

Legislation Outlook

December 2022

This monthly legislation briefing is a **supplement** to your Activ Comply service to help you to **plan ahead** for maintenance of your ISO 14001, 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.

This month sees quite a bit of new legislation published following a relatively quiet Autumn period. Our next Outlook will be published slightly later than normal following the festive holidays; in the meantime, the Activ team wish you all a Merry Christmas and a Happy New Year!

Upcoming Standard-Related Legislation

ISO 14001

Greenhouse Gas Emissions Trading Scheme (Amendment) (No. 2) Order 2022

This [Order](#) comes into force on 1 January 2023 to make various operational amendments to the UK Emissions Trading Scheme (UK ETS). The most significant changes are:

- lowering Global Warming Potential values to nitrous oxide and two perfluorocarbons (PFCs), which will mean that fewer allowances will be required to be surrendered per tonne of either nitrous oxide or PFCs emitted;
- operators can apply for changes to free allocation in 2022 to be based on their activity levels in 2019 and 2021 if they can demonstrate a discrepancy of at least 15% between reductions in output and emissions caused by the COVID-19 pandemic;
- creating a one-off window between January and March 2023 for operators of hospitals and small emitters in the 2021-2025 allocation period to re-enter the main UK ETS scheme from 2024 onwards; and
- requiring scheme verifiers to be accredited to the updated version of standard EN ISO 14065 (EN ISO 14065:2020) by 1 July 2024.

Producer Responsibility Obligations (Packaging Waste) (Amendment) (England and Wales) Regulations 2022

Producer Responsibility Obligations (Packaging Waste) Amendment (Scotland) Regulations 2022

Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations (Northern Ireland) 2022

These three Regulations introduce parallel changes to the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 as it applies in [England and Wales](#), [Scotland](#) and [Northern Ireland](#). The changes come into force on 1 January 2023 to roll over the 2022 packaging recycling target into 2023, ready for the introduction of Extended Producer Responsibility (EPR) requirements in 2024. The government plans to publish legislation setting out EPR requirements in the Spring next year – we will provide further information on the EPR obligations when the legislation is published.

ISO 14001 and ISO 50001

Building (Scotland) Amendment (No. 2) Regulations 2022

These [Regulations](#) amend the Building (Scotland) Regulations 2004 to ensure that new buildings have a minimum level of electric vehicle charging infrastructure to provide a more comprehensive charging environment for current and future electric vehicle owners. From 3 April 2023, new buildings in Scotland will have to be designed and

constructed in such a way that provides for the charging of electric vehicles where car parking spaces are located within the building or the curtilage of the building.

ISO 45001

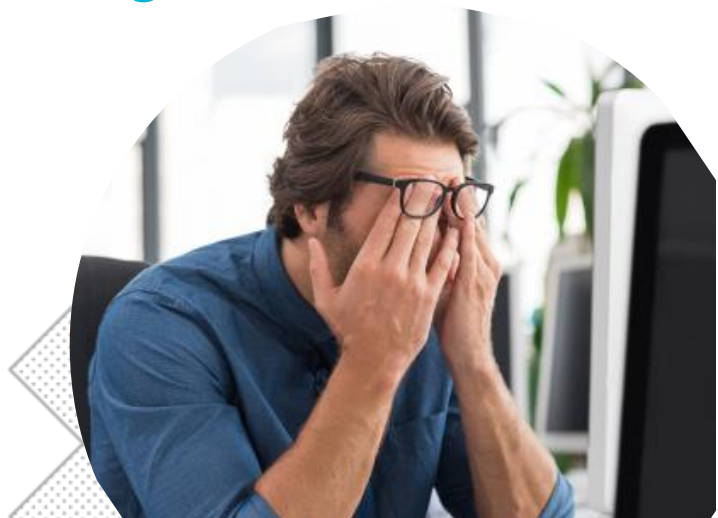
Ammonium Nitrate Materials (High Nitrogen Content) Safety (Amendment) (No. 2) Regulations 2022

These [Regulations](#) come into force on 31 December 2022 and extend the current temporary importation requirement exemptions on ammonium nitrate, which were due to end on 1 January 2023. The exemptions allow a detonation resistance certificate (DRC) to be obtained from a competent laboratory based in the EU, and extend the validity of EU issued DRCs beyond the normal 60-day limit. Turbulence in the global fertiliser market and continuing high fuel prices have made it necessary to extend the current exemptions until 1 January 2026.

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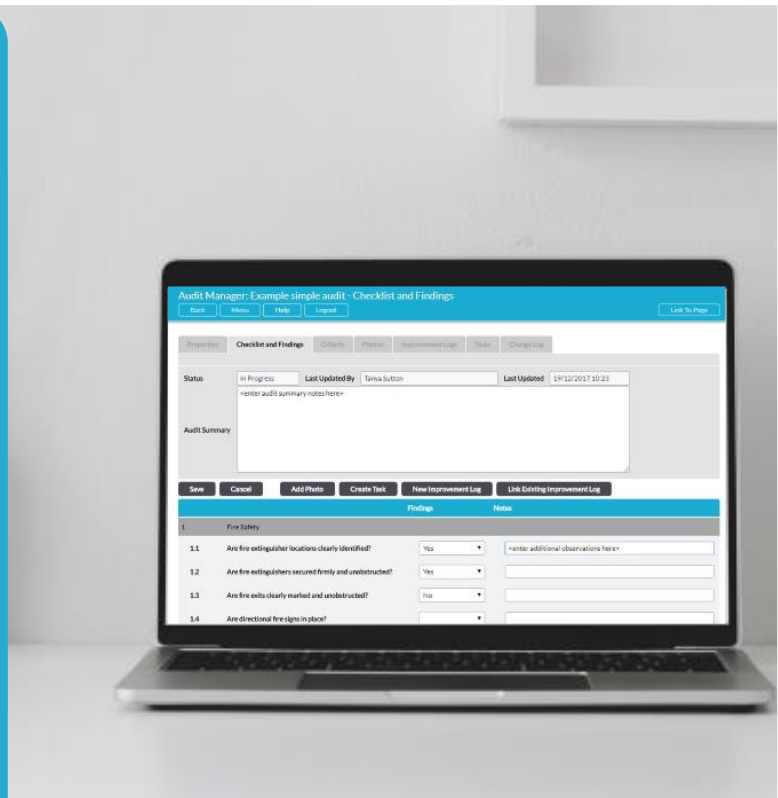


Remember: short notice changes to legislation are not reported in this briefing; all changes are delivered direct into your Activ Comply system as they come into effect.

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News

Vehicle Excise Duty for Zero Emission Vehicles from 2025

The introduction Vehicle Excise Duty for zero emission cars, vans and motorcycles from 2025 was announced at the Autumn Statement 2022. This measure will equalise the Vehicle Excise Duty treatment of all zero emission and internal combustion engine vehicles from April 2025. This change will apply to both new and existing alternatively fuelled vehicles, and will affect both private owners and organisations who own electric vehicles. This change in the tax status of zero emission vehicles comes from the current governments aim to ensure all drivers pay a fairer tax contribution.



ISO 14001 Checklist

An explanation of what ISO auditors will check, itemised by clauses of ISO 14001

[Download our checklist](#)

Consultations

Building Safety Levy

The Department for Levelling Up, Housing and Communities has issued a [consultation](#) seeking views on the Building Safety Levy. The Levy will be paid by developers and charged on new residential buildings requiring building control approval in England, for the purpose of meeting building safety expenditure. The consultation closes on 7 February 2023.

Environmental Permitting for Medium Combustion Plant

The Environment Agency has launched a [consultation](#) on proposed changes to standard rules permits for combustion plants. The proposals include:

- changes to SR2018 number 7 to allow for use by operations with existing medium combustion plant greater than 5 and less than 20 megawatt thermal (MWth);
- a new standard rules permit and generic risk assessment for new (1 to 20 MWth) and existing (5 to 20 MWth) medium combustion plant;
- changes to SR2018 numbers 4 and 5 to allow for tranche B specified generators, which are also existing medium combustion plant between 5 and less than 20 MWth; and
- a standard for hydro-treated (or hydrogenated) vegetable oil which could be considered as gas oil under the standard rules.

The consultation closes on 8 January 2023.



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