



Notification Number: 2014/53/UK

The draft Acetylene Safety (England and Wales and Scotland) Regulations 2014 (the full title of these Regulations is yet to be finalised)

Date received : 28/01/2014

End of Standstill : 29/04/2014

Issue of comments by : Austria

Message

Message 001

Communication from the Commission - TRIS/(2014) 00255

Directive 98/34/EC

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pietiekums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2014/0053/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201400255.EN)

1. Structured Information Line

MSG 001 IND 2014 0053 UK EN 28-01-2014 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Innovation and Skills
European Reform Directorate
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3. Originating Department



Health & Safety Executive, Hazardous Installations Directorate, Hazardous Installations Policy Division,
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4. Notification Number

2014/0053/UK - C10C

5. Title

The draft Acetylene Safety (England and Wales and Scotland) Regulations 2014
(the full title of these Regulations is yet to be finalised)

6. Products Concerned

Acetylene gas is used for metal cutting, welding and coating. The bulk of its uses is dependent on its ability to burn with a much hotter flame than other commonly available flammable gasses. It is presently, under certain conditions, deemed an 'explosive' in the UK and regulated as such.

However, Great Britain is consolidating existing explosives legislation in response to Professor Ragnar Löfstedt's recommendation in his review of health and safety legislation ('Reclaiming health and safety for all: An independent review of health and safety regulation').

The draft revised legislation is intended to: (a) simplify, modernise and streamline the existing arcane and fragmented laws; (b) have minimal impact on users of acetylene gas; and (c) commence in October 2014.

7. Notification Under Another Act

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8. Main Content

A. Draft Regulation 4 prohibits the manufacture, use, storage, transportation, importation or selling of liquid or solid acetylene.

B. Draft Regulation 5 requires that certain operational and equipment safety requirements (in Schedule 1 of the Regulations) are adhered to when: (i) using acetylene gas between 0.62 bar(g) and 1.5 bar(g) (inclusive); and (ii) when storing, transporting, importing and selling acetylene gas at equal to or greater than 0.62 bar(g). Draft Regulation 5(2)(c) and(d) contains additional requirements relating to the standards and, by reference to Schedule 1, colouring of cylinders.

C. Draft Regulation 6 requires that a person must hold a licence and comply with the conditions of that licence, as well as Schedule 1 of the Regulations, in order to: manufacture and/or compress acetylene gas at equal to or greater than 0.62 bar(g); and fill a cylinder at equal to or greater than 0.62 bar(g).

D. Draft Schedule 1: Safety Requirements. This interlinks with draft Regulation 5 and 6 by setting operational and equipment requirements when: (i) using acetylene gas between 0.62 bar(g) and 1.5 bar(g) (inclusive); (ii) storing, transporting, importing and selling acetylene gas at equal to or greater than 0.62 bar(g); and (iii) manufacturing and/or compressing acetylene gas at equal to or greater than 0.62 bar(g) and filling a cylinder with acetylene gas at equal to or greater than 0.62 bar(g).



9. Brief Statement of Grounds

Taking each of the points A-D above in the section "Main Content", the following statement of grounds is provided:

A. Draft Regulation 4 continues an existing prohibition on liquid acetylene. Further it gives a legislative footing to a de facto historical ban on solid acetylene. This is necessary because both liquid and solid acetylene are highly hazardous, intrinsically unstable and violently decompose. Hence they have no foreseeable safe use and are prohibited.

B. Draft Regulation 5 continues existing regulation of acetylene gas at certain pressures to ensure its safe use. This is a historical and international practice that is necessary due to the physiochemical nature of acetylene gas at certain pressures and prevents hazardous decomposition, fire, explosion and damage.

The draft Regulation 5(2)(c) cylinder storage standards continue existing domestic laws which transpose Directive 2008/68/EC on inland transport of dangerous goods and Directive 2010/35/EU on transportable pressure equipment, and such storage requirements are expressly permitted by Article 3 of Directive 2010/35. Further, the colouring of the cylinders (required under draft Regulation 5(2)(c) and (d) and draft paragraph 9 of Schedule 1 of these Regulations) continues an existing colour code permitted by Article 34 and Annex II of Directive 2010/35/EU and e.g. enables recognition by the fire services.

C. Draft Regulation 6 continues licensing requirements for certain activities concerning acetylene gas, at the aforementioned pressure levels, so as to ensure its safe use.

D. Draft Schedule 1: Safety Requirements. This largely continues existing operational and equipment safety requirements and standards to ensure the safe use of acetylene gas at the aforementioned pressure levels.

10. Reference Documents - Basic Texts

Limit the marketing or use of a chemical substance, preparation or product

References of the Basic Texts: Notification under section 10 for Measures controlling the marketing or use of a chemical substance as required by Article 8.1(4) of Directive 98/34/EC

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes



16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft is not a sanitary or phytosanitary measure

European Commission

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