

Legislation Outlook

January 2019

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.

We expect the early part of 2019 to be dominated by Brexit. Much of the legislative programme will be consumed with amendments to existing law to avoid unenforceable "zombie legislation" post-exit.
Happy New Year!

Upcoming Standard-Related Legislation

ISO 14001

Marine Environment (Amendment) (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 the marine environment and, in particular, marine strategy to update EU references that are no longer appropriate and ensure that the current regulatory framework continues to operate effectively following the UK's withdrawal.

ISO 14001 / ISO 50001

Energy Savings Opportunity Scheme (Amendment) (EU Exit) Regulations 2018

This [Regulation](#) comes into force on the day that the UK withdraws from the EU, currently written into law as 29 March 2019, to address deficiencies within the Energy Savings Opportunity Scheme Regulations 2014 arising from Brexit. It converts the financial threshold for organisations from euros into pounds sterling so that organisations with an annual turnover of more than £44 million and an annual balance sheet in excess of £38 million will fall within the Regulations, regardless of the euro equivalent of those sums.

OHSAS 18001 / ISO 45001

Health and Safety (Amendment) (EU Exit) Regulations 2018 and Health and Safety (Amendment) (Northern Ireland) (EU Exit) Regulations 2018

These Regulations for [Great Britain](#) and [Northern Ireland](#) 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 health and safety to update EU references that are no longer appropriate and ensure that the current regulatory framework continues to operate effectively following the UK's withdrawal.

Regulation (EU) 2018/1881 amending Regulation (EC) No 1907/2006 on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annexes I, III, VI, VII, VIII, IX, X, XI, and XII to address nanoforms of substances

This [Regulation](#) amends the REACH Regulation to introduce the regulation of nanomaterials due to their specific toxicological profiles and exposure patterns. These changes will apply from 1 January 2020 and will require manufacturers and importers of nanoforms to assess and, where relevant, generate the necessary information and document in the chemical safety report that the risks arising are adequately controlled.

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 'Meaningful Vote' Scheduled for 14 January

Theresa May has announced that the delayed vote to approve the negotiated withdrawal agreement will be held in the week commencing 14 January. If the vote approves the withdrawal agreement, the Government will introduce the European Union (Withdrawal Agreement) Bill, to give effect to the terms of the agreement, including the transition period and the UK-wide customs union with the EU. For the withdrawal agreement to be implemented the Bill would need to be approved by Parliament before the UK leaves the EU on 29 March. As the law currently stands, in the absence of an approved Bill the UK will leave anyway, "without a deal".

Should the withdrawal agreement be rejected by Parliament, the Government must provide a statement of its intentions within 21 days. Parliament will then vote on a motion based on that statement. If the motion is approved, the Government will proceed with the proposed course of action; if it is rejected, then the UK will leave the EU without a deal by default on 29 March.

We re-iterate our advice from previous briefings to review the government's [Technical Notices](#) to determine what impact a no-deal Brexit will have on your organisation and to plan for any mitigating measures.

Single-Use Plastic to be Banned

A draft Directive has been provisionally agreed by the EU that will prevent single-use plastic products, such as cotton buds, cutlery, plates, straws and drink stirrers, from entering the European market when alternatives are easily available and affordable. The new Directive will be published after being formally approved by the EU; Member States will then have two years to implement its requirements. It is highly likely that the UK will be subject to the Directive if a transition period is agreed as part of the UK's withdrawal agreement.

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