

S.I. No. 199/2007 — Limitation of Emissions of Volatile Organic Compounds Due to the Use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products Regulations 2007

S.I. No. 199 of 2007

LIMITATION OF EMISSIONS OF VOLATILE ORGANIC COMPOUNDS DUE TO
THE USE OF ORGANIC SOLVENTS IN CERTAIN PAINTS, VARNISHES AND
VEHICLE REFINISHING PRODUCTS REGULATIONS 2007

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 8th May, 2007.

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972) and sections 10, 13, 14 and 23 of the Air Pollution Act 1987 (No. 6 of 1987) and for the purpose of giving effect to Council Directive 2004/42/CE ¹ on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products, and amending Directive 1999/13/EC ² hereby makes the following Regulations—

PART I Preliminary and General

Citation

1. These Regulations may be cited as the Limitation of Emissions of Volatile Organic Compounds due to the use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products Regulations 2007.

Definitions

2. (1) In these Regulations—

“the Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992 (No. 7 of 1992);

“the Board” means the National Accreditation Board established for the purposes of the Industrial Development Act 1993 (No. 19 of 1993);

“the Commission” means the Commission of the European Communities;

“competent authority” has the meaning assigned by article 5;

“competent body” has the meaning assigned by article 6;

“the Directive” means Council Directive 2004/42/CE on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC;

“the 1999 Directive” means Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations;

“the Minister” means the Minister for the Environment, Heritage and Local Government;

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

“operator” means the person who owns or otherwise has responsibility for any relevant activity carried out in a premises or in a vehicle refinishing installation, as the case may be;

“person” means any natural or legal person;

“placing on the market” means making available to third parties, whether in exchange for payment or not, and shall also include importation into the Community;

"premises" includes any building, land, vehicle, vessel or mobile plant;

“vehicle refinishing installation” means any industrial or commercial coating activity

and associated degreasing activities performing the coating of road vehicles as defined in Directive 70/156/EEC³, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations; and

“volatile organic compound” means any organic compound with an initial boiling point less than or equal to 250°C measured at a standard pressure of 101.3 kPa.

(2) In these Regulations—

(a) a reference to an article or sub-article which is not otherwise identified is a reference to an article or sub-article of these Regulations;

(b) a reference to a schedule which is not otherwise identified is a reference to a schedule of these Regulations; and

(c) a letter, word, phrase or symbol which has been assigned a meaning by the Directive has that meaning except where otherwise indicated.

Objective and Scope

3. (1) The purpose of these Regulations are—

(a) in PART II, to control the placing on the market of products listed in the First Schedule; and

(b) in PART III, to regulate use by vehicle refinishing installations of vehicle refinishing products containing volatile organic compounds.

(2) These Regulations limit the total content of volatile organic compounds in certain paints and varnishes and vehicle refinishing products, in order to prevent or reduce air pollution resulting from the contribution of volatile organic compounds to the formation of tropospheric ozone.

(3) The Regulations do not prejudice or affect measures, including labelling requirements, to protect the health of consumers, and of workers and their working environment.

Savings

4. A person shall not be entitled solely by reason of compliance with these Regulations to—

(a) place on the market products containing volatile organic compounds; and

(b) operate a vehicle refinishing installation using vehicle refinishing products containing volatile organic compounds.

Competent Authority

5. (1) The Agency shall be the competent authority for the purposes of the Directive and these Regulations.

(2) The Agency shall exercise general supervision over the functions and actions of competent bodies to which responsibilities are assigned by these Regulations and shall provide guidance or advice to such bodies, where necessary.

(3) The Agency shall carry out, or cause to be carried out—

(a) random inspections for the purposes of verifying compliance with article 9; and

(b) such sampling and analysis of products as it deems necessary for the purposes of paragraph (a).

(4) For the purpose of assisting compliance with these Regulations, the Agency shall, following consultation with, and approval by, the Minister, publish best practice guidelines for vehicle refinishing installations.

Competent Body

6. (1) Each city council and county council shall be a competent body for the purposes of the Directive, and shall be responsible for the enforcement of these Regulations within their functional area and shall take such steps as are necessary for this purpose.

(2) Not later than twelve months after the entry into effect of these Regulations, each competent body shall, in respect of its functional area, establish and thereafter maintain a register of—

(a) manufacturers, producers, suppliers, wholesalers and major retailers of any or all of the products listed in the First Schedule; and

(b) vehicle refinishing installations.

(3) Each competent body shall carry out, or cause to be carried out—

(a) such random inspections as it deems necessary or as may be required by the Agency for the purposes of verifying compliance with article 9; and

(b) such sampling and analysis of products as it deems necessary or as may be

required by the Agency for the purposes of paragraph (a).

PART II Placing on the market of products listed in the First Schedule

Placing on the Market Prohibition

7. (1) In the period from the date of entry into effect of these Regulations up to and including 31 December 2009, a person shall not place on the market a product identified in the First Schedule where the volatile organic compound content for the said product exceeds the relevant limit value specified in Column 4 of the Second Schedule.

(2) On and from 1 January 2010, a person shall not place on the market a product identified in the First Schedule where the volatile organic compound content for the said product exceeds the relevant limit value specified in Column 5 of the Second Schedule.

(3) Without prejudice to sub-articles (1) and (2), a product listed in the First Schedule shall not be placed on the market save in compliance with the requirements of article 9.

(4) Where solvents or other components containing solvents are required to be added to a product listed in the First Schedule in order for that product to be made ready for use, the relevant limit value specified in Column 4 or Column 5 of the Second Schedule, as appropriate, shall apply in respect of the volatile organic compound content of the said product in its final ready for use condition.

(5) The requirements of sub-articles (1), (2) and (3) shall not apply to products sold for exclusive use in an activity covered by the 1999 Directive and carried out in an installation in respect of which a valid certificate for the purposes of article 5 or 6 of the 2002 Regulations, as appropriate, exists.

(6) Notwithstanding the provisions of sub-articles (1), (2) and (3), the Minister may, where particular products are required for the purposes of restoration and maintenance of buildings or vintage vehicles of particular historical and cultural value, permit the sale and purchase in limited quantities of products which do not meet the relevant limit values specified in Columns 4 or 5 of the Second Schedule, as appropriate.

(7) Where, in the case of a product identified in the First Schedule that does not meet the relevant volatile organic compound content limit value specified in the Second Schedule, the Agency is satisfied that the said product was produced before the relevant date specified in Column 4 or 5 of the Second Schedule, as appropriate, the Agency may allow the product to be placed on the market for a period of twelve calendar months following the said relevant date.

Analytical Methods

8. The analytical methods for determining compliance with the volatile organic compound content limit values specified in the Second Schedule shall be those methods specified in the Third Schedule.

Product Labelling

9. A product listed in the First Schedule shall carry a label indicating—

- (a) the relevant sub-category of the First Schedule;
- (b) the relevant volatile organic compound limit value for the product, expressed in grammes per litre (g/l), prescribed in the Second Schedule; and
- (c) the maximum volatile organic compound content, expressed in grammes per litre (g/l), of the product in a ready to use condition.

Instances of Non-Compliance

10. (1) Where a breach of these Regulations has occurred, the operator of the premises concerned shall inform the relevant competent body within the shortest possible time and, for the purpose of protecting human health and the environment, take appropriate measures to remove the non-compliant product or non-compliant products, as the case may be, from circulation and manage the recovery or disposal of the said product or products in accordance with relevant waste management legislation.

(2) In the event of a premises being supplied with a product prohibited under article 7 or not labelled in compliance with the requirements of article 9, the operator of the said premises shall advise the Agency and shall take such steps as the Agency may require in relation to the said product.

PART III Use of vehicle refinishing products by vehicle refinishing installations

Vehicle Refinishing Installations

11. (1) Without prejudice to sub-article (2), on and from 1 July 2007, it shall be an offence for the operator of a vehicle refinishing installation to allow, in the course of the business of the said vehicle refinishing installation, use of a vehicle refinishing product listed in the First Schedule unless the said vehicle refinishing product has been placed on the market in accordance with PART II of these Regulations or in accordance with the Directive.

(2) On and from 1 March 2008, it shall be an offence to operate a vehicle refinishing installation other than in compliance with a certificate of approval granted under article 17(1) or renewed under article 17(2), as the case may be, of these Regulations.

12. Schedule 1 of the 2002 Regulations is amended as follows—

in the section entitled ‘Vehicle Refinishing’, the following indent shall be deleted:

‘—the coating of road vehicles as defined in Directive 70/156/EEC, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations, or’.

Applications for Certificates of Approval

13. An application for a certificate of approval shall be—

(a) submitted in writing, in the form prescribed in the Fourth Schedule, to the competent body in whose functional area the vehicle refinishing installation concerned is located; and

(b) accompanied by—

(i) a current report from an accredited inspection contractor on compliance of the vehicle refinishing installation concerned with these Regulations; and

(ii) a fee of €50.00 payable to the competent body concerned.

Renewal of Certificates of Approval

14. (1) A certificate of approval granted under article 17(1) may be renewed prior to its expiry.

(2) An application for renewal of a certificate of approval shall be made in writing to the competent body concerned not less than twenty-eight days prior to expiry of the said certificate of approval, and shall be accompanied by—

(a) a current report from an accredited inspection contractor on compliance of the vehicle refinishing installation concerned with these Regulations; and

(b) a fee of €50.00 payable to the competent body.

Accredited Inspection Contractors

15. (1) A panel or panels of accredited inspection contractors established by the Board under the 2002 Regulations shall apply for the purposes of PART III of these Regulations.

(2) The panel or panels referred to in sub-article (1) shall be made available by the Board in response to a request from the Agency or any competent body.

Reports by Accredited Inspection Contractors

16. (1) A report for the purposes of articles 13 or 14(2) shall—

(a) be prepared having regard to the best practice guidelines published by the Agency in accordance with article 5(4);

(b) have regard to any guidance available from the Agency on a common format or common formats for reporting monitoring data;

(c) state whether the application for a certificate of approval or the application for renewal of a certificate of approval, as the case may be, should be granted or refused, and state the reasons for the decision; and

(d) where it is proposed to grant or renew a certificate of approval, as the case may be, contain such recommendations or conditions as the accredited inspection contractor considers necessary, including any relevant time-frame or time-frames within which recommendations or conditions, if any, should be met to ensure that the vehicle refinishing installation concerned is established and operated in compliance with these Regulations.

(2) For the purposes of sub-article (1)(d), recommendations and conditions shall be consistent with the best practice guidelines published by the Agency in accordance with article 5(4).

Certification of Approval

17. (1) Within twenty-one days of receipt of an application submitted under article 13, the competent body concerned shall, where it is satisfied that the report from the accredited inspection contractor demonstrates that the vehicle refinishing installation concerned satisfies the requirements of these Regulations, grant a certificate of approval to the applicant in the form specified in the Fifth Schedule and shall include such recommendations or conditions, if any, proposed in the report from the said accredited inspection contractor.

(2) Within twenty-one days of receipt of an application submitted under article 14(2), the competent body concerned shall, where it is satisfied that the report from the accredited inspection contractor demonstrates that the vehicle refinishing installation concerned satisfies the requirements of these Regulations, renew the certificate of approval and shall include such recommendations or conditions, if any, proposed in the report from the said accredited inspection contractor concerned.

(3) A certificate of approval granted under sub-article (1) or renewed under sub-article (2) shall, subject to compliance with any recommendations or conditions contained

therein, be valid for no longer than two calendar years from the date of issue.

(4) Where a competent body is satisfied that a report from an accredited inspection contractor demonstrates that an installation is not established or operated in compliance with these Regulations, it shall refuse to grant a certificate of approval or to renew a certificate of approval, as the case may be, and state the reason for the refusal.

(5) (a) Where a competent body is not satisfied that a report from an accredited inspection contractor satisfies the requirements of article 16, it may—

(i) request additional information or a further report from the accredited inspection contractor concerned to be submitted within a period of not less than 28 days; or

(ii) reject the application as invalid and state the reason for its decision.

(b) For the purposes of calculating the twenty-one day period specified in sub-articles (1) and (2), a period of time allowed for a response to a request under paragraph (5)(a)(i) shall not be taken into account.

(6) A decision under sub-articles (1), (2), (4) or (5)(a)(i) shall be notified in writing by the competent body concerned to the applicant.

Instances of Non-Compliance

18. (1) Where the operator of a vehicle refinishing installation becomes aware that a requirement of these Regulations has been breached or is being breached, as the case may be, the said operator shall—

(a) inform the competent body immediately; and

(b) take all necessary measures to ensure compliance is restored within the shortest possible time.

(2) For the purposes of sub-article (1), where a breach relates to a non-compliant product, the operator of the vehicle refinishing installation concerned shall, in order to ensure protection of human health and the environment, take appropriate measures to manage disposal of the said non-compliant product in accordance with relevant waste management legislation.

19. In the case of an instance of non-compliance with the requirements of these Regulations which poses an immediate danger to human health, the operator shall suspend operation of an activity or activities at the installation for so long as the non-compliance continues and until the competent body is satisfied the installation complies with these Regulations.

20. In the event of a vehicle refinishing installation being supplied with a product

prohibited under article 7 or not labelled in compliance with the requirements of article 9, the operator of the said vehicle refinishing installation shall advise the Agency and take such steps as the Agency may require in relation to the said product.

PART IV Monitoring, Reporting and Enforcement

Monitoring

21. (1) The Agency shall establish and implement a monitoring programme for the purpose of verifying compliance with these Regulations, including the quantities of products authorised under article 7(6).

(2) Each competent body shall, in respect of its functional area—

(a) carry out such monitoring, sampling and analyses as may be directed by the Agency; and

(b) maintain such records as are necessary to provide information required by the Agency,

for the purposes of sub-article (1).

(3) A sample or samples, of a product or products listed in the First Schedule, may be taken by an authorised person for the purposes of monitoring compliance with these Regulations.

Authorised Persons

22. (1) A competent body or the Agency may authorise in writing any person, hereinafter referred to as an “authorised person”, for the purposes of these Regulations.

(2) Notwithstanding sub-article (1), any person appointed as an authorised person for the purposes of article 7 of the [Air Pollution Act 1987](#) (No. 6 of 1987) shall be considered to be an authorised person for the purposes of these Regulations.

(3) An authorised person shall be provided with a certificate of authorisation from the competent body concerned or the Agency, as the case may be, and the said authorised person shall, on request from any person for evidence of authorisation in the context of exercising any power provided by or under these Regulations, produce the said certificate.

(4) An authorised person may, for the purposes of these Regulations—

(a) at all reasonable times, enter and inspect a premises or a vehicle refinishing installation;

(b) require the operator to provide relevant information;

(c) inspect any relevant records or documents; and

(d) take from a premises or vehicle refinishing installation such sample or samples of a product or products, as the case may be, listed in the First Schedule.

(5) A person shall not obstruct an authorised person exercising any powers under these Regulations and shall not wilfully withhold any information which an authorised person may request for the purpose of these Regulations.

Sampling of Products

23. (1) Where an authorised person takes a sample of a product for the purposes of these Regulations, the said authorised person shall, at the time of the taking of the sample—

(a) provide the operator of the premises or vehicle refinishing installation, as the case may be, with a receipt for the sample; and

(b) attach to the container or packaging, as the case may be, a label specifying the date on which the sample was taken, the premises or vehicle refinishing installation at which it was taken and an identification number.

(2) Evidence given or to be given in respect of any test, examination or analysis of a sample of a product taken pursuant to these Regulations shall—

(a) identify such sample by reference to the identification number given to it for the purposes of sub-article (1)(b); and

(b) in relation to the said sample, be evidence, without further proof, of the result of the test, examination or analysis until the contrary is shown.

Duty of Operators to Provide Information

24. The operator of a premises or vehicle refinishing installation shall supply, upon request, any data requested by the competent body or the Agency for the purpose of verifying compliance with these Regulations.

Reporting

25. The Agency shall, in accordance with Article 7 of the Directive, report to the

Commission on the monitoring programme carried out in accordance with the provisions of article 21(1).

Offences

26. (1) A person who contravenes or fails to comply with a provision of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 or imprisonment for a term not exceeding twelve months, or to both such fine and such imprisonment.

(2) An offence arising from contravention of a provision of these Regulations may be prosecuted summarily by, as appropriate, the Agency or a competent body.

FIRST SCHEDULE PRODUCTS WITHIN THE SCOPE OF THE REGULATIONS

Paints and Varnishes

For the purposes of these Regulations, paints and varnishes shall mean the products listed in the sub-categories below, excluding aerosols. They are coatings applied to buildings, their trim and fittings, and associated structures for decorative, functional and protective purposes.

Sub-Categories

(a) “matt coatings for interior walls and ceilings” means coatings designed for application to indoor walls and ceilings with a degree of gloss less than or equal to 25@60°;

(b) “glossy coatings for interior walls and ceilings” means coatings designed for application to indoor walls and ceilings with a degree of gloss greater than 25@60°;

(c) “coatings for exterior walls of mineral substrate” means coatings designed for application to outdoor walls of masonry, brick or stucco;

(d) “interior/exterior trim and cladding paints for wood, metal or plastic” means coatings designed for application to trim and cladding which produce an opaque film. These coatings are designed for either a wood, metal or plastic substrate. This sub-category includes undercoats and intermediate coatings;

(e) “interior/exterior varnishes and woodstains” means coatings designed for application to trim which produce a transparent or semi-transparent film for decoration and protection of wood, metal and plastics. This sub-category includes opaque woodstains. Opaque woodstains means coatings producing an opaque film for the decoration and protection of wood, against weathering, as defined in EN 927-1, within the semi-stable category;

(f) “minimal build woodstains” means woodstains which, in accordance with EN 927-1: 1996, have a mean thickness of less than 5m when tested according to ISO 2808: 1997, method 5A.

(g) “primers” means coatings with sealing and/or blocking properties designed for use on wood or walls and ceilings;

(h) “binding primers” means coatings designed to stabilise loose substrate particles or impart hydrophobic properties and/or to protect wood against blue stain;

(i) “one-pack performance coatings” means performance coatings based on film-forming material. They are designed for applications requiring a special performance, such as primer and topcoats for plastics, primer coat for ferrous substrates, primer coat for reactive metals such as zinc and aluminium, anti-corrosion finishes, floor coatings, including for wood and cement floors, graffiti resistance, flame retardant, and hygiene standards in the food or drink industry or health services;

(j) “two-pack performance coatings” means coatings with the same use as one-pack performance coatings, but with a second component (e.g. tertiary amines) added prior to application;

(k) “multi-coloured coatings” means coatings designed to give a two-tone or multiple-colour effect, directly from the primary application;

(l) “decorative effect coatings” means coatings designed to give special aesthetic effects over specially pre-painted substrates or base coats and subsequently treated with various tools during the drying period.

Vehicle Refinishing Products

For the purposes of these Regulations, vehicle refinishing products means products listed in the sub-categories below. They are used for the coating of road vehicles as defined in Directive 70/156/EEC, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations.

Sub-Categories

(a) “preparatory and cleaning” means products designed to remove old coatings and rust, either mechanically or chemically, or to provide a key for new coating:

(i) preparatory products include gunwash (a product designed for cleaning spray-guns and other equipment), paint strippers, degreasers (including anti-static types for plastic) and silicone removers;

(ii) “precleaner” means a cleaning product designed for the removal of surface contamination during preparation for and prior to the application of

coating materials;

(b) “bodyfiller/stopper” means heavy-bodied compounds designed to be applied to fill deep surface imperfections prior to the application of the surface/filler;

(c) “primer” means any coating that is designed for application to bare metal or existing finishes to provide corrosion protection prior to application of primer surfacer:

(i) “surfacers/filler” means a coating designed for application immediately prior to the application of topcoat for the purpose of corrosion resistance, to ensure adhesion of the topcoat, and to promote the formation of a uniform surface finish by filling in minor surface imperfections.

(ii) “general metal primer” means a coating designed for application as primers, such as adhesion promoters, sealers, surfacers, undercoats, plastic primers, wet-on-wet, non-sand fillers and spray fillers;

(iii) “wash primer” means coatings containing at least 0.5% by weight of phosphoric acid designed to be applied directly to bare metal surfaces to provide corrosion resistance and adhesion; coatings used as weldable primers, and mordant solutions for galvanised zinc surfaces;

(d) “topcoat” means any pigmented coating that is designed to be applied either as a single-layer or as a multiple-layer base to provide gloss and durability. It includes all products involved such as base coatings and clear coatings:

(i) “base coatings” means pigmented coatings designed to provide colour and any desired optical effects, but not the gloss or surface resistance of the coating system;

(ii) “clear coating” means a transparent coating designed to provide the final gloss and resistance properties of the coating system;

(e) “special finishes” means coatings designed for application as topcoats requiring special properties, such as metallic or pearl effect, in a single layer, high-performance solid-colour and clear coats, (e.g. anti-scratch and fluorinated clear-coat), reflective base coat, texture finishes (e.g. hammer), anti-slip, under-body sealers, anti-chip coatings, interior finishes; and aerosols.

SECOND SCHEDULE A. MAXIMUM VOC CONTENT LIMIT VALUES FOR
PAINTS AND VARNISHES

Product Sub-category	Type	Phase 1	Phase 2
		(g/l*) From 1 January 2007	(g/l*) From 1 January 2010
a	Interior matt	WBSB	754003030

	walls and ceilings(Gloss less than or equal to 25@60°)			
<i>b</i>	Interior glossy walls and ceilings(Gloss greater than 25@60°)	WBSB	150400	100100
<i>c</i>	Exterior walls of mineral substrate	WBSB	75450	40430
<i>d</i>	Interior/exterior trim and cladding paints for wood and metal	WB**SB***	150400	130300
<i>e</i>	Interior/exterior trim varnishes and woodstains, including opaque woodstains	WBSB	150500	130400
<i>f</i>	Interior and exterior minimal build woodstains	WBSB	150700	130700
<i>g</i>	Primers	WBSB	50450	30350
<i>h</i>	Binding primers	WBSB	50750	30750
<i>i</i>	One-pack performance coatings	WBSB	140600	140500
<i>j</i>	Two-pack reactive performance coatings for	WBSB	140550	140500

specific end use
such as floors

<i>k</i>	Multi-coloured coatings	WBSB	150400	100100
<i>l</i>	Decorative effect coatings	WBSB	300500	200200

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

** “WB” means water-borne coatings i.e. coatings the viscosity of which is adjusted by the use of water.

*** “SB” means solvent-borne coatings i.e. coatings the viscosity of which is adjusted by the use of organic solvent.

B. MAXIMUM VOC CONTENT LIMIT VALUES FOR VEHICLE REFINISHING PRODUCTS

	Product Sub-category	Coatings	VOC (g/l*)From 1 January 2007
<i>a</i>	Preparatory and cleaning	PreparatoryPre-cleaner	850200
<i>b</i>	Bodyfiller/stopper	All types	250
<i>c</i>	Primer	Surface/filler and general (metal) primer	540
		Wash primer	780
<i>d</i>	Topcoat	All types	420
<i>e</i>	Special Finishes	All types	840

* “g/l” means grammes per litre of ready for use product. Except for sub-category (*a*) any water content of the product ready for use should be discounted.

THIRD SCHEDULE ANALYTICAL METHODS

Parameter	Unit	Test Method	Date of Publication
VOC Content	g/l	ISO 11890-2	2002
VOC Content where reactive dilutents are present	g/l	ASTMD 2369	2003

FOURTH SCHEDULE Limitation of Emissions of Volatile Organic Compounds due to the use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products Regulations 2007

Application for Certificate of Approval/Renewal of Certificate of Approval

Name and address of the operator of the vehicle refinishing installation:

Address of the vehicle refinishing installation if different from above:

I am applying for a certificate of approval/renewal of certificate of approval (delete as appropriate) for the above named installation under article 13/article 14 (delete as appropriate) of the above-named Regulations.

I enclose the report of the accredited inspection contractor for the above installation, together with the registration fee of €50.00.

Signature.....

Date.....

FIFTH SCHEDULE Limitation of Emissions of Volatile Organic Compounds due to the use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products Regulations 2007

CERTIFICATE OF APPROVAL

In accordance with article 17 of the Limitation of Emissions of Volatile Organic Compounds due to the use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products Regulations 2007,..... **(insert name of competent body)** hereby grants a certificate of approval, subject to the conditions and recommendations (if any) stated below, to **(insert name and address of installation)**.

The next application for annual certification of approval under the Regulations is required no later than two years after the date of this certificate.

Conditions and Recommendations for Approval:

Stamp of competent body to be affixed here:

Signature of authorised person:

Date:

GIVEN under my Official Seal,

3 May 2007

DICK ROCHE

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

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

These Regulations transpose Directive 2004/42/CE on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and

varnishes and vehicle refinishing products. Directive 2004/42/EC includes an amendment to Directive 1999/13/EC and these Regulations include a corresponding amendment to the Emissions of Volatile Organic Compounds for Organic Solvents Regulations 2002, S.I. No. 543 of 2002 .

The objective and scope of these Regulations are set out in article 3.

Part II of the Regulations introduce immediate provisions to control the volatile organic compound (VOC) content of certain paints, varnishes and vehicle refinishing products which are placed on the market. The products concerned are listed in the First Schedule and the maximum VOC content limit values for each product are set out in the Second Schedule. In accordance with article 9, labels on all products concerned must indicate the volatile organic compound content.

PART III of the Regulations introduce new certification requirements for vehicle refinishing installations from 1st March 2008. On and from that date, it will be an offence to operate a vehicle refinishing installation without a certificate of approval granted under article 17 of the Regulations.

A vehicle refinishing installation is defined in article 2, and an operator of an installation may obtain a certificate of approval from the local authority in whose area the business is located.

Also, in the case of vehicle refinishing installations, the use of vehicle refinishing products not placed on the market in accordance with the requirements of PART II of these Regulations or the requirements of the 2004 Directive, is prohibited from 1 July 2007. An exception, which is provided for in article 7(6), applies in the case of buildings and vintage vehicles of particular importance and cultural value.

Enforcement of the Regulations will be undertaken by local authorities and by the Environmental Protection Agency. In accordance with article 22(5), it will be an offence to obstruct or to withhold information from a person authorised by a local authority or the Environmental Protection Agency to carry out any function for the purposes of these Regulations.

In accordance with article 26, an offence under these Regulations may be prosecuted by the Environmental Protection Agency or a local authority. Any person found guilty of contravening or failing to comply with the Regulations faces a fine of up to €3,000 or imprisonment for up to twelve months, or both.

1 O.J. No. L 143 of 30 April 2004, pgs. 87-96.

2 O.J. No. L 85 of 29 March 1999, pgs. 1-22.

3 O.J. No. L42 of 23 February 1970, pgs. 1-15.

