



STATUTORY INSTRUMENTS.

S.I. No. 398 of 2014

EUROPEAN UNION (PAINTS, VARNISHES, VEHICLE REFINISHING
PRODUCTS AND ACTIVITIES) (AMENDMENT) REGULATIONS 2014

EUROPEAN UNION (PAINTS, VARNISHES, VEHICLE REFINISHING PRODUCTS AND ACTIVITIES) (AMENDMENT) REGULATIONS 2014

I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2004/42/CE of the European Parliament and the Council of 21 April 2004¹ as amended by Directive 2010/79/EU of 19 November 2010², hereby make the following regulations—

Citation

1. (1) These Regulations may be cited as the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) (Amendment) Regulations 2014.

(2) The Principal Regulations and these Regulations may be cited together as the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 and 2014.

Definitions

2. In these Regulations “Principal Regulations” means the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S.I. No 564 of 2012).

Amendments to the Principal Regulations

3. The Principal Regulations are amended—

(a) by substituting the following for Regulation 9(1):

“9. (1) A person or body shall not sell or place on the market a product identified in Schedule 1 where the volatile organic compound content for the said product exceeds the relevant limit value specified in Schedule 2 unless—

(a) that person or body is selling or placing on the market a product for exclusive use in an activity referred to in paragraph (4), has been furnished with a copy of a current licence or current certificate referred to in paragraph (4A) and holds a record of that current licence or current certificate under that paragraph (4A), or

(b) that person or body is selling or placing on the market a product for exclusive use in the restoration and maintenance

¹OJ No. L 143, 30 April 2004, p 87-96.

²OJ No. L 304, 20 November 2010, p 18-19

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 12th September, 2014.

of buildings or vintage vehicles of particular historical and cultural value referred to in paragraph (5) and holds a current certificate of authorisation issued by a local authority under paragraph (7).”,

(b) by substituting the following for Regulation 9(4):

“(4) An activity referred to in paragraph (1)(a) is an activity listed in Schedule 1 of the European Union (Installations and Activities Using Organic Solvents) Regulations 2012 (S.I. No. 565 of 2012).”,

(c) by inserting the following after Regulation 9(4):

“(4A) Where a person or body intends to sell or place on the market a product identified in Schedule 1 where the volatile organic compound content of the said product exceeds the relevant limit value specified in Schedule 2 for exclusive use in an activity referred to in paragraph (4) then that person or body shall first request from the person to whom they intend to supply or sell the product a copy of the relevant licence for that activity issued by the Agency under Part IV of the Environmental Protection Agency Act 1992 or, as appropriate, a current certificate of compliance issued by a local authority under the European Union (Installations and Activities Using Organic Solvents) Regulations 2012 and shall retain this as a record for inspection purposes.”,

(d) In Regulation 9(5) by substituting “A local authority” for “Notwithstanding the provisions of paragraphs (1) and (2), the Agency or local authority”,

(e) by inserting the following after Regulation 9(5):

“(6) Where a person or body intends to supply or sell particular products which exceed the relevant volatile organic compound limit values specified in Schedule 2 for use in the restoration and maintenance of buildings or vintage vehicles of particular historical and cultural value then the person or body must first apply to their local authority for permission to sell such products in limited quantities.

(7) Where a local authority approves of the supply or sale of products in limited quantities by a person or body seeking permission under paragraph (6) then the local authority shall issue to that person or body a certificate of authorisation in the form set out in Schedule 6.

(8) When issuing a certificate of authorisation under paragraph (7), the local authority shall endeavor to ensure that the quantity of the products authorised for sale is no greater than what is required for the specified use and may specify appropriate conditions of sale for the purpose of limiting emissions of volatile organic compounds.

(9) A certificate of authorisation issued under paragraph (7) shall be valid for a period of 60 days, unless revoked sooner by the local authority, during which time the certified person or body may supply or sell a specified quantity of products which exceed the relevant volatile organic compound limit values specified in Schedule 2 for use in the restoration and maintenance of buildings or vintage vehicles of particular historical and cultural value.

(10) A person or body who obtains a certificate of authorisation under paragraph (7) shall retain that certificate for inspection purposes for a period of at least three years from the date of issue.”,

(f) by deleting paragraph (2) of Regulation 26, and

(g) by inserting the following after Schedule 5:

“SCHEDULE 6

CERTIFICATE OF AUTHORISATION

for the sale of paint, varnish or vehicle refinishing products for the purposes of restoration or maintenance of buildings or vintage vehicles of historical and cultural value

In accordance with Regulations 9(5) and 9(6) of the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012,

..... (insert name of local authority)

hereby grants a certificate of authorisation for the sale of paint, varnish or vehicle refinishing products with for the purposes of restoration and maintenance of listed buildings or vintage vehicles to

.....(insert name of person or body supplying product)

.....(insert address of person or body supplying product)

subject to the conditions and recommendations (if any) stated below.

Part A: Purpose of Sale

Restoration/maintenance of a building listed on the Record of Protected Structures:

Restoration/maintenance of a vintage vehicle over 30 years old:

Other (please specify):

Part B: Product Description

Type of products authorised for sale: Paints
 Varnishes
 Vehicle refinishing products

The product subcategory and maximum permitted VOC content shall be as stated by the issuing authority on page 2 of this certificate of authorisation.

Name of manufacturer and product line:

Maximum quantity of products authorised for sale:

Conditions of supply and sale (if any):



This certificate of authorisation will expire after 60 days unless revoked sooner by (insert name of local authority).

Part C: Product sub-categories and maximum permitted VOC content

	Paints and Varnishes Product Sub-category	Type	Maximum Permitted VOC Limit Value (g/l)*
<i>a</i>	Interior matt walls and ceilings (Gloss less than or equal to 25@60???)	WB SB	
<i>b</i>	Interior glossy walls and ceilings (Gloss greater than 25@60????)	WB SB	
<i>c</i>	Exterior walls of mineral substrate	WB SB	
<i>d</i>	Interior/exterior trim and cladding paints for wood and metal	WB SB	
<i>e</i>	Interior/exterior trim varnishes and woodstains, including opaque woodstains	WB SB	
<i>f</i>	Interior and exterior minimal build woodstains	WB SB	
<i>g</i>	Primers	WB SB	
<i>h</i>	Binding primers	WB SB	
<i>i</i>	One-pack performance coatings	WB SB	
<i>j</i>	Two-pack reactive performance coatings for specific end use such as floors	WB SB	
<i>k</i>	Multi-coloured coatings	WB SB	
<i>l</i>	Decorative effect coatings	WB SB	

* "g/l" means grammes per litre ready to use.

	Vehicle Refinishing Products Sub- category	Coatings	Maximum Permitted VOC Limit Value (g/l*)
<i>a</i>	Preparatory and cleaning	Preparatory Pre-cleaner	
<i>b</i>	Bodyfiller/stopper	All types	
<i>c</i>	Primer	Surface/filler and general (metal) primer Wash primer	
<i>d</i>	Topcoat	All types	
<i>e</i>	Special Finishes	All types	

* g/l of ready for use product. Except for subcategory (*a*) any water content of the product ready for use should be discounted.”.



GIVEN under my Official Seal,
29 August 2014.

ALAN KELLY,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

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

These Regulations amend the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S.I. No. 564 of 2012), which transposed the ‘Decorative Paints’ Directive 2004/42/EC.

These Regulations provide for procedures, in line with exemptions allowed for under the Directive, for the supply or sale, in restricted circumstances, of paints, varnishes and vehicle refinishing products with volatile organic compound (VOC) content which exceeds the relevant VOC limit values for such products as specified in Annex II of Directive 2004/42/EC and Schedule 2 of S.I. No. 564 of 2012.

The sale and supply of products which exceed the VOC limit values is allowed when it is for exclusive use in activities using organic solvents that are listed in Schedule 1 of the European Union (Installations and Activities Using Organic Solvents) Regulations 2012 (S.I. No. 565 of 2012), which transposed Chapter V and Annex VII of the Industrial Emissions Directive 2010/75/EU.

A person or body who wishes to supply or sell such products to a solvents activity must first obtain a copy of the current certificate of compliance issued by a local authority to that activity under S.I. No. 565 of 2012 or, in the case of installations using organic solvents above specified solvent consumption thresholds, a licence issued by the EPA. A copy of the certificate or licence, as appropriate, must be retained by the person supplying or selling the products and must be presented on request to an authorised person under these regulations in order to demonstrate that the supply or sale of products with VOC content above the limit values was made exclusive use in a solvents activity.

Products with VOC content above the limit values may also be permitted to be sold, in strictly limited quantities, for use in the restoration and maintenance of buildings or vintage vehicles of particular historical and cultural value. Such buildings include structures listed on a planning authority’s Record of Protected Structures. Such vehicles include vehicles over 30 years old that qualify as vintage vehicles for motor taxation purposes — the chassis number of the vehicle and the vehicle registration book/certificate should clearly display the age of the vehicle.

A person or body intending to supply or sell such products in limited quantities for these purposes must first apply to their local authority for permission, setting out the purpose for which the products are required and why less polluting products below the relevant VOC limit values are unsuitable for this purpose. The local authority is under no obligation to provide such permission. However, if a local authority approves of the request then it shall issue a certificate of authorisation in the form set out in Schedule 6, as inserted by these Regulations. The local authority may apply conditions for the purpose of limiting VOC emissions.

A certificate of authorisation shall allow a person or body to legitimately supply or sell those products specified by the certificate of authorisation up to the maximum permitted quantity specified by the certificate of authorisation. A certificate of authorisation will expire after 60 days but must be retained by the person or body to whom it is issued for a period of at least 3 years for inspection purposes.

These Regulations also remove the provision for conviction on indictment to a fine not exceeding €100,000 or to imprisonment for a term not exceeding one year or to both such fine and such imprisonment.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.05



Wt. (B30774). 285. 9/14. Clondalkin. Gr 30-15.