

Health and Safety Executive Board		Paper No: HSE/13/93	
Meeting Date:	30 October 2013	FOI Status:	Open
Type of paper:	Above the line	Exemptions:	None
Trim reference:	2013/389049		
Chief Executive's Report to the Board			

Health and safety reforms implemented on 1 October

1. Health and safety reforms featured prominently in the announcements of cuts to red tape made by the Business Minister, Michael Fallon MP, in particular, changes to civil liability, RIDDOR, and the provision of first aid training

- Civil Liability - Section 69 of the Enterprise and Regulatory Reform Act 2013 (ERRA), which came into force on 1 October 2013, amends Health and Safety at Work etc Act 1974 (HSWA) to the effect that claims for compensation for workplace incidents can only be made when negligence can be proved.
- RIDDOR - changes were made to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR) 1995, to clarify and simplify the mandatory reporting of workplace injuries for businesses.
- First Aid - the Health and Safety (First Aid) Regulations 1981 were amended, removing the requirement for HSE to approve first aid training and qualifications for workplace personnel. As part of the changes, the Approved Code of Practice was withdrawn, and replaced with updated guidance. The guidance sets out clearly the recommended practical actions needed, and the standards to be achieved, to ensure compliance with duties under the 1981 Regulations.

2. Other health and safety reforms include:

- **Changes to Docks legislation** - the Docks Regulations 1988 will be revoked at the next Commencement Date, 6 April 2014, as the remaining parts of the Regulations have been superseded by more general requirements in recent legislation and by a shorter, simplified Approved Code of Practice to be published early in 2014, subject to stakeholder agreement, Board and Ministerial approval; and
- **Updating and simplification of biocides sector legislation** - the changes deliver a Löfstedt recommendation to consolidate regulations in this sector.

3. All of the changes are aligned with recommendations set out by Professor Ragnar Löfstedt following his review of health and safety regulation in 2011. Further information on each of the reforms is available on the HSE website or via the individual links above.

New Minister responsible for the Health and Safety Executive

4. As a result of the junior minister reshuffle on 7 October, and subsequent ministerial portfolio changes in DWP, HSE has a new Minister - Mike Penning. Mr Penning is the Minister of State for Disabled People, a new post at this level in Government. As well as being responsible for HSE & ONR his portfolio includes, health and wellbeing work, Mesothelioma and Industrial Injuries Advisory Council.

Docks update

5. At a tripartite meeting on 16 October, agreement was reached on the ACoP and accompanying guidance text. The final draft will go for clearance by TSol ahead of submission to the HSE Board in December.

Asbestos Safety Campaign 2013-14

6. HSE has now moved to the next phase of developing an asbestos behaviour change campaign.

7. The campaign will build on learning from the previous Hidden Killer campaign and the recent audience insight research we have carried out, to drive behaviour change as well as raise awareness. The campaign is expected to include:

- production of asbestos information kits to be distributed to trades people through a commercial partner;
- pilot regional radio advertising;
- partnership marketing, working with suppliers and retailers regularly used by trades people to deliver information and encourage behaviour change;
- PR;
- production of other materials for use by stakeholders and interested parties;
- use of digital channels such as the HSE website;

8. The next phase of work will involve essential audience testing of content to be included in the asbestos 'information kit', and securing support from commercial partners. The campaign, and the date that it will go live, depends on the successful outcome of these activities. We are keen to progress as quickly as we can, however, the work involved means we are unlikely to be in a position to launch the campaign this financial year.

9. The campaign strategy has been informed by audience insight. The insight report will be available from the HSE website from 30 October.

Publication of EU Business Task Force Report to cut EU red tape

10. Report from a Task Force of UK Business Leaders, appointed by PM, published a report on 15 October calling for reform or amendments to 30 pieces of EU legislation as well as a set of principles to be applied in order to ensure rigorous assessment of EU legislation. One of these principles is that any measures proposed by the Commission should be risk based and proportionate which echoes

the recommendations made by both Lord Young and Professor Lofstedt in their reports.

11. The main recommendation of interest to HSE, calls for greater flexibility for national governments to decide when small low-risk businesses need to keep written risk assessments. Other issues mentioned in the report where HSE have an interest are REACH and Working Time.

12. In addition, Annex 1 of the report includes a list of Directives which the Task Force recommends should be subject to further examination which includes the Artificial Optical Radiation Directive, the Computer Screens (DSE) Directive, Ergonomics, the Chemical Agents Directive and the PIC Regulation. HSE will discuss next steps on progressing the actions with BIS.

Balance of Competences Review

13. The Government is currently undertaking a review of the Balance of Competences between the United Kingdom (UK) and the European Union (EU). This is examining what the EU does and how it affects the UK. The exercise is covering a number of areas, including the single market, free movement of goods and people, the environment, transport and energy policy. Health and safety at work will be examined as part of the review of the EU's employment and social competence. The call for evidence for the review will be issued shortly.

European Commission ruling on use of Copper Biocides in treatment of water systems susceptible to Legionella.

14. The UK's application to the European Commission for an essential use derogation for copper biocides used to control legionella in hot and cold water systems was discussed at the EU Biocides Competent Authorities meeting on 25 September 2013. The Commission service responsible for biocidal products stated that it will propose that the Commission grants the UK an essential use derogation for this use as soon as its internal procedures allow. The derogation will allow the UK to permit copper-based systems to continue to be used for legionella control for an interim period, while companies supplying copper prepare an application for copper to be approved for this use under the EU Biocides Regulation 528/2012.

15. HSE also applied on behalf of the UK on 4 October 2013 to the European Commission for essential use derogations in three further areas that have been affected by the EU ban on certain copper biocides. These cover use in marine growth prevention systems in ships' pipework, use in controlling biofouling in offshore installations and use in swimming pool and animal pool disinfection. These essential use applications have now been published on the Commission's website and are subject to a 60-day public consultation lasting until 7 December 2013. The timing for any subsequent decision by the Commission is not yet known and is likely to depend on the number and timing of applications received from other Member States, as well as the outcome of the consultation.

16. In order to keep manufacturers of copper and silver ionisation systems informed of these latest developments, HSE informed a number of stakeholders and provided

an update on our website. HSE will also provide an RSS feed post for its Legionella e-bulletin

KEVIN MYERS
Acting Chief Executive

Communications Overview September 2013

Introduction

This report to the Board summarises key communications activity supporting organisational priorities for the month of September.

News and PR

In addition to the ongoing work to promote and explain HSE's investigations, prosecutions and other work to secure justice, in September press office publicised the annual construction inspection initiative, raising awareness of action to tackle unsafe practices on building sites. The initiative continued to generate positive traditional media coverage throughout the month. This year, press office has been making greater use of social media to highlight examples of good and bad practice, including hosting a Twitter chat with a senior inspector. Photos of poor practice seen by inspectors were posted on HSE's website and tweeted as a warning to others, and a construction safety film focusing on the victims of construction accidents was uploaded to HSE's new YouTube channel, attracting thousands of views. Press office has also been using social media to spark conversation under the #saferites hashtag and promote sensible advice for construction workers and employers.

Among the issues press office responded to in the month were concerns raised about regulations affecting the farming industry - challenging claims that new regulations would unreasonably restricted the amount of time farmers could spend on tractors and other agricultural machinery.

Internal Communications

The 2013 series of SMT Visits began early September with the majority of visits taking place in all HSE offices across the country during the period. The remaining visits were completed in early October. Planning and communications for the launch of the 2013 People Survey took place, ahead of the survey launching on 1 October. General communications to staff included reminders about password strength ahead of a new security requirement; information for operational staff around the firefighters' strike; advice to staff on recording sickness absence; reminders to complete the Competency Self-Assessment tool and guidance for Civil Servants on annual party conferences;

Digital Marketing

Highlights for the month include:

- eBulletin articles pointing to photos of poor practice from the [Construction Safer Sites initiative](#) were the most popular in September, attracting 14,790 visits to the galleries. This accounted for 66% of all visits (22,266 visits overall);
- eBulletin articles on [Judith Hackitt's latest blog post on leadership](#) were the second most popular in September, driving 4,073 visits to the page. This accounted for 62% of all visits (6,561 visits overall);
- HSE's LinkedIn [Company Page](#) attracted 10,500 Followers in September. The Digital Marketing Team published Company Updates to LinkedIn, to promote HSE website content such as Toolbox and job vacancies.

Online revisions and improvements

A total of 213 online content and PDF revisions were made during the period including:

- HSG107 **Maintaining portable electrical equipment**
- and INDG236(rev1) **Maintaining portable electric equipment in low-risk environments**
- **Understanding COMAH: What to expect from the Competent Authority. A guide for COMAH operators**
- HSC14(rev1) **What to expect when a health and safety inspector calls: A brief guide for businesses, employees and their representatives**
- HSG270 **Farmwise: Your essential guide to health and safety in agriculture**
- Slips and trips and International Business (previously Europe) websites were rationalised and improved.

Online Consultations

Consultations and discussions that ended during September 2013:

- Draft revised Approved Code of Practice (ACOP) Managing and working with asbestos resulting in 4107 consultation downloads and 90 responses.
- Proposal to consolidate and modernise the legislative controls for Acetylene resulting in 1468 consultation downloads and 23 responses.
- Proposal to consolidate and modernise explosives legislation resulting in 1465 consultation downloads and 37 responses.

Consultations and discussions that began in September 2013 (ends 18 October)

- Consultation on Draft Regulations to implement Article 30 of Council Directive 2012/18/EU on the control of major-accident hazards involving dangerous substances, amending Council Directive 96/82/EC resulting in 1075 consultation downloads and 7 responses.

Operations

Fatality details

Since the last update to the HSE Board on Wednesday 25th September 2013, **10** fatal accidents for 2013/2014 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 **10** fatalities listed in the current report, **none** occurred prior to August 2013.

10 fatalities occurred in August 2013, compared with **24** which occurred in August 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 September 2013

1. [Basildon and Thurrock University Hospitals NHS Foundation Trust](#) was fined £100,000 with costs of £162,000 at Chelmsford Crown Court after admitting breaching Section 3(1) of the Health and Safety at Work etc Act 1974 for the period between 28 February 2004 and 31 December 2010 in relation to the legionella cases.
2. [Nolan Recycling Ltd](#) was fined £250,000 and ordered to pay £53,100 in costs at Cardiff Crown Court after a 21 year-old worker was crushed to death when he was struck by a skip lorry on a weighbridge he was cleaning
3. [St George South London Ltd](#) was fined £300,000 and ordered to pay £222,692 in costs and [A E Tyler Ltd](#) was also fined £60,000 with £22,855 costs for safety failings after a pedestrian sustained a permanent brain injury when parts of a decaying advertising sign fell onto her head
4. [Aesica Pharmaceuticals Ltd](#) was fined £100,000 and ordered to pay £7,803 at Newcastle Crown Court for a serious safety breach which left a worker fighting for his life in hospital
5. [Universal Builders Supply Limited](#) was fined a total of £125,000 and ordered to pay £40,000 costs at Peterborough Crown Court after being found guilty of safety failings that led to the death of a worker who was crushed by a falling metal mast at its site in Cambridgeshire

6. [Chestnut Homes Ltd](#) were fined £40,000 and site manager Mr Peter Tute was ordered to carry out 240 hours community service by Lincoln Crown Court after a self-employed bricklayer fell to his death from dangerous scaffolding
7. [Moores Turf & Top Soil Limited](#) was fined a total of £85,000 and ordered to pay a further £97,791 in costs at Canterbury Crown Court after a worker was killed by dangerous lifting equipment on a tipper lorry
8. [JA Jones & Sons](#) was fined £50,000 and ordered to pay £50,209 in prosecution costs at Liverpool Crown Court following the death of a teenager who came off his motorbike when it collided with a metal cable strung between two trees
9. [Andrew Geer](#) was fined a total £5,000 and ordered to pay £1,000 towards prosecution costs and [James Basquine](#) was fined a total of £5,000 and told to pay £1,000 towards costs at Southwark Crown Court after a trainee worker fell to his death from a poorly constructed scaffold in Westminster
10. [Morris and Spottiswood Ltd](#) were fined £60,000 by Glasgow Sheriff Court for a catalogue of failings that left a family exposed to potentially fatal carbon monoxide fumes.
11. [BCL Renewables Limited](#) was fined £20,000 and ordered to pay a further £1,837 in costs at Cheltenham Magistrates' Court after a worker was seriously injured when he fell more than 11 metres through a barn roof while installing solar panels
12. [Lothian Health Board, also known as NHS Lothian](#) was fined a total of £32,000 by Haddington Sherriff Court after a worker was attacked while making a home visit to a patient with mental health issues
13. [Merepark Construction Ltd](#), which is currently in voluntary liquidation, was fined £30,000 and ordered to pay £8,490 in prosecution costs by Liverpool Magistrates' Court over a major gas leak which caused widespread disruption and sparked fears of an explosion in Liverpool city centre
14. [Poole Investments plc](#) was fined £60,000 and ordered to pay a further £20,000 in costs by Bournemouth Magistrates' Court after exposing workers to potentially fatal asbestos at a disused tile factory in the town
15. [Pyranha Mouldings Ltd](#) was fined £50,000 and ordered to pay £6,562 in costs at Chester Crown Court after an employee's head was crushed against the top of a lorry container
16. [SIAC Construction Ltd](#) was fined £20,000 and ordered to pay £5,002 in costs by Westminster Magistrates' Court after a worker was caught in an explosion after striking a concealed live electricity cable
17. [Tarmac Building Products Ltd](#) was fined £30,000 and ordered to pay £4,999 in costs at Derby Crown Court after an employee severed three fingers in an inadequately guarded dust extraction machine

18. [Yacht Project Associates Ltd](#) was fined a total of £25,000 and ordered to pay £65,000 in costs at Winchester Crown Court for safety failings relating to a fire that ravaged a famous tall ship and almost killed a worker
19. [Hydro Pumps Ltd](#) was fined £46,500 at Dundee Sheriff Court for serious safety failings following two incidents in less than a week which left two employees with life-changing disabling injuries.
20. [Oldfields Ltd](#) was fined £18,000 and ordered to pay £9,399 in costs by Westminster Magistrates' Court after an agency worker lost the tips from four fingers as he tried to unblock a dicing machine

FOI Requests made to HSE

HSE received 400 FOI requests during the month of September 2013.

Parliamentary Business

HSE answered one PQs and contributed to four during the month of September 2013.

Annex 2

The following table is an extract of all 2013/2014 work-related deaths notified to HSE since the last update to the Board on Wednesday 25th September 2013, it contains fatalities notified to us in August 2013. It is taken from the latest "Names and details of fatalities" update published on HSE's website on Monday 7th October 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
01/08/2013	Mark Coates	38	The deceased fell from height	South Lakeland	South Lakeland	Agriculture	Other Cattle and Buffaloes	Self Employed
08/08/2013	Henry Jones	67	The deceased was struck by a moving vehicle	Knowsley	Knowsley	Construction	Scaffold Erection	Employee
09/08/2013	Harry Whitlam	11	The deceased was struck by a moving vehicle	Leeds	Leeds	Agriculture	Mixed Farming	Member of the Public - Child
09/08/2013	Peter Smith	58	The deceased fell from height	Wellingborough	Wellingborough	Construction	Specialised Construction Not Scaffold	Self Employed
12/08/2013	Anthony Saunders	49	The deceased was struck by a moving vehicle	Sussex	Mid Sussex	Construction	Specialised Construction Not Scaffold	Employee
13/08/2013	Alan Ironside	39	The deceased came into contact with machinery	Aberdeenshire	Aberdeenshire UA	Agriculture	Mixed Farming	Self Employed
14/08/2013	Rajinder Kaldi	66	The deceased asphyxiated	Glasgow	Glasgow UA	Service	Motor Vehicle Repair	Self Employed

Annex 2

Date of incident	Name	Age	Description of incident	Location of incident	Local Authority	General Industry Sector	Detailed Standard Industry Classification	Employment status
26/08/2013	Simon Atkin	32	The deceased came into contact with machinery	Braintree	Braintree	Agriculture	Mixed Farming	Employee
29/08/2013	Kemal Niyazi	89	The deceased died whilst under medical care	London	Lambeth	Service	Hospital activities	Member of the Public
31/08/2013	Alexander Godbold	22	The deceased died following a fall	East Hampshire	East Hampshire	Extractive/utility	Operation of gravel and sand pits; mining of clays and kaolin	Member of the Public

OCTOBER 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 (NEW DEVELOPMENTS): The European Commission has announced that it will not propose legislation on environmental tobacco smoke during its current mandate.	
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 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 (NEW DEVELOPMENTS): The European Commission has announced that it will not propose legislation on ergonomics in the workplace during its current mandate.	
Lead Department HSE contact	HSE SCS Lead – Paul Logan 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 (NEW DEVELOPMENTS): The European Commission has announced that it will not propose legislation on carcinogens and mutagens during its current mandate.	
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 Commission has announced that it will not propose legislation to implement the social partner agreement on the protection of occupational safety and health in hairdressing during its current mandate. However, work underway to make an assessment of the agreement will continue.	
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

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 – Kate Haire, Strategic Interventions Division, 0151 951 3792, kate.haire@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed Council Decision authorising ratification of ILO Convention 170 concerning safety in the use of chemicals at work	
Current status (UNCHANGED FROM LAST BOARD UPDATE): The EC 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. Following two working party meetings, the proposed Decision will now go to the Council for adoption following assent from the European Parliament. The Decision is permissive in nature.	
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 (UNCHANGED FROM LAST BOARD UPDATE): The EC 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 as a long overdue technical update. Technical discussions are continuing in the Council. The Lithuanian Presidency of the Council is aiming to finalise a compromise text in October, and the European Parliament is expected to vote on the measure in December.	
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 (UNCHANGED FROM LAST BOARD UPDATE): The EC 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 HSE contact	BIS 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

ENTERPRISE AND INDUSTRY DOSSIERS:

Proposed recast of Directive on the classification, packaging and labelling of dangerous preparations (1999/45/EC)	
Current status (NEW DEVELOPMENTS): The European Commission has announced that it will repeal the Dangerous Preparations Directive. The Directive is due to be repealed by the European Regulation on the classification, labelling and packaging of substances and mixtures on 1 June 2015.	
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 EC, 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 EC 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 EC 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 EC 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	
<p>Current status (NEW DEVELOPMENTS): The EC 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, simple pressure vessels and pyrotechnics (for which HSE enforces Category 4 theatrical and pyrotechnic articles). HSE is the lead on explosives for civil uses. The Pyrotechnics Directive has been agreed (see the entry below). The remaining eight proposals are still under negotiation.</p>	
<p>Lead Department HSE contact</p>	<p>BIS HSE SCS Lead – Paul Logan, 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, Major Hazards policy Division, 0151 951 3356, alison.wellens@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>

Proposed Regulation on Product Safety and Market Surveillance	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The EC 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, including explosives for civil use which is a HSE lead. 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 the Department for Business, Innovation and Skills (BIS) on the proposal.</p>	
<p>Lead Department HSE contact</p>	<p>BIS HSE SCS Leads – Paul Logan, 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, Major Hazards Policy Division, 0151 951 3356, alison.wellens@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie</p>

Proposed Regulation on Consumer Product Safety	
Current status (UNCHANGED FROM LAST BOARD UPDATE):	
The EC 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.	
Lead Department HSE contact	BIS HSE SCS Leads – Paul Logan, 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, Major Hazards Policy Division, 0151 951 3356, alison.wellens@hse.gsi.gov.uk HSE SCS Lawyer – Hilton Leslie

Proposed amendment of 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 EC has published a proposal to align the Pressure Equipment Directive 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. Negotiations are proceeding under the Lithuanian Presidency of the Council.	
Lead Department HSE contact	BIS HSE SCS Lead – Paul Logan 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 DOSSIERS:

Proposed Commission Implementing Regulation for the approval of 10 active substances under the EU Biocides Regulation (528/2012), and three other administrative matters	
Current status (NEW DEVELOPMENTS): The September 2013 meeting of the Standing Committee on Biocidal Products voted to approve 10 active substances under the European Biocides Regulation (cypermethrin, propiconazole, IPBC, tebuconazole, benzoic acid, aluminium phosphide, etofenprox, nonanoic acid, copper sulphate, and bromoacetic acid). This was the first occasion on which voting took place under the implementing act provisions in the Regulation. A positive vote leads to inclusion of the active substance in the EU list of approved substances, following which applications for authorisation of biocidal products containing listed substances can be submitted.	
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 EU Regulation amending the EU Biocides Regulation (528/2012)	
Current status (NEW DEVELOPMENTS): The EC published on 22 May 2013 a legislative proposal for a Regulation amending the European Biocides Regulation. A number of technical and legal mistakes have been identified in the text of the Regulation. The proposed amending Regulation will correct the mistakes, many of which were identified by the UK. They are technically and legally required to ensure the Regulation is clear and meets its policy intention to streamline and the reduce costs of the existing system. Negotiations commenced in the Council in July and resume with a vote in the European Parliament's Environment, Public Health and Food Safety Committee on proposed amendments to the Regulation in October. Negotiations are not expected to be contentious and the EC has tentatively anticipated adoption by the end of 2013. If this happens the amending Regulation would enter into force in mid-2014.	
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 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. **All these applications have been subject to a 60-day public consultation.** 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. **The EC has indicated that it proposes to grant the UK's essential use application in relation to legionella control, and has drafted a Decision to this effect which has been combined with the derogations requested by some other Member States. However, the timetable of the final decision is not yet clear and we are awaiting clarification from the EC. The UK has also applied for a derogation for product type 11 use in ships and offshore installations, and also for a further derogation for product type 2 use to cover swimming pool treatments. Further derogation applications have also been submitted by the Netherlands, Ireland, Estonia, Italy, Poland, France, Belgium and Norway. All such applications must first be subject to a 60-day public consultation.**

Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed Commission Implementing Regulation for the approval of six active substances under the EU Biocides Regulation, and four other administrative matters

Current status (NEW DEVELOPMENTS):
 The December 2013 meeting of the Standing Committee on Biocidal Products will vote on the approval of six active substances under the European Biocides Regulation (copper HDO, s-methoprene, octanoic acid, decanoic acid, iodine (including PVP iodine) and zineb). The Standing Committee will also consider several administrative matters, including a European Commission (EC) implementing Regulation specifying procedures to amend Annex I of the Regulation (Annex I is a list of low risk active substances); and an EC Regulation setting supplementary rules for renewal of authorisations under the mutual recognition procedures. Two EC Decisions addressed to Germany approving restrictions of authorisations under mutual recognition procedures, for rodenticide products containing the active substances bromadiolone and difenacoum, are likely to be voted on by the written procedure.

Lead Department	HSE
HSE contact	SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk SCS Lawyer – Peter Loosley

Proposed Commission Regulation amending Annex I of the EC Regulation on the export and import of hazardous chemicals	
<p>Current status (NEW DEVELOPMENTS): The European Commission has published a proposal for further amendments to Annex I of the European Regulation on the export and import of hazardous chemicals, adding one substance (didecyldimethylammonium chloride) to Annex I, removing one substance (chloropicrin) from the Annex as it falls within the scope of another EU Regulation, and modifying three other Annex I entries (azinphos-methyl, PFOS and chlorate). The proposal was agreed in a vote by Member States on 11 October, although chloropicrin was removed from the proposal prior to the vote for further consideration as to whether preparations containing <30% of this substance are within the scope of the Regulation. The proposal is now subject to scrutiny by the Council and European Parliament and is likely to come into force in early 2014.</p>	
<p>Lead Department HSE contact</p>	<p>HSE SCS Lead – Kären Clayton Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.qsi.gov.uk SCS Lawyer – Peter Loosley</p>

EURATOM DOSSIER:

Proposed Directive on Radiological Protection	
<p>Current status (UNCHANGED FROM LAST BOARD UPDATE): The 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. Negotiations on the proposal concluded on 29 May 2013 with member states signalling their agreement with the text proposed by the Irish Presidency of the Council. The European Parliament, though limited to an advisory role, will need to give a view on the proposal before a Directive can be adopted.</p>	
<p>Lead Department HSE contact</p>	<p>DECC HSE SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.qsi.gov.uk HSE SCS Lawyer – Peter Loosley</p>

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

Directive on electromagnetic fields (2013/35/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Directive was published on 29 June 2013 and requires transposition by 1 July 2016. It replaces the 2004 Electromagnetic Fields Directive.	
Lead Department HSE contact	HSE SCS Lead – Paul Logan Policy Lead – Clare McNicholas, Work Environment, Radiation and Gas Division, 0151 951 3972, clare.mcnicholas@hse.gsi.gov.uk SCS Lawyer – Hilton Leslie

ENVIRONMENT DOSSIERS:

EC Regulation on Registration, Evaluation, Authorisation and Restriction of Chemical substances (REACH) (1907/2006)	
Current status (NEW DEVELOPMENTS): This Regulation came into force on 1 June 2007. Key recent developments include: <ul style="list-style-type: none"> • The second deadline for registration of ‘phase in’ (pre-existing) substances passed without controversy at the end of May 2013. • Work continues to take forward the permitted derogation from the new EU restriction on use of paint-strippers containing dichloromethane. Subject to appropriate clearances, an eight-week consultation is due to begin on 4 November 2013 on the measure setting out the required training and competence scheme necessary to take up the derogation. • Discussions continue with the Department for Environment, Food and Rural Affairs (Defra) on arrangements necessary to assure the continued management of the asbestos legacy under the new REACH restrictions system. A short formal consultation has recently been published and Defra aim to make necessary legal amendments in October. 	
Lead Department HSE contact	DEFRA (Policy Lead) HSE (UK Competent Authority) HSE SCS Lead – Kären Clayton HSE Policy Lead – Robin Foster, Long Latency Health Risks Division, 020 7227 3814, robin.foster@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

Directive on control of major accident hazards involving dangerous substances (2012/18/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): 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, Major Hazards Policy 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 provides 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 EC 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

Directive on harmonisation of laws of the member states to the making available on the market of pyrotechnic articles (2013/29/EU)	
Current status (UNCHANGED FROM LAST BOARD UPDATE): This Directive was published on 14 June 2013 and requires transposition by 30 June 2015. It aligns the provisions governing the placing on the market of pyrotechnics with the common EU framework for marketing products. BIS is developing the transposition plan for the Directive and HSE is acting as an advisor to BIS given its enforcement responsibilities for pyrotechnics.	
Lead Department HSE contact	BIS HSE SCS Leads – Peter Brown HSE Policy Leads – Alison Wellens, Major Hazards Policy Division, 0151 951 3356, alison.wellens@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley

ENERGY DOSSIER:

Directive on safety of offshore oil and gas drilling operations (2013/30/EU)	
Current status (NEW DEVELOPMENTS): This Directive was published on 28 June 2013 and requires transposition by 19 July 2015. The Department for Energy and Climate Change (DECC) and HSE are working together to transpose the Directive. A HSE/DECC joint delivery plan has been prepared. The HSE/DECC/Maritime and Coastguard Agency oversight board will review progress in October 2013. The European Commission has also started discussions on the form and content of the proposed implementing act on offshore data reporting.	
Lead Department	DECC
HSE contact	HSE SCS Lead – Peter Brown HSE Policy Lead – Jim Neilson, Major Hazards Policy Division, 0151 951 4434, jim.neilson@hse.gsi.gov.uk HSE SCS Lawyer – Peter Loosley