

# Legislation Outlook

December 2020

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 will potentially impact 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.

Over the next couple of months we will be using our Focus section to look at important impacts of the end of the transition period, and how it could affect your organisation. Last month we looked at the impact on the UK chemicals industry - now we focus our attention on international transfers of personal data.

## Upcoming Standard-Related Legislation

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### ISO 14001

#### Greenhouse Gas Emissions Trading Scheme Order 2020

This [Order](#) establishes a new emissions trading scheme covering greenhouse gas emissions from power and heat generation, energy intensive industries, and aviation. The scheme will replace the EU Emissions Trading System from 1 January 2021, and will be called the UK Emissions Trading Scheme or UK ETS. The UK ETS does not markedly differ from the EU ETS and does not impose duties that are significantly more onerous than those imposed by the EU ETS, or require participants in the UK ETS to adopt significantly different patterns of behaviour. The Department for Business, Energy and Industrial Strategy has stated that guidance for UK ETS participants will be published prior to the start of the scheme.

#### Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2020 and Producer Responsibility Obligations (Packaging Waste) Amendment (England) Regulations 2020

These Regulations for [Scotland](#) and [England](#) come into force on 1 January 2021 to replace the EU recovery and recycling targets with recycling targets for producers. They also vary the material-specific recycling targets on obligated producers for paper, aluminium, steel, and wood, as well as the specific re-melt target for glass. The recycling allocation for small producers for 2018 to 2020 is changed for 2021 and 2022. Similar legislation is also planned for publication in relation to Wales and Northern Ireland, but has not yet been released.

### OHSAS 18001 / ISO 45001

#### Smoke-free Premises and Vehicles (Wales) Regulations 2020

These Regulations come into force on 1 March 2021 and consolidate the previous smoking-related legislation for Wales. The obligations remain broadly the same as before, with employers responsible for ensuring that workplaces and certain vehicles remain smoke-free, and displaying 'no smoking' signs where necessary.

**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

### HSE Making COVID checks in Transport Sector

The Health and Safety Executive are working with local authorities in the run up to Christmas to inspect COVID security in transport and logistics businesses. Demand for online shopping this year is likely to be higher than ever in the next few weeks, and HSE inspectors will be making sure that businesses have suitable toilet and handwashing facilities for all workers, including visiting drivers. They will also check other health and safety matters if required.

**Join our next webinar, Using Activ's ISO Legal Compliance Manager, Activ Comply, to manage ISO Legal Compliance.**

**Wednesday 2<sup>nd</sup> December, 10am**

To register, please click [here](#).

## Guidance

### Driver Welfare

The Health and Safety Executive has published [guidance](#) for dutyholders at loading and unloading sites to ensure that welfare facilities are provided to drivers without increasing the risk of coronavirus transmission. The guidance states that drivers must be able to use welfare facilities (such as toilets and handwashing facilities) when they deliver. You should also ensure that, if your driver facilities do not allow drivers to maintain social distancing, you provide dedicated waiting areas with welfare and rest room facilities for them.

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## Focus: EU/UK Personal Data Transfers

During the UK's EU membership, it benefitted from the free movement of personal data within the EU created by the GDPR. Now that the UK has left the EU and the transition period is ending, the UK will no longer benefit from this free movement unless an adequacy decision is made about the UK by the EU Commission, which is looking increasingly unlikely as time progresses.

The UK Government has ensured that the GDPR will remain in force in the UK, so organisations will still need to be GDPR compliant after the transition period.

If the transition period ends before the EU Commission makes an adequacy decision about the UK, you will not be able to transfer personal data from the EU to the UK without implementing additional safeguards. The best way for most organisations to implement those safeguards are by implementing Standard Contractual Clauses (SCCs), which are template contracts approved by the EU Commission. The ICO has an [interactive guidance tool](#) to help organisations put SCCs in place where they are needed.

There will be no corresponding difficulties as regards data transfers from the UK to the EU as, according to the UK Government, the current practice which permits personal data to flow freely from the UK to the rest of the EU will continue.

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