

Legislation Outlook

December 2018

This monthly legislation briefing is a **supplement** to your Activ Comply service to help you to **plan ahead** for maintenance of your ISO 14001, OHSAS 18001/ISO 45001, ISO 50001 and ISO 27001 systems. In addition to giving you advance warning about important legislation that will affect your compliance with the standards, we'll provide news, newly-published guidance and government consultations that you might find useful, as well as any other significant legislation beyond the scope of the standards listed that we think may have an impact on your organisation. Unlike other services, we only report items of value: we don't waste your time on items such as an increase in administrative fees or changes that only affect enforcement agencies.

When legislative changes are announced with short notice (<1 month) they are not reported here. All changes are automatically delivered direct into your [Activ Comply](#) system as they come into effect so you can be confident that you are always 100% up to date.

This year has seen significant legal developments including GDPR and Brexit legislation. 2019 should continue to be busy with Brexit progress, plus the next ESOS compliance phase ending in December.

Our Focus item this month is legal compliance for ISO 45001.

Merry Christmas!

Upcoming Standard-Related Legislation

ISO 14001

Companies (Directors' Report) and Limited Liability Partnerships (Energy and Carbon Report) Regulations 2018

These [Regulations](#) will come into force on 1 April 2019 and amend the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008 to extend the current requirement for quoted companies to include disclosures on greenhouse gas emissions in their annual directors' report. The changes require quoted companies and large unquoted companies to include statements concerning the company's greenhouse gas emissions, energy use and action taken to increase energy efficiency within the UK.

The Regulations also amend the Limited Liability Partnerships (Accounts and Audit) (Application of Companies Act 2006) Regulations 2008 to require large limited liability partnerships ('LLPs') to prepare an energy and carbon report for each financial year, which must include statements concerning the LLP's greenhouse gas emissions, energy use and action to be taken to increase its energy efficiency.

Waste Electrical and Electronic Equipment (Amendment) (No. 2) Regulations 2018

These [Regulations](#) come into force on 1 January 2019 and amend the Waste Electrical and Electronic Equipment Regulations 2013 (the 'WEEE Regulations') to implement the 'open scope principle'. Currently the WEEE Regulations only apply to specified electrical and electronic equipment ('EEE'), such as large household appliances and IT and communications equipment; the open scope principle reverses this and brings all EEE into the scope of the WEEE Regulations unless it is explicitly exempt.

OHSAS 18001 / ISO 45001

Merchant Shipping and Fishing Vessels (Health and Safety at Work) (Miscellaneous Amendments) (EU Exit) Regulations 2018

These [Regulations](#) come into force on the day that the UK withdraws from the EU, currently written into law as 29 March 2019. They amend legislation relating to maritime health and safety in order to ensure that the existing regulatory framework continues to operate effectively following the UK's withdrawal.

Regulation (EU) 2018/1513 amending Annex XVII to Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards certain substances classified as carcinogenic, mutagenic or toxic for reproduction (CMR), category 1A or 1B

This [Regulation](#) amends Regulation (EC) No 1907/2006 (REACH) and prohibits the placing on the market from 1 November 2020 of clothing and related accessories containing substances classed as carcinogenic, mutagenic or toxic for reproduction (CMR). The specified CMR substances are listed in a new Appendix 12 to Annex XVII to REACH.

Remember: short-notice changes to legislation are not reported in this briefing; all changes are delivered direct into your Activ Comply system as they come into effect.

News

Brexit Withdrawal Agreement

The UK Government, the EU Commission and the governments of the EU member states have agreed the finalised text for the [Withdrawal Agreement](#), which contains the arrangements for the UK's withdrawal from the EU. This is a complex document and it is currently unknown whether the finalised text will be approved by the 'meaningful vote' in Parliament. We will provide more analysis of the withdrawal agreement if or when it is approved by Parliament. The vote is expected to take place on 11 December.

Guidance

Code of Practice for Waste Duty of Care

The Department for Environment, Food & Rural Affairs has issued a [code of practice](#) providing practical guidance on how to meet the waste duty of care requirements in England and Wales.

Consultations

Updating the RoHS Regulations 2012

The Department for Environment, Food & Rural Affairs has launched a [consultation](#) seeking views on updating the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 to bring the amended EU directive 2017/2102 into UK law. Responses will need to be received by 4 December.

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Focus: Legal Compliance for ISO 45001

The new standard for occupational health and safety management systems, ISO 45001:2018, was finally published in March this year. Over the next three years, organisations certified to OHSAS 18001 will need to transition to ISO 45001 in order to maintain their certification.

Compared to OHSAS 18001, ISO 45001 requires a subtle but significant strengthening of your procedures relating to legal compliance.

In OHSAS 18001:2007, Clause 4.3.2 relating to legal compliance states:

"The organization shall keep this information up-to-date"

In ISO 45001 the equivalent is Clause 6.1.3, which states:

*"The organization shall determine and **have access to up-to-date legal requirements...**[and] shall **ensure that [documented information] is updated to reflect any changes.**"*

This new emphasis is designed to tackle head-on the inadequate attention to legal compliance that has been common among many OHSAS 18001-certified organisations.

The good news is that as a subscriber to Activ Comply, **you are already fully compliant** with the more robust requirements of ISO 45001. Here's how:

- ✓ All updates to legislation are delivered automatically and immediately into your system. A notice is published for each update and you can view these on the **Updates** tab. View either "All" updates, or "Only Relevant Updates". Show your auditor the Updates tab to demonstrate that you have access to up-to-date legal requirements.
- ✓ Whenever an update to legislation is published that is relevant to your organisation, a yellow star appears on the Home screen of your Activ system as a visual prompt that a new notice is available. And, if you choose, you can also be alerted by e-mail. Set your e-mail alerts in [My Details – Notifications](#).
- ✓ Activ Comply's legal compliance assessment workflow delivers complete compliance with Clause 9.1.2. The assessment questionnaire ensures that applicable legal requirements are accurately identified and listed individually on the **Requirements** tab. Compliance with each individual requirement is assessed and the result, with supporting evidence, is recorded against it.
- ✓ Within your legal compliance assessment, if a requirement is updated (or revoked) a **red flag** automatically appears against it and a warning message signposts you to the updated version of the requirement.
- ✓ Each time you run a new legal compliance assessment, the applicable legal requirements and associated legal register will be 100% up to date. Any legal requirement that has been modified or is new since your last assessment is flagged with a **yellow star** to clearly identify specific changes.

Remember, **your Activ Comply service includes access to our legal team** so that you can get personal advice, both on completing the questionnaire that identifies applicable legal requirements, and when you are reviewing those requirements to assess your compliance.