

S.I. No. 165/2010 — Emissions of Volatile Organic Compounds from Organic Solvents (Amendment) Regulations 2010.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 4th May, 2010.*

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on me by sections 10, 22, 23 and 51 of the Air Pollution Act 1987 (No. 6 of 1987), sections 6 and 53 of the Environmental Protection Agency Act 1992 (No. 7 of 1992), as amended by Part 2 of the Protection of the Environment Act 2003, and by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Articles 3 and 6 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directive 1999/13/EC and giving further effect to Council Directive 2004/42/EC of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures hereby make the following Regulations:

Citation

1. (1) These Regulations may be cited as Emissions of Volatile Organic Compounds from Organic Solvents (Amendment) Regulations 2010.

(2) The Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002) shall be construed together with these Regulations as one and may be collectively cited as the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 to 2010.

Commencement

2. These Regulations shall come into effect on 19 April 2010 except for the provisions of Regulation 4(2) which will come into effect from 1 December, 2010 and the provisions of Regulations 4(3), 5(2) and 6 which will come into effect from 1 June 2015.

Interpretation

3. (1) In these Regulations, any reference to a Schedule, Part, Article, or Regulation which is not otherwise identified is a reference to a Schedule, Part, Article, or Regulation of these Regulations.

(2) In these Regulations—

“Principal Regulations” means the Emissions of Volatile Organic Compounds from Organic Solvents Regulations 2002 (S.I. No. 543 of 2002).

(3) (a) “Preparation” and “Preparations” have the meaning applied by Articles 3 and 6 of Council Directive 2008/112/EC.

(b) “Mixture” and “Mixtures” have the meaning applied by Articles 3 and 6 of Council Directive 2008/112/EC.

(4) A letter, word, phrase or symbol used in these Regulations and which is also used in the Directive has the same meaning in these Regulations as it has in the Directive.

Amendment of Regulation 8 of the Principal Regulations

4. (1) Regulation 8 of the Principal Regulations is amended by substituting “mixture” for “preparation” and “mixtures” for “preparations”.

(2) The Principal Regulations are amended by substituting for Regulation 8 the following:

“Hazard Statements and Risk Phrases

8. Any substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures ¹ are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61 shall be replaced, as far as possible and, taking into account Regulation 20(1)(b), by less harmful substances or mixtures.”

(3) The Principal Regulations are amended by substituting for Regulation 8 the following:

“Hazard Statements

8. Any substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures² are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F shall be replaced, as far as possible and, taking into account Regulation 20(1)(b), by less harmful substances or mixtures.”

Amendment of Regulation 10 of the Principal Regulations

5. (1) Regulation 10 of the Principal Regulations is amended by substituting “the risk phrases R40 or R68” for “the risk phrase R40” and substituting “the labelling R40 or R68” for “the labelling R40”.

(2) Regulation 10 of the Principal Regulations is amended by substituting “the hazard statements H341 or H351” for “the risk phrases R40 or R68” and “the hazard statements H341 or H351” for “the labelling R40 or R68”.

Amendment of Regulation 12 of the Principal Regulations

6. Regulation 12 of the Principal Regulations is amended by substituting “hazard statements” for “risk phrases”.

Amendment of Regulation 14 of the Principal Regulations

7. Regulations 14(a) and 14(b) of the Principal Regulations are amended by substituting “mixtures” for “preparations”.

Amendment of the First Schedule to the Principal Regulations

8. The First Schedule to the Principal Regulations is amended by substituting “Mixtures” for “Preparations”.

Amendment of the Second Schedule to the Principal Regulations

9. The Second Schedule to the Principal Regulations is amended by substituting “mixture” for “preparation” and “mixtures” for “preparations”.

Amendment of the Sixth Schedule to the Principal Regulations

10. The Sixth Schedule to the Principal Regulations is amended by substituting “mixture” for “preparation” and “mixtures” for “preparations”.



Given under the official seal of the Minister for the Environment, Heritage and Local Government this 19th day of April 2010.

JOHN GORMLEY

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations transpose Articles 3 and 6 of Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 on the classification, labelling and packaging of substances and mixtures amending Council Directive 1999/13/EC and Council Directive 2004/42/EC in order to adapt them to Regulation (EC) No. 1272/2008 on classification, labelling and packaging of substances and mixtures.

Regulation (EC) No. 1272/2008 incorporates the criteria for classification and labelling of substances and mixtures provided for by the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) which has been adopted at international level, within the structure of the United Nations. This requires certain terminology used in earlier EU legislation, and subsequently transposed into national legislation, concerning the labelling of dangerous substances and

preparations to be updated so it is consistent with GHS terminology.

1 OJ L 353, 31.12.2008, p. 1

2 OJ L 353, 31.12.2008, p. 1

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