

*This statutory rule replaces and revokes [S.R. 2010 No. 165](#) and accordingly it is being issued free of charge to all known recipients of the earlier statutory rule.*

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STATUTORY RULES OF NORTHERN IRELAND

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**2011 No. 2**

**ENVIRONMENTAL PROTECTION**

**The Solvent Emissions (Amendment)  
Regulations (Northern Ireland) 2011**

*Made - - - - 11th January 2011  
Coming into operation in accordance with  
regulation 1(2)*

The Department of the Environment, in exercise of the powers conferred upon it by Article 4 of the Environment (Northern Ireland) Order 2002<sup>(1)</sup>, and having, in accordance with Article 4(4) of that Order, consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies and persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies or persons as it considers appropriate, makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Solvent Emissions (Amendment) Regulations (Northern Ireland) 2011.

(2) They shall come into operation as follows—

- (a) this regulation and regulations 2 to 5, 7, 8 and 10 shall come into operation on 14 February 2011;
- (b) regulations 6 and 9 shall come into operation on 1 June 2015.

**Amendments of the Solvents Emissions Regulations (Northern Ireland) 2004 with effect from 14 February 2011**

2.—(1) The Solvents Emissions Regulations (Northern Ireland) 2004<sup>(2)</sup> are amended with effect from 14 February 2011 as follows.

(2) In regulation 2(1)—

(a) after the definition of “the 2003 Regulations” insert—

““the Solvent Emissions Directive” means Council Directive [1999/13/EC](#) of 11 March 1999 on the limitation of emissions of volatile organic compounds due

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(1) [S.I. 2002 No. 3153 \(N.I. 7\)](#)

(2) [S.R. 2004 No. 36](#) as amended by [S.R. 2010 No. 165](#)

to the use of organic solvents in certain activities and installations as amended by Directive [2008/112/EC](#) of 16 December 2008 amending Council Directives [76/768/EEC](#), [88/378/EEC](#), [1999/13/EC](#) and Directives [2002/53/EC](#), [2002/96/EC](#), and [2004/42/EC](#) of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures;”

(b) for the definition of “mixture” substitute—

““mixture” means a mixture or solution composed of two or more substances;”

(c) for the definition of “risk phrase substance or preparation” substitute—

““risk phrase substance or mixture” means a substance or mixture which, because of their content of volatile organic compounds 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 the classification, labelling and packaging of substances and mixtures<sup>(3)</sup> are assigned or need to carry the risk phrases R45, R46, R49, R60 and R 61 and a substance or mixture “becomes a risk phrase substance or mixture” when, because of its content of volatile organic compounds, it is assigned or needs to carry one of those risk phrases;”

(d) For the definition of “substance” substitute—

““substance” means any chemical element and its compounds, as they occur in the natural state or as produced by industry, whether in solid, liquid or gaseous form.”

**3.—**(1) In the following provisions for “preparation” or “preparations” substitute “mixture” or “mixtures” respectively —

- (a) Regulation 3(3)(a);
- (b) Regulation 3(3)(c);
- (c) Regulation 3(10)(a);
- (d) Regulation 3(10)(b);
- (e) Regulation 3(11)(a);
- (f) Regulation 3(11)(b);
- (g) Regulation 3(16);
- (h) Regulation 5(1)(a);
- (i) Regulation 5(2)(a);
- (j) Regulation 8(11)(e); and
- (k) Schedule 1 Part C.

**4.** In Schedule 1 Part C in the first column of the table for “risk phase R40” substitute “risk phrase R40 or R68”.

**5.—**(1) In the following provisions for “the Solvent Emissions Directive” substitute “Council Directive [1999/13/EC](#) of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations as amended by Directive [2008/112/EC](#) of the European Parliament and of the Council of 16 December 2008 amending Council Directives [76/768/EEC](#), [88/378/EEC](#), [1999/13/EC](#) and Directives [2002/53/EC](#), [2002/96/EC](#), and [2004/42/EC](#) of the European Parliament and of the Council in order to adapt

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(3) OJ L 353, 13.12.2008, p.1,

them to Regulation (EC) No1272/2008 on classification, labelling and packaging of substances and mixtures”.

- (a) The heading of Regulation 3;
- (b) Regulation 3(7);
- (c) Regulation 3(12);
- (d) The heading of Regulation 4;
- (e) The heading of Regulation 5;
- (f) Regulation 8(2)(i);
- (g) Regulation 8(2)(j);
- (h) Regulation 8(6);
- (i) Regulation 8(11)(e);
- (j) Schedule 1 Part C paragraph 1;
- (k) Schedule 2 Part 3 paragraph 15(3); and
- (l) Schedule 2 Part 3 paragraph 18(1).

#### **Amendments of the Solvents Emissions Regulations (Northern Ireland) 2004 with effect from 1<sup>st</sup> June 2015**

6.—(1) The Solvents Emissions Regulations (Northern Ireland) 2004 are amended with effect from the 1 June 2015 as follows.

- (a) In the following provisions for “risk phrases” substitute “hazard statements”—
  - (i) Regulation 2;
  - (ii) Regulation 3(1)(a)(iii);
  - (iii) Regulation 3(3)(a);
  - (iv) Regulation 3(10)(a);
  - (v) Regulation 3(10)(b);
  - (vi) Regulation 3(11)(a);
  - (vii) Regulation 3(11)(b);
  - (viii) Regulation 3(16);
  - (ix) Regulation 5(1)a;
  - (x) Regulation (2)(a);
  - (xi) Regulation 8 (11)(e); and
  - (xii) Schedule 1 Part C 1<sup>st</sup> column.
- (b) In Schedule 1 Part C in the first column for “the risk phrases R40 or R68” substitute “the hazard statements H341 or H351”.

#### **Amendments of the Pollution Prevention and Control Regulations (Northern Ireland) 2003 with effect from 14 February 2011**

7.—(1) The Pollution Prevention and Control Regulations (Northern Ireland) 2003(4) are amended with effect from 14 February 2011 as follows.

- (2) In regulation 2(2) for the definition of “the Solvent Emissions Directive” substitute—

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(4) S.R. 2003 No. 46 as amended by S.R. 2010 No. 165

““the Solvent Emissions Directive” means Council Directive [1999/13/EC](#) of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations as amended by Directive [2008/112/EC](#) of 16 December 2008 amending Council Directives [76/768/EEC](#), [88/378/EEC](#), [1999/13/EC](#) and Directives [2002/53/EC](#), [2002/96/EC](#), and [2004/42/EC](#) of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.”

(3) In regulation 2(2) for the definition of “mixture” substitute—

““mixture” means a mixture or solution composed of two or more substances.”

(4) in the following provisions for “preparation” or “preparations” substitute “mixture” or “mixtures” respectively —

- (a) Schedule 1, Part 1, Chapter 6, Section 7, Part C;
- (b) Schedule 1, Part 2, Paragraph 14(2);
- (c) Schedule 5 “Air”, Paragraph 12; and
- (d) Schedule 5 “Water”, Paragraph 4.

(5) In Schedule 1, Part 1, Chapter 6, Section 7, Part C—

(a) in the first column of the table for “risk phase R40” substitute “risk phrases R40 or R68”;

(6) In Schedule 3, Part 1, paragraph 5(3) for “the Solvent Emissions Regulations (Northern Ireland) 2003” substitute “the Solvent Emissions Regulations (Northern Ireland) 2004”.

#### **Amendments of the Pollution Prevention and Control Regulations (Northern Ireland) 2003 with effect from 14 February 2011**

8.—(1) The Pollution Prevention and Control Regulations (Northern Ireland) 2003 are amended with effect from 14 February 2011 as follows.

(2) For paragraph 1B(2)(ii) of Schedule 4 substitute—

“(ii) where there is used in the SED installation 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 (5) 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 by taking into account the guidance referred to in Article 7(1) of the SED, by less harmful substances or mixtures within the shortest possible time”.

#### **Amendments of the Pollution Prevention and Control Regulations (Northern Ireland) 2003 with effect from 1st June 2015**

9.—(1) The Pollution Prevention and Control Regulations (Northern Ireland) 2003 are amended with effect from the 1 June 2015 as follows.

(2) For paragraph 1B(2)(ii) of Schedule 4 substitute—

“(ii) where there is used in the SED installation substances or mixtures which, because of its 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 (6) are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F shall be replaced, as far as possible and by taking into account the guidance mentioned in

Article 7(1) of the SED, by less harmful substances or mixtures within the shortest possible time”.

(3) In Schedule 1 Part 1, Chapter 6, Section 7 for “the risk phrases R40 or R68” substitute “the hazard statements H341 or H351”.

(4) In the following provisions for “risk phrases” substitute “hazard statements”—

- (i) Schedule 1, Part 1, Chapter 6, Section 7, Part C; and
- (ii) Schedule 4, paragraph 1B(2)(ii).

### **Revocations**

- 10.** The Solvent Emissions (Amendment) Regulations (Northern Ireland) 2010 are revoked.

Sealed with the Official Seal of the Department of the Environment on 11th January 2011.



*Denis McMahon*  
A senior officer of the Department of the  
Environment

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Directive [2008/112/EC](#) of the European Parliament and of the Council of 16 December 2008 amending Council Directives [76/768/EEC](#), [88/378/EEC](#), [1999/13/EC](#) and Directives [2000/53/EC](#), [2002/96/EC](#) and [2004/42/EC](#) of the European Parliament and of the Council in order to adapt them to Regulation [\(EC\) No 1272/2008](#) on classification, labelling and packaging of substances and mixtures (O.J. No. L 345/68, 23.12.2008) (the “Directive”).

The Regulations make amendments to the Solvents Emissions Regulations (Northern Ireland) 2004 and the Pollution Prevention and Control Regulations (Northern Ireland) 2003. There are amendments to both sets of regulations which come into operation at different times.

Regulation 1 contains citation details.

Regulations 2 to 5 (inclusive) set out the amendments to the Solvents Emissions Regulations (Northern Ireland) 2004 which apply from 14 February 2011.

Regulation 6 sets out the amendments to the Solvents Emissions Regulations (Northern Ireland) 2004 which apply from 1 June 2015.

Regulation 7 sets out the amendments to the Pollution Prevention and Control Regulations (Northern Ireland) 2003 which apply from 14 February 2011.

Regulation 8 sets out the amendments to the Pollution Prevention and Control Regulations (Northern Ireland) 2003 which apply from 14 February 2011.

Regulation 9 sets out the amendments to the Pollution Prevention and Control Regulations (Northern Ireland) 2003 which apply from 1 June 2015.

Regulation 10 revokes the Solvents Emissions (Amendment) Regulations (Northern Ireland) 2010.