to continue supply and/or use of such substances is approaching in summer 2013. • The second deadline for registration of 'phase in' (pre-existing) substances is also approaching at the end of May 2013. The European Chemicals Agency, Defra, BIS and HSE are supporting business with advice and guidance. • Work continues to take forward the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. An HSE Position Statement and interim enforcement policy has been shared with inspectors and stakeholders updating them on the latest standing of this issue. HSE met with the Painters and Decorators Association in February 2013 to engage it in preparatory work. • Discussions continue with 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 – Peter Loosley

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
Current status (NEW DEVELOPMENTS): This Directive was published on 24 July, and replaces Directive 96/82/EC, as amended by Directive 2003/105/EC. It brings existing 'Seveso' requirements into line with the European Regulation on classification, labelling and packaging of substances and mixtures. It also modernises existing public information requirements, including bringing them into line with the Aarhus Convention on public information, public participation and access to justice for environmental matters. Directive 2012/18/EC requires transposition by 31 May 2015, except one provision which relates to Heavy Fuel Oil which requires transposition by 14 February 2014. Planning for transposition of the Directive is in progress. Informal consultation with industry is underway, and a meeting with the Scottish Government to discuss arrangements for Scotland is planned for 29 April. Discussions in Europe are on-going on a number of issues that need clarification to assist with transposition of the Directive.	
Lead Department HSE contact	HSE SCS Lead – Peter Brown Policy Lead – Sandra Ashcroft, Chemicals Industries Division, 0151 951 3531, sandra.ashcroft@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

EU Regulation on the export and import of hazardous chemicals (649/2012)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Regulation was published on 27 July 2012, and will apply from 1 March 2014. The Regulation is a recast of the existing European Regulation on the Export and Import of Dangerous Chemicals. The recast elements include updated references to other EU legislation, including to the European Regulation on classification, labelling and packaging of substances and mixtures (the 'CLP Regulation'), alignment of definitions with those in the CLP Regulation, and setting out the role of the European Chemicals Agency in the Regulation's implementation and the limited circumstances in which certain exports may go ahead without explicit consent from the authorities in the importing country. The Regulation will act directly in member states, and, as such, does not require transposition. However, new domestic legislation will be needed to provide for continued enforcement powers for UK authorities and the appointment of the designated national authorities once the Regulation starts to apply.	
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 – Peter Loosley

INDUSTRY AND ENTERPRISE DOSSIERS:

EC Regulation on classification, labelling and packaging of substances and mixtures (1272/2008) – Establishment of the UK competent authority	
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.	
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 – Peter Loosley

EU Regulation on the approval and market surveillance of agricultural and forestry vehicles (167/2013)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Regulation was published on 2 March 2013 and replaces the previous Agricultural Vehicles Type Approval Directive (2003/37/EC). The European Commission will now draw up 5 delegated acts to implement the Regulation in respect of functional safety requirements, construction safety requirements, environmental and propulsion performance, access to repair and maintenance information and vehicle braking requirements. The Department for Transport is leading on this work for the UK. HSE is advising on health and safety issues.	
Lead Department HSE contact	DfT HSE SCS Lead – Philip White HSE Policy Lead – Alastair Mitchell, Operational Strategy Division, 01905 74 3608, alastair.mitchell@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley