Impact assessment of the Swedish Work Environment Authority's draft regulations on products — ladders, scaffolding, and certain other equipment for work at height, as well as certain pressurised equipment

(1.3)

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## Summary

The Swedish Work Environment Authority has carried out an examination and review of the existing regulatory structure and the Authority's regulations have thus received a completely different division than before. The purpose of this work is to create clear rules in a more transparent structure, with rules that are easier to understand. The regulations have been given a modernised and simpler language. Duplicate regulations have been removed and the amount of general advice has been significantly reduced.

The new regulations on product rules for ladders, scaffolding and certain other equipment for working at height, as well as certain pressurised equipment, gather all current product rules for products that are not covered by any of the European Union's product directives or regulations.

One chapter has been amended in a way that leads to increased costs – the chapter on ladders and work trestles (4).

All other chapters have only received marginal amendments, which are not considered to affect the companies concerned, as well as linguistic and other clarifications, which have not affected the requirements imposed on those concerned. This also applies to the removal of obsolete product requirements.

## 1. Link to work on a new regulatory structure

The Swedish Work Environment Authority has carried out a great deal of work where we have grouped and sorted all our rules in a manner different to the one used previously. According to our own terminology, we have reorganised the rules according to a new 'regulatory structure'.

In very simplistic terms, we have merged many basic regulations to end up with fewer but, in terms of the number of pages, more comprehensive basic regulations. The work has meant that the authority has checked all the sections in our regulatory framework, in that context, all of the text has also been reviewed purely linguistically. The work has not concerned amending existing rules, on the contrary, the main principle has been that when the new structure enters into force, the rules shall have the same meaning as the rules in the current structure. However, when such a large amount of work is done, it is also inevitable that some points in the regulatory framework are amended. In this case, it usually concerned amendments that have been drawn up within the ordinary work regarding rule changes but, in some cases, also changes that emerged during the work with reviewing the regulatory structure. The aim of changing the structure is to obtain a more coherent and transparent regulatory framework for all parties concerned.

The proposal for a new regulatory structure means that the Swedish Work Environment Authority proposes 14 new basic sets of laws which will collectively replace all current laws in our regulatory framework. We have managed the obligation to assess the impact of all changes in the following way:

* There is an 'overall' impact assessment, which explains and justifies why the work on the new regulatory structure has been carried out. This also describes the impacts that a new structure has for the parties concerned. This impact assessment does not address the substantive amendments to the meaning of the rules that have been made in some places.
* For each new basic statute that contains substantive changes in the meaning of the rules, a separate 'specific' impact assessment has been made. The 'specific' impact assessments examine changes to the meaning of the rules, but do not cover the change in the regulatory structure, which has been dealt with instead in the 'overall' impact assessment. This impact assessment is one such 'specific' impact assessment and it deals with the amendments proposed by the draft new regulations on the proposed Impact Assessment regarding draft new regulations on product requirements for ladders, scaffolding and certain equipment for work at height.

## 2. Content of the regulations

When the idea of a new regulatory structure began to be discussed, it was proposed early on, both internally within the Swedish Work Environment Authority and in an external consultant report[[1]](#footnote-2), that product requirements aimed at manufacturers would not be mixed with user rules directed to, for example, employers. This is the case in the Swedish Work Environment Authority's current regulations regarding non-harmonised product requirements, that is to say, those product requirements that are not based on EU directives. For this reason, in the work on the new regulatory structure all non-harmonised product requirements directed at manufacturers have been lifted out of their previous context and gathered in a common statute, Regulations on products - Ladders, scaffolding and certain equipment for work at height. The new draft regulations contain sections taken from the following existing regulations on

* temporary person lifts with cranes or forklift trucks (AFS 2006:7),
* building and civil engineering work (AFS 1999:3),
* ladders and trestles (AFS 2004:3),
* scaffolding (AFS 2013:4) and
* use and control of pressurised equipment (AFS 2017:3).

In addition, some sections in the regulations on mast and pole work (AFS 2000:6) and on blasting (AFS 2007:1) have also been assessed in the regulatory structure work, but, for reasons presented in Sections 6.7–6.8, the decision has been to repeal them instead.

## 3. Authorisations

The Swedish Work Environment Authority prescribes product rules by virtue of the authorisations given in Section 18 of the Work Environment Ordinance on the basis of Chapter 4, Sections 1, 2 and 10 of the Work Environment Act. In addition, the Swedish Work Environment Authority may issue regulations on the tasks of inspection bodies within the framework of control procedures by virtue of, inter alia, Section 3, second paragraph of the Accreditation and Conformity Assessment Ordinance (2011:811).

## 4. Assessment of whether the regulations comply with, or exceed, Sweden's obligations as a European Union member.

As regards the regulations' compliance with Sweden's obligations in relation to the EU, for example, in relation to the principle of proportionality and the EU's legal framework to combat discrimination, we have found nothing in the regulations to be contrary to the EU's legal framework.

## 5. Who is affected by the regulation

Those affected by relevant amendments in the regulation differs depending on the area in question. As regards the recast of chapters Product requirements for suspended baskets for temporary person lifts with truck or crane (Chapter 2), Product requirements for fall arrest nets for personal protection (Chapter 3), Product requirements for scaffolding (Chapter 5), and Product requirements for pressurised equipment not covered by the European Product Directives (Chapter 6), no changes in the requirements have been identified. As a result, no companies are affected to any other extent in these areas than they are today.

In the chapter on Product requirements for ladders and trestles (Chapter 4), the requirements have been amended in so far as that the products must be type-examined against current EN standards instead of against the repealed national Swedish standard. This may affect the companies applying for a type-examination certificate. At present, there are 27 type-examination certificates in Sweden issued for such products and these are held by 26 companies. The examination certificate is valid for 5 years, which is why we can assume that approximately 5–6 type-examination certificates are applied for per year by 5–6 companies. These are the ones directly affected by the amended requirements.

With regard to the removal of the obsolete requirements for type-examination for pole shoes, it has been established via telephone interviews, with the four Swedish operators in the pole shoe market, that none of these companies plan to redevelop any pole shoes, as the market is too small. Thus, no operator is expected to be affected by the removed requirements.

With regard to the removal of the obsolete requirements for ignition devices for blasting work, the investigation has identified a single Swedish company as possibly affected by the removal of the requirements for type-examination. However, they run development projects to a modest extent – the last two development projects were in 1984 and 2018 respectively.

## 6. Description of the proposal and its impact

### 6.1 General description of the proposal

Product rules have been lifted out and incorporated into their own statute, namely in the draft new regulations and general advice on products - Ladders, scaffolding and certain other equipment for working at height, and certain pressurised equipment.

At times, it was necessary to adapt the section texts to their new context, since they have now been refined as product rules. The texts have been adjusted and reviewed regarding plain language. In some cases, texts appearing in an appendix have been added to the section instead, without any substantive significance, since what was previously in regulation belonged to the binding requirements.

All previous general advice has also been reviewed in accordance with the instructions in the handbook on public authority regulations[[2]](#footnote-3). These mean, inter alia, that general advice should not be general descriptions of the subject area, underlying reasoning, or the like. This examination has meant, particularly for older regulations, that many general recommendations have expired. The intention is that the general advice that has been issued and that is still relevant should be used in some form of guiding material.

However, some changes need to be specifically described and commented on and this is done in Sections 6.2–6.3.

### 6.2 Product requirements for suspended baskets for temporary person lifts with truck or crane Chapter 2

This chapter is based on the product requirements contained in the current regulations on temporary person lifts with cranes or forklift trucks (AFS 2006:7). In the current regulations, most product requirements for suspended baskets are in an appendix. In the new draft regulation, the requirements in the current appendix have been moved to the section text. The language of the text has also been revised. Other editorial changes are, for example, that some sections have been adapted to the condition that product requirements are no longer in the same context as user requirements and it has also been made clearer which operators the rules are aimed at. These amendments do not constitute substantive amendments concerning which requirements those concerned should meet. In other respects, we would like to comment on the following amendments below:

#### Attachments for personal fall protection, Section 4

*Description*

In Section 4, from appendix A 4, point A 4.5, in AFS 2006:7, a linguistic revision has been made. Clarifications have also been made concerning the various options for anchorage points for personal fall arrest equipment. In the old wording, it said that 'there must be an anchorage'. It was not clear before whether the basket was approved for one anchorage per person, or if one anchorage could be used by several people. With this clarification, we make it clear that everyone who will be in the basket should be able to connect their fall protection to a connection point that provides satisfactory safety.

*Costs and other impacts*

This does not entail an increased cost for employers as this is only a clarification.

#### Marking, Section 6

*Description*

In Section 6, from appendix A 4 in AFS 2006:7, it states that a suspended basket must have a permanent marking with the manufacturer's name and year of manufacture. The current regulations do not state that the marking should be durable.

*Costs and other impacts*

Since the basket is subject to inspection requirements, periodic inspection could have been carried out unless the marking was durable. A basket where the marking disappears because it is not durable, could hardly be approved. By this, we mean that the markings applied to baskets covered by the previous regulation also meet the requirements for duration. Thus, this does not involve any change in cost for the manufacturer, since this requirement is already set in connection with inspection of the basket.

### 6.3 Product requirements for fall arrest nets for personal protection, Chapter 3

This chapter is based on the product requirements contained in the current regulations on building and civil engineering (AFS 1999:3). In relation to the current regulations, a new application section has been added. Several pieces of general advice, which do not meet the requirements for what shall constitute general advice, have been removed. Some concepts have been replaced without any change in substance, for example, the term 'safety net' in the current regulations has been replaced by the concept of 'fall arrest net'. The language of the text has also been revised. Other editorial changes are, for example, that some sections have been adapted to the condition that product requirements are no longer in the same context as user requirements and it has also been made clearer which operators the rules are aimed at. In other respects, we would like to comment on the following changes.

#### Design of fall arrest nets, Section 4

*Description*

Section 4, taken from AFS 1993:3, Section 93, states, inter alia, that a fall arrest net shall provide satisfactory safety for a person who is caught during a fall. The same requirements exist today, but two amendments have been made.

Fall arrest nets shall be designed and manufactured to achieve the same level of safety as the requirements in standard SS-EN-1263-1:2014 Safety nets – Part 1: Safety requirements and test methods, edition 3, when they are placed on the market, handed over for use, used by the manufacturers themselves or put up for sale.

The fall arrest net shall bear the name or logo of the manufacturer or importer, as well as the year and month of manufacture.

This was not been formulated in the previous regulation, but the nets that we have identified that are placed on the Swedish market are manufactured according to the standard we refer to in the section, which means that it can be considered as accepted practice that nets are manufactured and marked according to the standard. Thus, no costs are added through this requirement

*Costs and other impacts*

This does not lead to any change in cost, since those who provide fall arrest nets today manufacture them according to the mentioned standard.

#### Instructions, Section 5

*Description*

Section 5, taken from AFS 1999:3, Section 94, sets requirements for the instruction that must accompany the fall arrest net. The basic requirements are equivalent requirements that already exist in current regulations, for example, that it must be clear how the net is to be fitted and used. The new draft regulations make an addition where some requirements are set for clarifications of the instruction. The clarifications are, inter alia, that it must be clear what the intended maximum falling height is, the minimum clearance needed under the net and what anchoring forces are required. These clarifications are new and do not exist in the current regulations. These requirements are available in standard SS-EN-1263-1:2014 - Safety nets - Part 1: Safety requirements and test methods, Edition 3, under which we require the nets to be manufactured in accordance with the previous section. This was not formulated in the previous regulation, but the nets that we have identified as being placed on the Swedish market are manufactured in accordance with the standard we refer to in the section. This means that we consider it an accepted practice that nets are manufactured according to the standard. The standard states that these points shall be included in the instructions. Thus, no costs are added through this requirement

*Costs and other impacts*

This does not lead to any change in cost, since those who provide fall arrest nets today manufacture them according to the mentioned standard.

#### Inspection, Section 6

*Description*

The section, taken from *AFS 1999:3, Section 95,* has only been given a clearer language. No consequence of the change. Large parts of the general advice have been deleted. The general advice was very comprehensive and fits better in a guidance. We have made a clarification regarding test ropes for checking the condition of the net. In the new wording, we clarify that the test ropes shall be of the same manufacturing batch as the ropes in the net. This requirement is found in standard SS-EN-1263-1:2014 - Safety nets – Part 1: Safety requirements and test methods, Edition 3. Section 4 states that nets must be manufactured according to the standard, so the section text clarifies the requirement. This was not formulated in the previous regulation, but the nets that we have identified as being placed on the Swedish market are manufactured in accordance with the standard we refer to in the section. This means that we consider it an accepted practice that nets are manufactured according to the standard. Nets manufactured in accordance with the standard today meet the requirement in the section. Thus, no costs are added through this requirement

*Costs and other impacts*

This does not lead to any change in cost, since those who provide fall arrest nets today manufacture them according to the mentioned standard.

### 6.4 Product requirements for ladders and trestles, Chapter 4

This chapter is based on sections taken from the current regulations on ladders and trestles (AFS 2004:3). The structure of the regulations in this chapter has been changed to some extent and the content has been redistributed in order to provide easier-to-read sections that are grouped in a more logical sequence. The legal liability has been clarified by making it clearer that it is those that manufacture, import, transfer or make available ladders and work frames that are covered by the regulations. The fact that the legal liability is more clearly stated where it was previously implied does not constitute a legal difference nor any change in who is responsible.

Where definitions are set out in the current standards, they have been deleted from the regulation. A couple of new definitions have been added to clarify the legal basis for fines. The texts have been adjusted in order to clarify what is meant. The general advice has been shortened in cases where the meaning is already clear from the Work Environment Act. In addition to these minor adjustments, there are a number of additional changes that are described for each section below.

#### Products, Section 1

*Description*

The section, taken from AFS 2004:3, Section 1, states which product rules in the regulations on ladders and trestles are covered. The current regulations state that they do not regulate ladders and trestles from manufacturers or importers before 1 January 1987, which is relevant for rental and lending. This exception is now removed. The reason for this is an assessment that the exemption has played out its role. Nominal service life is estimated to be 20–30 years, provided careful use in normal rental or lending. The ladders that may still be rented or lent and which are affected by this exemption are considered to be very few. These would probably need to be replaced in any event in the near future.

*Costs and other impacts*

The removal of the exemption will have the effect that the older ladders and trestles that are exempt from the regulatory framework according to the current rules will now be covered by the same, which means, inter alia, that if they are to be rented or lent, they need to be type examined. The Swedish Work Environment Authority's assessment is that there are very few - if any - ladders and trestles from earlier than 1987 that are still available for renting or lending and that those that may remain will probably need to be replaced soon. For these reasons, the consequences of the change are considered to be very limited.

#### Those to whom the regulations are directed, Section 2

*Description*

The section, partly taken from AFS 2004:3 Section 4, describes which activities are covered. We have clarified the scope regarding the situations in which the regulations apply. The points 1. placed on the market, 3. put into service by the actual manufacturer and 4. displayed for sale have been added. Points 1 and 4 are an adaptation to Chapter 3, Section 8 of the Work Environment Act. In order to clarify that ladders and trestles that are manufactured for own use are not covered by type-examination requirements, these exemptions have been added to Section 2 by stating in clear text that these are not covered by Sections 5–8.

*Costs and other impacts*

The requirement that the manufacturer shall also be covered when own-produced ladders and trestles are put into use has been added to ensure that someone does not manufacture ladders and trestles for themself in large series without following the rules that other manufacturers must follow. The Swedish Work Environment Authority considers that such products should be as safe as others. Corresponding provisions exist for other products in both the harmonised and non-harmonised areas. Manufacturers who use ladders or trestles for themselves are already covered by the provisions on how own-produced ladders and trestles may be used. The rules that are now proposed supplement the user rules, to ensure that sufficient consideration is given to safety already during manufacture. As previously, there is no requirement for type-examination for ladders or trestles manufactured for own use. The amendment is deemed not to have any consequences.

#### Appendix 1

*Description*

Appendix 1, partly taken from AFS 2004:3, Sections 4 and 5, deals with product requirements for ladders. In comparison with current regulations, which refer to an older product safety standard, reference is now made to current EN standards for product safety. Because Sweden as an EU country is obliged to implement current EN standards and also repeal overlapping national standards, this will be a natural transition.

The sections concerning product safety, which contain requirements that standards must be strictly complied with have been amended so that the requirements state instead that it is the level of safety in these standards that must be achieved.

*Costs and other impacts*

The fact that the reference to the older national standard is changed to current EN standards entails certain cost increases for performing type-examination, because the new EN standards are more detailed. However, almost all major operators on the Swedish market also sell products in other EU/EEA countries, which should reasonably mean that they have already taken into account the EN standards that exist where they are relevant.

There are currently 27 type-examination certificates covering the testing of 886 ladders registered at RISE. In Sweden, RISE is the only operator that issues type-examination certificates.

Of the 886 ladders, 830 are covered by a type-examination certificate that also refers to current EN standards. The remaining 56 ladder models are covered by type-examination certificates that only refer to the older national standard in the current regulation.

According to information from RISE, the cost of a type-examination in accordance with current EN standards is around SEK 30–40,000 higher than for a corresponding type-examination in accordance with the older national standard used in the current regulation. This means that if all 56 ladder models that only refer to the existing old national standard were to be updated in accordance with current EN standards, the additional cost would be around SEK 2 million for updating the type-examination certificates. Since the validity of an examination certificate of this type is 5 years, and transitional rules are envisaged whereby certificates already issued will be valid for the period of validity, this means that any increased cost will be spread over a 5-year period.

To this cost should be added, in some cases, adjusting the design so that the ladders meet the requirements of the current EN standards. Whether this needs to be done and, if so, in how many cases, and how the design needs to be changed in that case, is impossible to assess.

Since it is clear that the same level of safety has to be achieved, the requirement for safety has not changed. Reference to the level of safety in a standard, instead of the standard per se, is also made in general in the rules for harmonised products in order not to hamper the technical development. This offers greater freedom for manufacturers to design their products, which can be interesting, for example, in cases where a more cost-effective design is desired, or if the aim is to design a ladder for a certain special need, where the design of a standard ladder is less suitable.

The cost of manufacturing in accordance with the new rules with requirements for the level of safety may be considered to be the same or lower. The manufacturers can always choose to follow the same standard as before, but if they choose a smarter design instead with the same level of safety, the cost can be lower.

It is true that the new rules open up for special ladders with the same level of safety at a higher cost. However, since this is a conscious choice on the part of the manufacturer, this can be seen as a voluntary cost increase that entails an increased benefit for the user. With the new rules, both manufacturers and users still have the opportunity to choose a design that does not change the costs compared to the old rules.

Since the control body can independently make the assessment of whether the safety level is equivalent to that in the standard, this means that no exemptions need to be applied for from the Swedish Work Environment Authority in cases where the safety level requirement is met. However, the Swedish Work Environment Authority has not received any exemption applications regarding the product rules since the regulations were published, which means that the administrative burden for the companies that could possibly be affected may be considered to be unchanged.

We consider that the accredited bodies that perform type-examinations currently already have the somewhat increased competence required during an assessment where there is no standard. There are no standards that cover all types of ladders and, for this reason, the accredited bodies are already today forced to be able to make assessments even though in some cases there is no comprehensive standard for the product to be type examined. No increased cost for type-examination for this reason is therefore anticipated.

### 6.5 Product requirements for scaffolding, Chapter 5

This chapter is based on sections taken from the current regulations on scaffolding (AFS 2013:4). A couple of new definitions have been added to clarify the legal basis for fines. Some of the concepts that are defined and used in the regulations' sections have been adapted to better relate to the Work Environment Act. The texts have otherwise been adjusted in order to clarify what is intended.

Some of the general advice has been shortened or completely deleted because it fits better in a guide or has been judged unnecessary. The legal liability has been clarified by making it clearer that those who manufacture, import, provide or make available scaffolding and weather protection as well as components for these are covered by the regulations. The fact that the legal liability is more clearly stated where it was previously implied does not constitute a legal difference nor any change in who is responsible. In addition to these minor adjustments, there are a number of additional changes that are described for each section below.

#### Products, Section 1

*Description*

Section 1, taken from AFS 2013:4 Section 2, specifies the scaffolding and weather protection as well as components for these for which the product requirements in this chapter apply. The current regulations state in general advice that some products are exempt. The new draft regulation provides for these exemptions in the text of the regulation.

*Costs and other impacts*

The change made does not in any way affect the scaffolding and weather protection to which the product requirements apply. The only difference is that the exemptions now appear in the text of the regulations, and not in the general advice. The change does not involve any costs or other consequences for those affected.

#### Those to whom the regulations are directed, Section 2

*Description*

The section, taken from AFS 2013:4, Section 5, describes which activities are covered. We have clarified the scope regarding the situations in which the regulations apply. Point 1. 'placed on the market', has replaced 'provided on the market' to better connect to Chapter 3, Section 8 of the Work Environment Act. Point 3, 'used by the manufacturer themself' has been added. To clarify that scaffolding manufactured for own use is not covered by type-examination requirements, this has been added to Section 2.

Following the first consultation round and the responses received, the following adjustments have been made. 'The transfer period' has been changed to 'time of assignment'. Furthermore, it has been clarified which sections are affected when making available takes place over time.

*Costs and other impacts*

The requirement that the manufacturer shall also be covered when own-produced scaffolding is put into use has been added to ensure that someone does not manufacture scaffolding for themself in large series without following the rules that other manufacturers must follow. The Swedish Work Environment Authority considers that such products should be as safe as others. Corresponding provisions exist for other products in both the harmonised and non-harmonised areas. Manufacturers who use scaffolding themselves are already subject to the provisions on the use of own-produced scaffolding. The rules that are now proposed supplement the user rules, to ensure that sufficient consideration is given to safety already during manufacture. As before, there is no requirement for type-examination on scaffolding manufactured for own use. The amendment is deemed not to have any consequences.

#### Definitions, Section 3

*Description*

Section 3, taken from AFS 2013:4 Section 4, contains a list of definitions. The definition of weather protection has been supplemented with information on what should not be counted as weather protection. This information is set out in the current regulations in general advice.

*Costs and other impacts*

The fact that the definition has been supplemented does not mean that the definition of weather protection has changed. Thus, this change has no consequences for those concerned.

#### Design and material requirements, Sections 4 and 5

*Description*

Section 4, taken from AFS 2013:4 Sections 6 and 7, deals with requirements for safety during design and Section 5 deals with material requirements. The current regulations state that the requirements apply to 'scaffolding, couplers and other components for scaffolding and weather protection'. The new draft regulations state that the requirements apply to 'scaffolding, weather protection, couplers and other components for scaffolding and weather protection). The change means that the complete weather protection is clearly covered by the sections.

*Costs and other impacts*

Clarifying with a reference to complete weather protection is not considered to be of practical significance, because weather protection normally consists of a number of components that are mounted on scaffolding, which also means that the complete weather protection is already covered by current provisions. The supplement can therefore be seen as a clarification and thus does not entail any costs or other consequences for those concerned.

#### Material requirements, Section 7

*Description*

Section 7, taken from AFS 2013:4, Section 9, says that timber for scaffold boards or other load-bearing components made of wood shall be made of structural timber. In the new draft regulations, the requirement for the quality of wood has been supplemented by a specification which is today is stated in the general advice. In addition, the section has been supplemented with a requirement which means that finger-jointed timber may not be used in scaffold boards used for load-bearing parts. This is something that in the current regulations is stated in the general advice to the section.

*Costs and other impacts*

We consider that the specification of timber quality by reference to Swedish standard is not a new requirement, since the information is already stated in current general advice and is a practice that is applied. We do not consider moving the general advice stating that finger-jointed timber may not be used to the regulatory text has any practical consequence, as this is a practice that has emerged.

#### Material requirements and type-examination, Sections 8, 11 and 12, and Appendix 3

*Description*

In the current regulations on scaffolding, AFS 2013:4, Sections 13 and 14, and in Appendix 1, there are requirements to follow a standard. The draft new regulations instead states that the products must achieve the level of safety required by a designated standard.

*Costs and other impacts*

Since it is clear that the same level of safety has to be achieved, the requirement for safety has not changed. Reference to the level of safety in a standard, instead of the standard per se, is also made in general in the rules for harmonised products in order not to hamper the technical development. This offers greater freedom for manufacturers to design their products, which can be interesting, for example, in cases where a more cost-effective design is desired, or if the aim is to design a ladder for a certain special need, where the design of standard scaffolding is less suitable.

The cost of manufacturing in accordance with the new rules with requirements for the level of safety may be considered to be the same or lower. The manufacturers can always choose to follow the same standard as before, but if they choose a smarter design instead with the same level of safety, the cost can be lower. The new rules also allow manufacturers to design scaffolding at a higher cost. In this impact assessment, we make an assumption that the standard is followed or something else is done that costs about the same amount. No cost changes are calculated.

It is true that the new rules open up for special scaffolding with the same level of safety at a higher cost. However, since this is a conscious choice on the part of the manufacturer, this can be seen as a voluntary cost increase that entails an increased benefit for the user. With the new rules, both manufacturers and users still have the opportunity to choose a design that does not change the costs compared to the old rules.

Since the control body can independently make the assessment of whether the safety level is equivalent to that in the standard, this means that no exemptions need to be applied for from the Swedish Work Environment Authority in cases where the safety level requirement is met. However, the Swedish Work Environment Authority has not received any exemption applications regarding the product rules for scaffolding since the current regulations were published, which means that the administrative burden for the companies that could possibly be affected may be considered to be unchanged.

We consider that the accredited bodies that perform type-examinations currently already have the somewhat increased competence required during an assessment where there is no standard. There are no standards that cover all types of scaffolding and therefore the accredited bodies are already forced to be able to make assessments, despite the fact that in some cases there is no comprehensive standard for the product that is to be type examined. No increased cost for type-examination is therefore anticipated.

#### Type-examination, Section 9

*Description*

Section 9, taken from AFS 2013:4 Section 10, states, inter alia, that second-hand scaffolding products must have a type-examination certificate in order for them to be made available. According to current regulations, it is also possible to make available second-hand scaffolding products that have a type approval according to older rules. This possibility to make available under older rules is now being removed. The reason for this is that this exemption from the requirement for a type-examination certificate has played out its role. The normal service life of scaffolding can be assumed to be about 25 years and no type approval has been issued since 1995.

*Costs and other impacts*

The fact that the supplement is now removed has the effect that the older scaffolding products that according to current rules may be made available may no longer be made available unless they undergo a type-examination. The Swedish Work Environment Authority's assessment is that there are very few - if any - scaffolding products from earlier than 1996 that are still available and that those that may remain are likely to need to be replaced soon. For these reasons, the consequences of the change are considered to be very limited.

#### Repealed section without equivalent in the new structure

*Description*

According to Section 19 of the current regulations on scaffolding (AFS 2013:4), a certification body shall, at the request of a supervisory authority, provide the documents that formed the basis for the type examination of individual products. The section has been repealed without having a counterpart in the new regulatory structure.

*Costs and other impacts*

Corresponding requirements are found in Chapter 7, Section 3, of the Work Environment Act and, therefore, do not also need to be included in the Swedish Work Environment Authority's regulations. The change does not make any difference for those concerned, as the requirement remains in the Work Environment Act.

#### Appendix 3

*Description*

Some standards have been replaced by new ones. For this reason, we have introduced new references to these in Appendix 3:

|  |  |
| --- | --- |
| **Old reference to the expired standard** | **New reference to the current standard** |
| SS-EN 74-1:2005 Couplers, spigot pins and baseplates for use in falsework and scaffolds – Part 1: Couplers for tubes – Requirements and test procedures. Edition 1. | SS-EN 74-1:2022 Couplers, spigot pins and baseplates for use in falsework and scaffolds – Part 1: Couplers for tubes – Requirements and test procedures. Edition 2. |
| SS-EN 74-2:2008 Couplers, spigot pins and baseplates for use in falsework and scaffolds – Part 2: Special couplers – Requirements and test procedures. Edition 1. | SS-EN 74-2:2022 Couplers, spigot pins and baseplates for use in falsework and scaffolds –Part 2: Special couplers – Requirements and test procedures. Edition 2. |
| SS-EN 1298 Mobile access and working towers - Rules and guidelines for the preparation of an instruction manual. Edition 1.                        | SS-EN 1004-2:2021 Mobile access and working towers made of prefabricated elements – Part 2: Rules and guidelines for the preparation of an instruction manual. Edition 1 |

The changes concern only test methods of, and how instructions are written. The requirements for the physical design of couplers and special couplers are not changed.

The change from SS-EN 74-1:2005 to SS-EN 74-1:2022 mainly consists of the introduction of new test methods. Material specifications for, and design of, certain reference tubes used in material tests have changed and the test procedure is therefore re-specified. Some test procedures for certain couplers for tubes, e.g. how to test bending strength on certain couplers, have also been changed. In addition, some editorial changes have been made.

*Costs and other impacts*

After discussion with/explanation by participants in the Working Group on Standardisation CEN/TC53, the Swedish Work Environment Authority has concluded that the changes do not entail any change in the requirement level and are not deemed to entail any additional costs compared to the current regulatory framework.

The change from SS-EN 74-2:2008 to SS-EN 74-2:2022 contains adaptations consistent with the changed material requirements for certain reference tubes for tests carried out in SS-EN 74-1:2022. Test methods for certain couplers, e.g. bending stiffness and bending strength, have been modified. Members of the Standardisation Working Group CEN/TC53 have assessed that couplers manufactured according to the old standard will also meet the requirements of the new standard.

After discussion with/explanation by participants in the Working Group on Standardisation CEN/TC53, the Swedish Work Environment Authority has concluded that the changes do not entail any change in the requirement level and are not deemed to entail any additional costs compared to the current regulatory framework.

The change from SS-EN 1298 to SS-EN 1004:2:2001 consists of how instructions for mobile access and working towers should be written. The Swedish Work Environment Authority considers that this change does not entail any change in the requirement level and is not deemed to entail any additional costs compared to today's regulations.

On the other hand, should the Swedish Work Environment Authority choose not to adapt its regulatory framework to the current standard, this would entail additional costs, since scaffolds first placed on the market in Sweden would require the production of reference tubes for testing according to the old requirements. This would entail additional costs for Swedish manufacturers and, thus, could be said to discriminate against Swedish producers, which would be unfortunate from a perspective that has to take into account fair competition. Choosing not to refer to new standards would simply not be proportionate.

As far as other standard references are concerned, they are not considered to give rise to any change in requirements levels.

### 6.6 Product requirements for pressurised equipment not covered by the European Product Directives, Chapter 6

*Description*

This chapter is based on sections, which are taken from the current regulations on the use and control of pressurised equipment (AFS 2017:3). Editorial adaptations have been made since the text is no longer in the same context as the user requirements. The operators at which the rules are directed have been clarified. General advice that fits better in guidance material has been deleted. No other changes have been made that we would like to comment on in particular.

*Costs and other impacts*

The changes are not expected to have any consequences.

### 6.7 Removal of obsolete product requirements — Post shoes

*Description*

Product rules for pole shoes were introduced in 1984. In 2000, the product rules were incorporated into the regulations on mast and pole work (AFS 2000:6).

The type of poles in which pole shoes are used are primarily so-called telephone poles, the main task of which is to support telephone lines. The traditional telephone network, which is dependent on telephone poles, is now being rapidly replaced with buried fibre and wireless systems. Therefore, every year the number of poles decreases and thus also the need for pole shoes.

Swedenergy – a special interest organisation for energy companies in Sweden – estimates that the market for new pole shoes in Sweden is at most approx. 300–500 pairs per year. Furthermore, Swedenergy believes that line fitters now largely use suspended baskets and work platforms even for traditional pole work. For this reason, pole shoes are used to an ever lesser extent.

Telephone interviews with the four operators that the Swedish Work Environment Authority has found selling pole shoes in Sweden indicate the same volume as Swedenergy states. None of the four operators are planning, or are aware of, any planned new development of pole shoes due to the fact that the market is so small.

The regulations in their current form contain requirements that pole shoes may only be handed over for use if a third-party certification body that is accredited against the regulations has type examined and certified that pole shoes meet the technical requirements in the regulations. Since 2000, no certification body has been accredited to do so. Since the market is fading away, it is unlikely that further development of post shoes will take place.

Pole shoes in their design and function are similar to so-called arborist shoes. For this type of equipment, the Swedish Work Environment Authority has not found it necessary to introduce specific product rules.

Nor has the Swedish Work Environment Authority succeeded in identifying any accident statistics that suggest that pole shoes are a problematic product area. Swedenergy estimates that there are fewer than 3,000 users in total in Sweden (including those who wear pole shoes sporadically).

Chapter 3, Section 8, of the Work Environment Act already requires equipment to be safe when it is placed on the market, handed over to be put into service or displayed for sale.

For this reason, the Swedish Work Environment Authority considers that there is no data for accidents or accident risks that justifies specific product rules for pole shoes.

*Costs and other impacts*

Since no certification body has been accredited against the regulation since the year 2000, and as the pole shoe market is dwindling, no new development is foreseen in this area. For this reason, the removal of obsolete product requirements is not considered to have any economic impact. Because Chapter 3, Section 8 of the Work Environment Act already requires that this type of equipment be safe when it is placed on the market, handed over for use or displayed for sale, the safety level of the products is not judged to change, and thus it is not judged to have any other consequences.

### 6.8 Removal of obsolete product requirements — Ignition devices for blasting work

*Description*

In the current regulations on blasting work (AFS 2007:1) there is a requirement for type-examination in Section 27. This requirement means that an ignition device for initiating electrical detonators, as well as devices for initiating non-electrical signal conductors, resistance meters, isolation meters or other test apparatus for electric ignition, ignition cable and splice wire, may only be used or delivered for use, if they are type examined. According to current regulations, this type-examination must be performed by an inspection body, type A, or a certification body that is accredited for such inspection or certification in accordance with the Accreditation and Conformity Assessment Act (2011:791).

However, this is now to be considered as obsolete regulation because products of this type are currently covered by the Low Voltage Directive, LVD 2014/35/EU. The Swedish Work Environment Authority has no authority in electrical safety issues, instead the Swedish National Electrical Safety Board is the authority responsible for the implementation of this directive. Thus, this product rule must be removed from the Swedish Work Environment Authority's regulations.

The same applies to the product rules in Sections 40–42, which concern requirements for type-examination and rules concerning control bodies for products that are currently covered by the Low Voltage Directive, LVD 2014/35/EU. Thus, these sections must also be deleted.

*Costs and impacts*

The removal of the product rules means that costs for type examination of ignition devices – estimated at approx. SEK 100,000 per type examination – would disappear in connection with each development project for anyone wanting to develop an ignition device that is covered by the rules. Instead, anyone who develops a new product needs to CE-mark the product with respect to current EU directives, which implies a cost, but probably lower than that for type-examination. However, this is considered to have only a small effect due to the market's small size and the low development rate for this type of product.

During the work on this impact assessment, the Swedish Work Environment Authority has identified only one Swedish company that might possibly be affected by the removal of the requirements for type examination. This company conducts development projects on a fairly small scale. Their last two development projects were in 1984 and 2018, respectively. The company could not state with certainty to the Swedish Work Environment Authority when the next possible new development project could be of interest. Thus, the removal of the rules is not considered to involve any identifiable cost savings for Swedish companies.

### 6.9 Summary of identified cost effects

As is clear from the previous presentation, we make the assessment that the minor changes proposed in these regulations are mainly related to certain product rules for ladders. If all of the 56 ladder models that today comply with an older standard were to be updated, this would mean an approximate additional cost of about SEK 2 million for new type-examination certificates. This possible cost will be spread over a five-year period. In addition, there may be a cost if a design needs to be adjusted in order to meet the more modern standard. It is impossible to say whether adjustment of the design is necessary for any of the ladder models and, for this reason, such a cost has not been calculated.

Other cost effects that have been identified have been judged to arise to such a small extent that they have not been calculated. This has concerned:

* Product requirements for scaffolding that, according to current regulations must comply with the standard, are changed so that scaffolding must meet the same safety level as the standard instead. This opens up for cheaper (and more expensive) solutions. In this impact assessment, it has been assumed that manufacturers will generally follow a standard or a solution that involves approximately the same cost.
* Older ladders, trestles and scaffolding that may no longer be rented or borrowed unless they are first type examined. However, it is uncertain whether there still are any products on the market that are so old that are still for rent or borrowing.
* Some exemptions no longer need to be applied for regarding ladders and trestles when it comes to assessing the safety level. In practice, such exemption cases do not arise.
* Product rules for post shoes removed. No product development is foreseen, as confirmed by the contacts that the Swedish Work Environment Authority has had.
* A cost for type-examination of certain ignition devices for blasting work is removed. Instead, a manufacturer would need to CE mark the product (which can be assumed to lead to a lower cost compared to type-examination). One Swedish company manufactures these products. Their two most recent development projects were in 1984 and 2018 respectively, and they have stated to the Swedish Work Environment Authority that they cannot say with certainty when the next possible development project may be of interest.

## 7. Alternative solutions and considered regulatory alternatives

The new draft regulations have been drawn up in conjunction with the Swedish Work Environment Authority's review of its entire regulatory framework in order to organise the rules in a new structure. All rules would, as a main principle, be re-sorted. With the decision on a new structure, it was obvious from the beginning that the current rules, as a main principle, would be retained in the form of regulations, but not the current structure. The aim of changing the structure is to obtain a more coherent and transparent regulatory framework for all parties concerned. For more reasoning about the motives for the new structure, please refer to the overall impact assessment referred to in Section 2 of this impact assessment.

A small possibility to deviate from the main principle of not changing the meaning of the rules was allowed, this option has been used, inter alia, because development of the regulatory framework was needed or to remove obsolete rules. The changes that have been made in the regulations on pole shoes and ignition devices for explosive equipment are presented in Section 6. The product requirements for pole shoes have been removed because they are considered to be obsolete and the product requirements for blasting devices have been removed because the Swedish Work Environment Authority no longer has the authority to issue requirements for type-examination.

## 8. Considerations in accordance with Section 3 of Chapter 14 of the Instrument of Government

Municipalities and regions may be covered by the regulations, as they may also be considered as manufacturers according to the regulations. However, the changes proposed in the regulation are very small and are therefore not considered to affect the municipal self-government.

## 9. Impact on municipalities and regions

As can be seen from Section 8, among others, the effects for municipalities and regions are very small.

## 10. Time needed and administrative costs for enterprises

Section 6 presents a cost for any possible updating of the type-examination certificate for ladders. If all ladder models that only refer to the current older national standard were updated according to current EN standards, the additional cost would be around SEK 2 million to update the type-examination certificates. This is the only identified cost for those concerned due to the new collected regulations for national product requirements. We consider this to be an administrative cost.

## 11. What other costs and changes are relevant for companies

In addition to what has already been presented in Section 6, the Swedish Work Environment Authority has not identified any costs for companies.

## 12. Impact on companies

### 12.1 Impact on competitive conditions

Since the regulations apply to all companies that manufacture, import, transfer or make available products, covered by the regulations, on the Swedish market, it has not been possible to identify anything that could adversely affect competition.

### 12.2 Other impact

No further impact is identified in the project.

## 13. Special consideration of small enterprises when drafting the regulations

The purpose of designing a more transparent structure, reviewing the language and creating greater consistency in our regulations is to make it easier for everyone to find and understand our rules. In smaller enterprises with few employees, there are rarely special resources that are tasked with maintaining knowledge of the work environment rules and ensuring that these are followed. A simpler and clearer regulatory framework should make it easier to understand and follow the rules and should therefore particularly benefit small companies. This is important because the risk for workers of accidents, ill health and deaths at work is no less in small companies and, with few exceptions, health and safety rules apply equally in small companies and in large companies. If the rules are easier to find and understand, it makes it easier for small companies to follow them.

Clarifying the obligations of sole traders is also intended to help that particular group to understand which rules they are covered by.

## 14. Special consideration to the date of entry into force

The Swedish Work Environment Authority usually applies a period of entry into force for new regulations of six months. In this regulatory process, the period of entry into force will be longer. The new regulations are planned to come into force approximately one year after the regulations have been adopted.

References to all our regulations will need to be updated, which is one reason for allowing a longer adjustment period than usual for those concerned.

All current regulations will be repealed at the same time as the new ones enter into force. In some cases, transitional provisions may be needed. When the regulations in the new structure are adopted, the new regulations will also contain the necessary transitional provisions. These may be transitional provisions that, for example, apply to certain exemptions from regulations, or to permits and certificates issued by the Swedish Work Environment Authority.

## 15. Need for special information efforts

Major information initiatives are planned to introduce the Swedish Work Environment Authority's new regulatory structure. The information initiatives also include providing information about these draft regulations, which are part of the new structure. Information material describing the new rule structure will be produced in the course of the initiatives. The material will be available on the Swedish Work Environment Authority's website: [www.av.se](http://www.av.se). The information material will be in the form of films, presentations and descriptive text. Much of the information will already be available in connection with the consultation paper.

During the consultation period, the Swedish Work Environment Authority organised hearings where it was possible for our target groups to ask questions.

An introduction to the Authority's rules, a so-called section key, will also be produced showing how the current sections have been reorganised into the new regulations, as well as a list of who should follow which rules.

## 16. How consultation is carried out

The work with these draft regulations has been part of a larger, coherent work of reviewing all the Swedish Work Environment Authority's regulations, i.e. the work of reviewing the regulatory structure. More broadly, the major change in this draft is the changed regulatory structure, while the substantive changes are relatively few and often small.

The various types of consultations that have been carried out have therefore mainly dealt with the large coherent work with the regulatory structure.

Various types of consultation have been carried out both in the preparatory work before the structure was adopted and during the work of actually drafting the regulations in the new regulatory structure. Consultations have taken place in different ways and in different configurations, mainly as follows:

|  |  |
| --- | --- |
| * Consultation meeting
 | The Swedish Work Environment Authority regularly meets the labour market's contracting parties. Within the Swedish Work Environment Authority, this group is referred to as the Consultation Group. |
| * Reference group meeting
 | Within the framework of the program for regulatory renewal, the Swedish Work Environment Authority regularly met with a reference group that includes the contracting parties and representatives from other parties and industry organisations. |
| * Stakeholder meeting(consultations involving enterprises)
 | In connection with ongoing regulatory work, the Swedish Work Environment Authority meets with, among others, the labour market partners, industry organisations, authorities and other work environment organisations at stakeholder meetings. |

In addition, the entire regulatory proposal, including all substantive changes, will be sent for consultation.

## 17. The Swedish Work Environment Authority's contact information

The project team working on the new regulatory structure can be reached at regelstruktur@av.se.

1. 'Regulatory renewal — pre-study report'. Karlöf Consulting, 26/01/2016. The Swedish Work Environment Authority, reg. no. 2015/042327 [↑](#footnote-ref-2)
2. Authorities' regulations, Handbook on legislative writing. Ds 1998:43. [↑](#footnote-ref-3)