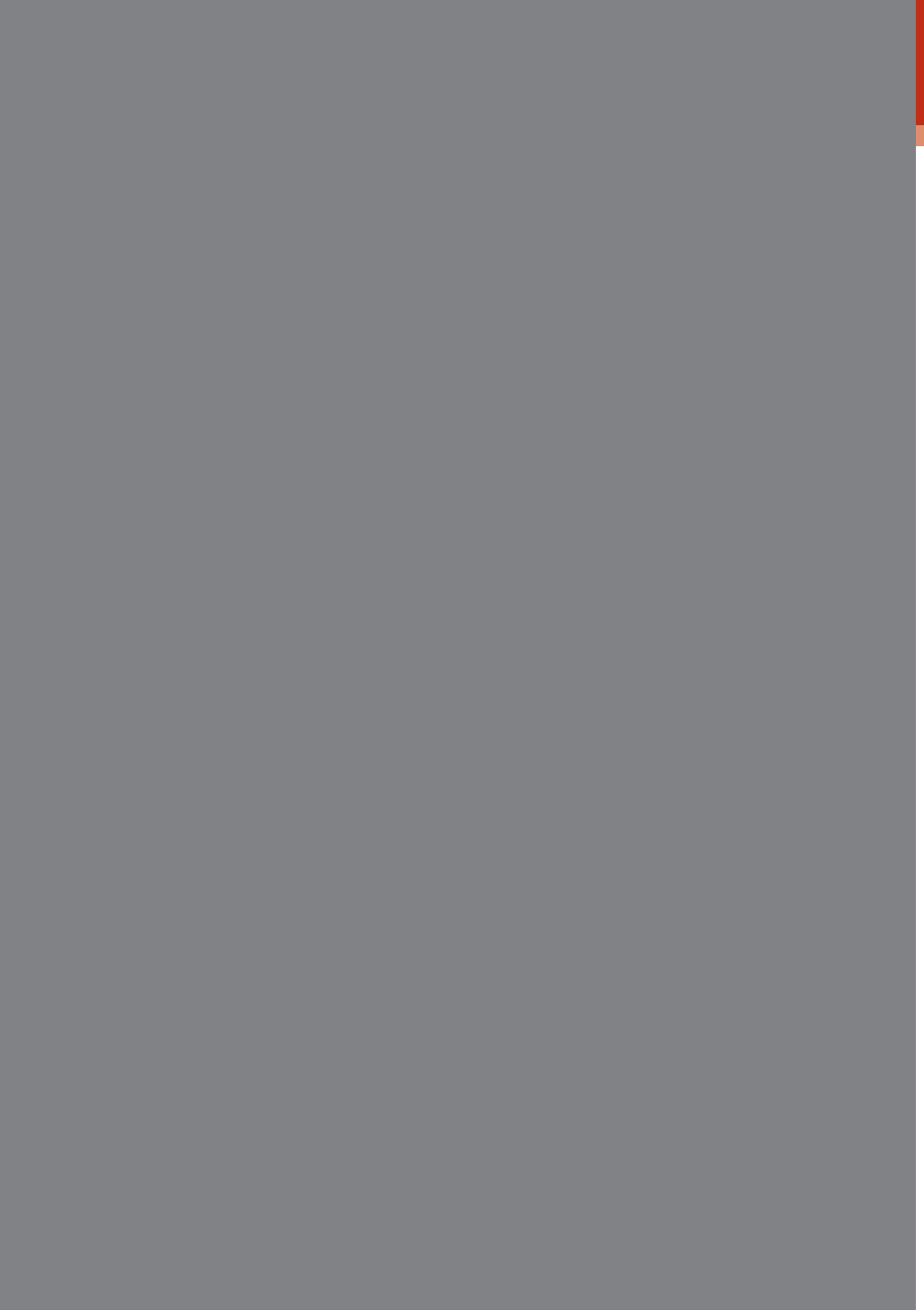


C/M/S/ Cameron McKenna

EU and UK Health and Safety Calendar

Spring 2009



Introduction

This calendar covers some of the key dates for proposed and existing legislation and policy for the **EU** and **UK** (colour-coded accordingly), setting out the next major stage for current proposals and the due to come into force dates for existing legislation. For a brief explanation of the EU legislative process, please refer to the back page.

The calendar also highlights bills relating to health and safety matters currently before parliament in the UK, provides the closing dates for responses to major consultation papers for the **EU** and **UK**, and discusses ongoing HSE initiatives.

Legislation coming into force

23 March 2009

The Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) (Amendment) Regulations 2009 (the 2009 Regulations)

These Regulations came into force on 23 March 2009.

The 2009 Regulations amend regulation 2 of the Health and Safety at Work etc. Act 1974 (Application to Environmentally Hazardous Substances) Regulations 2002 (the **2002 Regulations**) by adding a reference to Directive 2008/68/EC on the inland transport of dangerous goods (the **Directive**). This Directive relates to substances which are dangerous to the environment, but not to people (for example, substances dangerous to aquatic sea life).

Under section 15 of the Health and Safety at Work Act 1974 (the **HSWA**), regulations may be introduced for advancing the general purposes of Part 1 of the HWSA. The general purposes currently under Part 1 do not, however, cover substances which are dangerous only to the environment. The 2009 Regulations were necessary so that substances which are dangerous only to the environment are included under part 1 of the HSWA, as is necessary to transpose the Directive.

Section 1 HSWA stipulates that Part 1 of the HSWA shall have effect with a view to controlling the keeping and use of dangerous substances. The 2002 Regulations extended this to include environmentally hazardous substances. The 2009 Regulations extend this further, by adding a reference to the Directive so that regulations can be made under section 15 HSWA to implement the Directive.

In the UK, it is proposed that the provisions of the Directive will be transposed by the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (the [Carriage Regulations](#)). By way of brief background, the carriage of dangerous good by road, rail and inland waterway are the subject of separate international agreement, each based on the UN Transport of Dangerous Goods Model Regulations. The Directive requires Member States to comply with these UN regulations. It is expected the Carriage Regulations will come into force on 1 July 2009, and will contain requirements relating to the training and examination of safety advisors.

Under the Carriage Regulations, there are four substances classified by the UN as "dangerous to transport". These substances are not dangerous to people, but since they are classified as "dangerous to transport", they must be packaged and handled in a certain way. The provisions relate to health and safety, in that the substances will be transported from one workplace to another, and general health and safety duties will still apply whilst the substances are in transit. The 2002 Regulations have therefore been amended, so that the Carriage Regulations can be made under the HSWA.

To view the 2009 Regulations in full please go to:
www.opsi.gov.uk/si/si2009/pdf/uksi_20090318_en.pdf

6 April 2009

The Health and Safety Information for Employees (Amendment) Regulations 2009 (the 2009 Regulations)

These Regulations came into force on 6 April 2009.

These Regulations make amendments to the Health and Safety Information for Employees Regulations 1989 (the [1989 Regulations](#)), which require employers to provide certain health and safety information to employees. This information is conveyed to employees by displaying the approved poster in the workplace, or by giving each employee the approved leaflet. The 2009 Regulations amend Regulation 5(1) and 5(3) of the 1989 Regulations to enable employers to alternatively provide the information as to how employees may obtain the name and address of the enforcing authority and address of the Employment Medical Advisory Service (EMAS).

As from 6 April 2009, the HSE is publishing new versions of its approved health and safety poster and leaflet. The new versions set out in simple terms what employers and workers must do and what to do if there is a problem. Employers can, if they wish, continue to use the existing poster and leaflet until 5 April 2014, as long as they are readable and the addresses of the enforcing authority and the EMAS are up-to-date.

For further information and to purchase the new Health & Safety Poster, please go to: www.hse.gov.uk/pubns/books/lawposter.htm

To view the 2009 Regulations in full please go to: www.opsi.gov.uk/si/si2009/uksi_20090606_en_1

6 April 2006

Chemical (Hazard Information and Packaging for Supply) Regulations 2009 – to be known as “CHIP 4”

These Regulations came into force on 6 April 2009.

As a result of the Regulation on the classification, labelling and packaging of substances and mixtures (Regulation (EC) no. 1272/2008) (the [CLP Regulation](#)) coming into force on 20 January 2009, the Chemical (Hazard Information and Packaging for Supply) Regulations 2002 ([CHIP 2002](#)) required to be amended. CHIP 4 consolidates, revokes and re-enacts with amendments, CHIP 2002.

Aside from providing for enforcement of the CLP Regulation, CHIP 4 also implements parts of REACH (discussed below), Council Directive

1992/32/EEC (the [Substances Directive](#)), and Council Directive 1999/45/EC (the [Preparations Directive](#)).

Suppliers must now comply with the provisions of the CLP Regulation rather than CHIP 2002. The main purpose of the CLP Regulation is to adopt within the European Community the UN's Globally Harmonised System of Classification and labelling of Chemicals (GHS). This sets out internationally accepted definitions and criteria identifying the hazards of certain chemicals. The GHS is a voluntary agreement and countries may continue to have in place their national requirements, providing those requirements do not contradict the GHS.

To view CHIP 4 in full please go to:
www.opsi.gov.uk/si/si2009/uksi_20090716_en_1

6 April 2009

Health and Safety (Miscellaneous Amendments and Revocations) Regulations 2009 (the 2009 Regulations)

Consultation on these regulations ended on 1 February 2008. The Regulations, with amendments resulting from the consultation exercise, were previously expected to come into force on 1 October 2008. These regulations actually came into force on 6 April 2009.

The 2009 Regulations are intended to correct issues that have arisen since new regulations on the manufacture and storage of explosives came into force in April 2005.

They aim to reduce the administrative burden resulting from explosives legislation by extending the maximum periods of validity of explosives certificates and storage licences. The maximum period of validity of an explosives certificate under the Control of Explosives Regulations 1991 is now extended to five years. The amendments abolish the distinction between periods of validity for explosives certificates relating to the acquisition and keeping of explosives, and those for acquisition only. Periods of validity for the former were up to three years but are now up to five, and the latter were up to one year but are now also up to five.

The 2009 Regulations also revoke redundant and outdated local mining regulations and correct an omission in the Control of Noise at Work Regulations.

For further information please go to:
www.hse.gov.uk/mining/legislat.htm

To view the Regulations in full please go to:
http://www.opsi.gov.uk/si/si2009/uksi_20090693_en_1

6 April 2009

Factories Act 1961 and Offices, Shops and Railway Premises Act 1963 (Repeals and Modifications) Regulations 2009 (the 2009 Regulations)

These Regulations came into force on 6 April 2009.

These Regulations abolish the 'Premises Notification' and the 'General Register', which were considered to be unnecessary form-filling requirements that applied to most businesses operating from a factory, office or shop in the UK.

The 2009 Regulations amend the Factories Act 1961 and the Offices, Shops and Railway Premises Act 1963, by removing the requirement for notification of occupation of a factory and the employment persons working in offices, shops and railway premises under the respective Acts.

For further information please go to:
www.hse.gov.uk/consult/condocs/cd219.htm

To view the Regulations in full please go to:
www.opsi.gov.uk/si/si2009/uksi_20090605_en_1

6 April 2009

The Civil Procedure (Amendment No.3) Rules 2008

These Rules came into force on 6 April 2009.

This statutory instrument amends the Civil Procedure Rules (CPR), which govern practice and procedure in the civil division of the Court of Appeal, the High Court and the county courts in England & Wales.

It amends a number of provisions of the CPR, including: the allowing of claims to be issued through Money Claim Online and the Claim Production Centre where the particulars of claim are to be served separately; increasing the limit of fast track procedures from £15,000 to £25,000; and permitting applications for, and variation of, costs capping orders, in order to limit the amount of future costs which a party may recover.

To view the Civil Procedure (Amendment No.3) Rules 2008 in full please go to: www.opsi.gov.uk/si/si2008/pdf/uksi_20083327_en.pdf

Spring 2009

Decision of the European Parliament and of the Council amending Council Directive 76/769/EEC as regards restrictions on the marketing and use of dichloromethane (the Decision)

The final text of the Decision has been agreed between the Council and the European Parliament. It is expected that the Decision will now be adopted and published in the Official Journal in spring 2009.

The Decision bans the placing on the market of dichloromethane (DCM) - based paint strippers for use by consumers, and additional safety measures for the use of DCM-based paint strippers in industrial installations. Labelling of DCM-based paint strippers is also to be improved.

For further information please go to:

www.hse.gov.uk/aboutus/europe/euronews/dossiers/dichloromethane.htm

An HSE consultation on this Decision ended on 26 September 2008. The results of the Consultation have not yet been published.

Spring/Summer 2009

A Proposal for a Regulation of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance in relation to the marketing of products and

A Proposal for a decision of the European Parliament and of the Council on a common framework for the marketing of products (the New Approach Directives)

New Approach Directives set out the essential requirements that must be met before products can be sold in the UK or EU. They stipulate how manufacturers must conform with certain requirements, and stipulate that products which meet the requirements should display CE marking (meaning that the products can be sold anywhere in the European Community).

The HSE is currently considering a series of reports from the European Parliament, suggesting amendments to the proposals published by the European Commission in February 2007. The HSE have provided comments and analysis where necessary, which BERR will use in subsequent Council Working Party meetings. Agreement on the proposals is expected in early 2009.

For further information on the New Approach Directives please go to: www.hse.gov.uk/aboutus/europe/euronews/dossiers/marketingnewapproach.htm

Spring/Summer 2009

Third list of indicative occupational exposure limit values (IOELVs) (98/24/EC)

The European Commission is progressing a third list of Indicative Occupational Exposure Limit Values (IOELVs) based on the recommendations of its Scientific Committee for Occupational Exposure Limits (SCOEL). IOELVs are human exposure limits to hazardous substances, as specified by the Council of the European Union based on expert research and advice. The first and second lists were established by Directives 2000/39/EC and 2006/15/EC.

The Directive will require Member States to introduce domestic occupational exposure limits for the substances listed in the Annex to the Directive, taking account of the level of the IOELV for that substance.

It is expected that Member States will be asked to vote on the final text of the draft Directive in early 2009, but as yet there has been no indication of when this might be. It will then be adopted by the European Commission and published in the Official Journal. It is likely that Member States will have 18 months in which to implement the Directive.

For further information please go to:
www.hse.gov.uk/aboutus/europe/euronews/dossiers/ioelv3.htm

Summer 2009 /
27 April 2010

Physical Agents (Artificial Optical Radiation) Directive (2006/25/EC) (the Directive)

Member States have until 27 April 2010 to transpose this Directive by way of national regulation. The HSE's work on engaging stakeholders and implementation has now begun.

The aim of the Directive is to protect workers from any adverse effects of artificial optical radiation, including visible light, infrared and ultraviolet radiation, and laser beams. The Directive contains provisions on risk assessment, control of exposure, health surveillance and information, instruction and training.

The Directive only covers optical radiation from artificial sources (it does not include sunlight), and is based on the limit values incorporated in the guidelines issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

The Directive was adopted in February 2006 and came into force on

27 April 2006, when it was published in the Official Journal. The Directive has no effect on individuals or companies in the UK until enacted by Regulation. Member States have until 27 April 2010 to transpose the Directive and implement its requirements. The HSE has already alerted stakeholders about this process and timescale and expects to undertake a formal consultation in summer 2009.

The European Commission has commissioned the Health Protection Authority to produce a non-binding, good practice guide to facilitate the implementation of the Directive. The HSE anticipates that the guide will be available in the second or third quarter of 2009.

To view the consultation please go to:

www.hse.gov.uk/aboutus/europe/euronews/dossiers/aor.htm

1 June 2009

30th and 31st adaptations to Technical Progress of the Dangerous Substances Directive (67/548/EEC)

Member States agreed the 30th Adaptation to Technical Progress (ATP) in a vote in February 2007, with an implementation date of 1 June 2009. The 31st Adaptation will have the same implementation date.

The relatively long period for implementation is deliberate – the planned EC Regulation will put the Globally Harmonised System (GHS) in place in Europe, for classification and labelling. This Regulation will replace the existing list of harmonised substances in the Dangerous Substances Directive, including the Adaptations. When the new Regulation comes into effect, the updated list will have direct legal force. On the basis that the new Regulation will be in force by 1 June 2009, Member States will not then have to implement the 30th and 31st ATPs into their national legislation.

The Dangerous Substances Directive (67/548/EEC) classifies around 7000 hazardous properties substances.

The 30th and 31st Adaptations to Technical Progress each add several hundred new entries and amend several hundred existing entries in the list of substances and their harmonised classifications. Harmonised classifications help industry by avoiding the need for self-classification and by creating a level playing field for manufacturers, suppliers and importers.

The 30th Adaptation – Directive 2008/58/EC – was published on 15 September 2008 and came into force on 5 October 2008. The 31st Adaptation – Directive 2009/2/EC – was published in the Official Journal on 16 January and came into force on 6 February 2009.

For further information please go to
www.hse.gov.uk/aboutus/europe/euronews/dossiers/dsd3031.htm

Autumn 2009

A new European Directive covering all musculoskeletal disorders

Directives on manual handling and display screen equipment have been in place since 1992, but the European Commission (EC) and other European bodies (principally trade unions) have become concerned that European legislation does not cover all musculoskeletal disorder risks, for example, risks from repetitive work.

In November 2008, the EC's Advisory Committee on Safety and Health at Work established a Working Party to prepare an opinion on the development of further EC legislative initiatives on musculoskeletal disorders. The Working Party is due to report to the main Advisory Committee in May or June 2009. Subject to its recommendations, it is expected the EC will table a formal proposal in Autumn 2009.

For further information on the Directive please go to:
www.hse.gov.uk/aboutus/europe/euronews/dossiers/msd.htm

November 2009

Simplification and review of Radiation Protection Directives including Basic Safety Standards (BSS) and Outside Workers Directives

The European Commission (EC) intends to bring forward a formal proposal for a new Basic Safety Standard Directive that will be based on a recast and consolidation of five existing EURATOM Directives. The EC is working closely on the recast with a Working Party which will work on the draft during 2009 with a view to completing a draft Directive by November 2009. The EC will then issue a formal proposal for a Directive, which Member States will then need to consider.

The HSE has convened a cross-government group to co-ordinate the UK Response. The HSE is keen to engage UK stakeholders to ensure that a breadth of interested parties' views inform the development of the UK influencing strategy and negotiating position. Interested parties should contact the HSE Policy team as soon as possible.

28 December 2009

For further information on the review of Radiation Protection Directives please go to:
www.hse.gov.uk/aboutus/europe/euronews/dossiers/radiationprotect.htm

Services Directive (2006/123/EC)

Member States must implement the Services Directive by 28 December 2009.

The Services Directive was adopted on 12 December 2006, and creates a free market for the services sector in the EU, in line with the existing markets for goods, people and capital.

The Directive requires Member States' Governments to simplify procedures and remove barriers to cross-border service provision.

Labour law, including law on the health and safety of workers is specifically excluded from scope of the Directive. However, UK health and safety law also covers the safety of others who might be affected by a work activity, including the public. The 'freedom to provide services' provision, ensures that Member States will be permitted to impose national requirements provided they are justified for reasons of public policy, public security (this includes public safety), public health or the protection of the environment. This means that HSE and local authority inspectors will continue to be able to enforce against service providers from Member States in the same way as against established service providers.

The Department for Business, Enterprise and Regulatory Reform (DBERR) held one cross-departmental public consultation exercise covering all aspects of the implementation of the Directive. The consultation document was published on 5 November 2007 with a closing date of 11 February 2008. The Government's response to the consultation exercise was published on 19 June 2008. For further information on the Directive and the DBERR consultation please go to:
www.berr.gov.uk/consultations/page42211.html

In February 2009, BERR issued Guidance on the Services Directive to Local Authorities. To view that guidance in full please go to:
www.berr.gov.uk/files/file50026.pdf.

A list of legislation which is being reviewed for compliance with the Services Directive is available on the Services Directive Implementation Updates which can be found at:
www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/implementation/implementationupdates/page43431.html

29 December 2009

The Supply of Machinery (Safety) Regulations 2008

The Directive on Machinery (2006/42/EC) – Third amendment to the Machinery Directive (Amending Directive 95/16/EC) (the **Machinery Directive**) sets out the procedures that manufacturers must conform to with certain essential health and safety requirements (EHSRs).

Machinery that conforms to all relevant requirements can then carry the CE mark, showing compliance with the EHSRs of the Machinery Directive and all other relevant Directives. For further information please go to

www.berr.gov.uk/sectors/sustainability/regulations/ecdirect/page12543.html

On 19 June 2008, the Government published the Supply of Machinery (Safety) Regulations 2008 (**the 2008 Regulations**). These Regulations implement the Machinery Directive into UK Law and will revoke the Supply of Machinery (Safety) Regulations 1992 and the Supply of Machinery (Safety) Regulations 1995. The 2008 Regulations will come into force on 29 December 2009 – the same day as the Machinery Directive will be fully implemented.

To view the Regulations in full please go to:

www.opsi.gov.uk/si/si2008/pdf/uksi_20081597_en.pdf

2009-2010

Proposed Directive amending the Carcinogens and Mutagens Directive (2004/37/EC)

The European Commission (EC) is proposing an amendment to the Carcinogens and Mutagens Directive (2004/37/EC) (**the Directive**). This Directive consolidated the Carcinogens Directive (90/394/EEC) and subsequent amendments. The first stage of Social Partner consultation occurred in 2004 and the second stage in spring 2007. It is expected that the EC will soon publish a draft Directive.

The main proposals as set out in the second stage of Social Partner consultation are for the scope of the Directive to be extended to cover substances classified as Category One and Category Two Toxic to Reproduction, for the exposure limits for the three substances listed in Annex III of the Directive to be reviewed, and for additional exposure limits for carcinogenic, mutagenic and toxic to reproduction substances to be placed in Annex III.

Once the Commission publishes a draft text of a Directive, the HSE

will start negotiations and undertake the preparation of a Regulatory Impact Assessment.

For further information on the proposed Directive please go to:
www.hse.gov.uk/aboutus/europe/euronews/dossiers/carcinogens.htm.

2010

Potential changes to the Seveso II Directive (96/82/EC) (Seveso II)

The aim of Seveso II was to prevent major accidents at industrial sites storing or using dangerous substances, and to limit the consequences if such an accident did occur. Seveso II was extended in 2003 to cover risks arising from storage of explosives and ammonium nitrate, and risks arising from mining operations.

Currently the application of Seveso II is partly determined through reference to the Dangerous Substances Directive and the Dangerous Preparations Directive (DSD/DPD). A new EU Regulation on the classification, labelling and packaging of substances and mixtures (CLP) came into force on 20 January 2009. It will be phased in over a transitional period, ultimately replacing DSD/DPD in 2015. This will break the legislative link between Seveso and the current classification system. A new method of determining the scope of the Directive will need to be found, which will necessitate an amendment to Seveso II.

Two separate reviews being carried out by the EC (on the effectiveness of Seveso II, and on administrative costs incurred by businesses) may lead to additional changes to the Directive. The EC is expected to publish a proposal in 2010 to amend Seveso.

For further information on Seveso II please go to:
www.hse.gov.uk/aboutus/europe/euronews/dossiers/seveso.htm

2010

Pressure Equipment Directive (97/23/EC) (PED)

The PED came into force fully in May 2002 and is due to be reviewed in 2010.

The main amendments are expected to concern cylinders for breathing apparatus and market surveillance issues. The outcome of meetings held in March 2009 to discuss these issues are expected to be published soon, although no information is available as yet.

For further information on the PED please go to:
www.berr.gov.uk/whatwedo/sectors/sustainability/regulations/ecdirect/page12629.html

1 December 2010 and
1 June 2015

Regulation on the classification, labelling and packaging of substances and mixtures (Regulation (EC) no. 1272/2008) (CLP), implementing the Globally Harmonised System of Classification & Labelling of Chemicals (GHS) into European Law.

CLP entered into force on 20 January 2009. It has direct effect in all EU Member States and requires no national transposition.

The requirements of CLP do not become mandatory until 1 December 2010 for substances, and 1 June 2015 for mixtures. This transitional period is intended to help suppliers and users of chemicals change from the current EU classification and labelling system to the new GHS-based system.

For further information on the CLP Regulation please go to:
www.hse.gov.uk/aboutus/europe/euronews/dossiers/ghs.htm

The GHS aims to provide world-wide harmonised criteria for classifying substances and mixtures according to their health, environmental and physical hazards; and world-wide harmonised hazard communication elements, including requirements for labelling and data safety sheets.

To read more on the United Nations Globally Harmonised System of Classification and Labelling of Chemicals (GHS) please go to:
www.hse.gov.uk/ghs/index.htm

Adjustments require to be made to the Chemicals (Hazard Information and Packaging for Supply) Regulations (**CHIP**) to introduce enforcement provisions for CLP and to ensure that domestic law keeps up to date with the changes at EU level during the transitional period. For further information about Chip 4 please go to:
www.hse.gov.uk/consult/condocs/cd220.htm.

6 April 2011

The Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007, Regulations 7(4) and (5).

The Merchant Shipping and Fishing Vessels (Control of Noise at Work) Regulations 2007 (the **2007 Regulations**) came into force on 23 February 2008, other than Regulations 7(4) and (5) which will come into force on 6 April 2011.

The 2007 Regulations complete implementation of **Council Directive 2003/10/EC** on the introduction of measures to protect workers from the risks related to noise at work, by extending the duty on employers to

workers in the maritime sector. The duty on employers is to reduce the risk to their employees' health resulting from exposure to noise at work.

Regulation 7(4) provides that an employer must ensure that workers are not exposed to noise exceeding the exposure limit values specified in the Regulations (85 or 137 decibels).

Regulations 7(5) provides that if exposures above the limit are detected following the implementation of organisational and technical measures which have already been undertaken, the employer shall: take action to reduce exposure to noise below the exposure limit value; identify the reasons why the limit has been exceeded; and amend the measures taken in accordance with the Regulations to ensure that the limit is not exceeded again.

Regulations 7(4) and (5) will come into force on 6 April 2011. To view the 2007 Regulations in full please go to: www.opsi.gov.uk/si/si2007/pdf/uksi_20073075_en.pdf

30 April 2012

Physical Agents (Electromagnetic Fields) Directive (2004/40/EC)

This Directive came into force on 30 April 2004 when it was published in the Official Journal.

Originally Member States had until 30 April 2008 to implement the Directive, but it has now been amended by a new Directive (2008/46/EC), which has amended the implementation date to 30 April 2012.

This delay is to allow the EC enough time to commission a full impact assessment of the Directive and consider new scientific advice, before proposing further amendments to address the impact of the original Directive.

Like the Physical Agents (Artificial Optical Radiation) Directive (discussed above), this Directive introduces provisions on risk assessment, control of exposure, health surveillance and information, instruction and training.

It is also based on the values incorporated in the occupational exposure guidelines issued by the International Commission on Non-Ionizing Radiation Protection (ICNIRP).

The UK must enact a new Regulation, as the Directive itself is not enforceable against a company/individual.

An Impact Assessment is currently ongoing which will evaluate the options open to the European Commission (EC). Options range from

taking no action at all, to creating new binding legislation. A social dialogue is expected to take place in the first half of 2009. A report to the EC is expected in Autumn 2009. The EC will then publish their opinion on what should happen with the Directive at the end of 2009. Only then will a decision be made as to how progress should be made up to the implementation date of 30 April 2012.

For further information go to
www.hse.gov.uk/aboutus/europe/euronews/dossiers/emf.htm

14 May 2013

Mini revision of the Biocidal Products Directive 98/8/EC

The European Commission (EC) is proposing to revise the Biocidal Products Directive (98/8/EC) (BPD). The BPD aims to harmonise the European market for biocidal products/active substances and to provide a high level of protection for humans, animals and the environment.

The BPD came into force on 14 May 1998. After taking account of the comments received from Member States and Stakeholders, it is expected that the EC will submit a proposal to the Council and European Parliament in early 2009 to revise the BPD and replace it with an EC Regulation. Nothing as yet has been published.

The EC is proposing to simplify the BPD procedures and data requirements, establish a centralised system for product authorisation, bring treated materials under the scope of the BPD, and harmonise the fee structure across Member States.

The main revision will be preceded by a 'mini revision' which will push back the review program from 14 May 2010 to 14 May 2013. This will allow time to complete the review of existing active substances.

For information on the "mini revision" please go to
www.hse.gov.uk/aboutus/europe/euronews/dossiers/biocide-mini.htm.

For further information on the main revisions to the BPD please go to
www.hse.gov.uk/aboutus/europe/euronews/dossiers/biocide-mini.htm.

Reach

REACH is a new European Union regulation concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals. It came into force on 1 June 2007 and replaces a number of European Directives and Regulations with a single system.

Under REACH, manufacturers or importers of chemical substances are required to register them with the central European Chemicals Agency (ECHA). The amount of data required is proportionate to the amount of substance manufactured or supplied. If substances are not registered, those substances will no longer be permitted to be manufactured or supplied.

REACH applies to substances manufactured or imported into the EU in quantities of 1 tonne per year or more. It is estimated that there are around 30,000 such substances on the European Market. Registering all of those at once would be a huge task for both industry and regulators, so to overcome this, the registration of those substances already being manufactured or supplied is to take place in three phases, to be spread out over 11 years.

To benefit from the phased-in deadlines, manufacturers or suppliers had to pre-register their substances by 1 December 2008.

Registration timeline

Date	Action
1 June 2007	REACH came in to force
1 June 2008	Pre-registration for existing ('phase-in') substances began Registration for new ('non phase-in') substances began
30 November 2008	Pre-registration for 'phase-in' substances ended
1 December 2008	Registration for existing substances (that have not been pre-registered) started
1 January 2009	List of pre-registered substances published and SIEFs formed
1 June 2009	First recommendation of priority substances to be considered for authorisation published by ECHA

Date	Action
1 December 2010	<p>PHASE 1</p> <p>By this date the following pre-registered 'phase-in' substances should have been registered when supplied at:</p> <ul style="list-style-type: none"> > 1000 tonnes per annum (tpa) or; > 100 tpa and classified under CHIP as very toxic to aquatic organisms or; > 1 tpa and classified under CHIP as Cat 1 or 2 carcinogens, mutagens or reproductive toxicants
1 June 2013	<p>PHASE 2</p> <p>Deadline for registration of substances supplied at > 100 tpa</p>
1 June 2018	<p>PHASE 3</p> <p>Deadline for registration of substances supplied at > 1 tpa</p>

Bills Before Parliament

Next stage

24 April 2009

Damages (Asbestos-Related Conditions) Bill

This is a Bill to provide that certain asbestos-related injuries will be actionable as personal injuries. It had its first reading in the House of Commons on 26 January 2009 without debate, and is due to have its second reading on 24 April 2009.

For further information please go to:
www.services.parliament.uk/bills/2008-09/damagesasbestosrelatedconditions.html

27 April 2009

Coroners and Justice Bill

On 14 January 2009, the Coroners and Justice Bill was introduced in the House of Commons.

The aim of the Bill is to “deliver a more effective, transparent and responsive justice system for victims, witnesses and the wider public.” It was introduced following a number of public consultations throughout 2008. The Bill’s provisions extend mainly to England & Wales, with only certain provisions extending to Scotland and Northern Ireland.

The Bill seeks to introduce a national coroner service for England and Wales, headed by a new Chief Coroner. It aims to improve the experience of those bereaved people coming into contact with the coroner system, giving them rights of appeal against coroners’ decisions and setting out the general standards of service they can expect to receive. By establishing improved powers and guidance for coroners and publicising statistics and reports to prevent deaths, the changes should reduce delays and improve the quality and outcomes of investigations and inquests. Senior coroners will also have powers to commission post-mortems where appropriate. For deaths not investigated by the coroner, a system of secondary certification will be introduced, which will enable independent scrutiny and confirmation

of the medical cause of death in a way that is “proportionate, consistent and transparent”.

In addition to the provisions to reform the coroner system, the Bill seeks to amend elements of the law in relation to the criminal offences of murder, infanticide and assisted suicide. It also sets down new rules for the protection of witnesses and in relation to the security of court, and it contains various amendments in the areas of legal aid, sentencing, criminal memoirs and the Data Protection Act 1998.

The Bill is due to have its second hearing in the House of Lords on 27 April 2009.

For further information and to view the Bill please go to:
www.services.parliament.uk/bills/2008-09/coronersandjustice.html

Consultations

Deadline for response

5 May 2009

Ministry of Justice Consultation

Fees in the United Kingdom Supreme Court

This is a consultation on the system of fees and concessions for civil and devolution cases in the Supreme Court after it becomes operational in October 2009.

The Lord Chancellor has a duty, under the Constitutional Reform Act, to consult with a limited number of people before he makes an order setting out the fee levels. The Lord Chancellor believes that fee levels are an important issue that affects a number of areas of society and has decided to conduct a public consultation.

Responses should be sent to:

Vanessa Watling
Ministry of Justice
Supreme Court Implementation Team
102 Petty France
London
SW1H 9AJ
Tel: 020 3334 3910

To view the consultation and for further information please go to:
www.justice.gov.uk/publications/fees-uk-supreme-court-consultation.htm

13 May 2009

DBERR Consultation

EC Directive on Waste Electrical and Electronic Equipment (WEEE)

The Department for Business, Enterprise and Regulatory Reform (DBERR) has published a consultation on European Commission proposals to recast the Directives on Waste Electrical and Electronic Equipment (WEEE) and the Restriction on the use of certain

Hazardous Substances (RoHS) in electrical and electronic equipment.

WEEE aims to minimise the impact of electrical and electronic goods on the environment, by increasing re-use, recycling and recovery of the amount of WEEE going to landfill. A major proposal in relation to WEEE is to increase the amounts of electric and electronic waste that are collected and recycled. Proposals relating to RoHS aim to achieve a higher level of environmental protection by revising the scope of the restrictions and substances they apply to.

DBERR's hope is that the consultation paper will give interested parties the opportunity to inform the Government's understanding of the impact the changes will have ahead of formal European negotiations.

To view the consultation and for further information please go to:
www.berr.gov.uk/whatwedo/sectors/sustainability/weee/page30269.html

20 May 2009

HSE Consultation

Survey on Labelling Loads Guidance

Regulation 4 of the Manual Handling Operations Regulations 1992 requires employers to provide information about the weight of loads. The HSE are now seeking views on additional guidance to be given to employers on giving information on load weights.

Consultation started on 8 April 2009 and ends on 20 May 2009. To take part in the survey and for further information please go to:
www.hse.gov.uk/msd/labellingloads.htm

HSE Campaigns & Initiatives

Ongoing Spring 2009

Stress Awareness Initiative

Work-related stress is a major cause of occupational ill health in the UK. Recent statistics show that 44% of employees feel under excessive pressure at work at least once a week. According to the Confederation of British Industry, the annual cost of stress and stress-related illnesses is estimated to be around £12 billion.

The Health and Safety Executive (HSE) has launched a new website aiming to assist businesses in preventing and dealing with work-related stress. The website includes updated advice and guidance, a self-assessment questionnaire, case studies and some good practical examples. The main focus of the website is, however, the 'Management Standards' for work-related stress, which are not new, and are already used as a yardstick for many organisations.

For further information go to:
www.hse.gov.uk/stress/tacklestress/index.htm

Ongoing Spring 2009

Asbestos - the hidden killer

The HSE continues to run its national campaign, targeting tradesmen who are at risk from exposure to asbestos.

The primary aim of the campaign is to raise awareness amongst tradesmen that they are more at risk than they think from asbestos. The campaign also aims to encourage tradesmen to find out more about asbestos and the precautions they should be taking.

To view the campaign website go to:
www.hse.gov.uk/asbestos/hiddenkiller/index.htm

Ongoing Spring 2009

Agriculture: Come Home Safe

Since January 2009 the HSE has been asking farmers around the country to “promise to come home safe”.

Figures published by the HSE in its annual report, “Fatal injuries in farming, forestry and horticulture 2007/08” show that 42 people were killed as a result of farming and other agriculture-related activities in 2007/08.

For further information and a copy of the HSE publication, “How lives are lost on British farms” go to:
www.hse.gov.uk/agriculture/makethepromise/index.htm

19 - 25 October 2009

European Campaign on Risk Assessment

This is a two-year campaign aimed at employers, workers, safety representatives and other stakeholders. The campaign seeks to “demystify the risk assessment process”; to show that risk assessment is not necessarily complicated, bureaucratic or a task only for experts. The campaign also aims to raise awareness, provide information and practical advice, encourage activities that have a positive impact in the workplace, and identify and recognise good practice.

The focus of the second year of the campaign is promoting good practice in risk assessment. European week will take place this year from 19 - 25 October 2009.

To read more go to: www.hse.gov.uk/campaigns/euroweek/index.htm

EU Legislative Process...

..in brief

A proposal for a Directive or Regulation is presented by the European Commission and is reviewed, usually on two occasions, by the European Parliament and the European Council. If the European Parliament and Council agree after the first reading (uncommon), the proposal will be adopted. If no agreement is reached after the second reading, the proposal goes through a conciliation process before being adopted. The Directive or Regulation comes into force after publication in the Official Journal of the EU. References to the 'first' or 'second' readings are references to the European Parliament's plenary vote during first or second reading.

Directives must be implemented through national legislation in Member States, with the deadline usually laid down in the Directive. Until they are enacted through legislation in Member States they are not directly effective against an individual or company – although they may be against a Government or Government body. Regulations come into force in all EU Member States upon publication. Decisions are directly binding on those to whom they are addressed. Communications are prepared by the Commission and may be followed by proposals for legislation.

Further information

For further information on our health and safety services please contact



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Disclaimer – this calendar is provided by way of general guidance only and does not constitute legal or professional advice. While we aim for it to be as up-to-date as possible, some recent developments may miss our publication deadline and some dates may change at short notice. The calendar is not intended to cover every policy or legislative initiative, but only major health and safety issues.

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