



STATUTORY INSTRUMENTS.

S.I. No. 564 of 2012



EUROPEAN UNION (PAINTS, VARNISHES, VEHICLE REFINISHING
PRODUCTS AND ACTIVITIES) REGULATIONS 2012

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I, PHIL HOGAN, 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—

PART I

PRELIMINARY AND GENERAL

Citation

1. These Regulations may be cited as the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012.

Commencement

2. These Regulations come into operation on 1 January, 2013.

Definitions

3. (1) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

(2) In these Regulations—

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

“approved assessor” means a person approved by the Agency in accordance with Regulation 8;

“Commission” means the European Commission;

“Competent authority” has the meaning assigned by Regulation 6;

“Connected persons” means brothers, sisters, ancestors or lineal descendants, uncles, aunts, nieces or nephews.

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 1st January, 2013.

“Directive” means Directive 2004/42/CE of the European Parliament and the Council of 21 April 2004 as amended by Directive 2010/79/EU of 19 November 2010;

“Local authority” has the meaning assigned to it by the Local Government Act 2001 (No. 37 of 2001);

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

“Operator” means the person who owns or otherwise has responsibility for a premises that serves as a vehicle refinishing installation;

“Premises” means any messuage, building, vessel, vehicle, container, structure or land or any hereditament of any tenure, together with any out-buildings and curtilage;

“Record” includes, in addition to a record in writing—

- (a) a disc, tape, sound-track or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,
- (b) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and
- (c) a photograph;

“Vehicle refinishing installation” means any industrial or commercial coating activity and associated degreasing activities performing the coating of road vehicles as defined in Directive 2007/46/EC³, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations.

Objective and Scope

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

- (a) to control the placing on the market of paints, varnishes and vehicle refinishing products listed in Schedule 1, and
- (b) to regulate and control emissions from vehicle refinishing activities.

(2) These Regulations limit the total content of volatile organic compounds in certain paints, 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.

³OJ No. L 263, 9 October 2007, p.1

(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

5. 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

6. (1) The Agency is the competent authority in the State for the purposes of the Directive and these Regulations.

(2) The Agency shall exercise general supervision over the functions and actions of local authorities to which responsibilities are assigned by these Regulations and shall provide guidance, advice or binding instructions, as appropriate.

(3) For the purposes of verifying compliance with these Regulations the Agency may carry out, or cause to be carried out, random inspections of

- (a) manufacturers, producers, suppliers, wholesalers and major retailers of any or all of the products listed in Schedule 1, and
- (b) vehicle refinishing installations.

(4) The Agency may publish best practice guidelines regarding the operation of vehicle refinishing installations.

Role of Local Authority

7. (1) Each local authority is responsible for the enforcement of these Regulations within their functional area and shall take such steps as are necessary for this purpose.

(2) Each local authority shall, in respect of its functional area and in the format specified by the Agency, establish and thereafter maintain a register of-

- (a) manufacturers, producers, suppliers, wholesalers and major retailers of any or all of the products listed in Schedule 1, and
- (b) vehicle refinishing installations that have been issued with a certificate of compliance by a local authority under Regulation 17.

(3) Each local authority shall, in respect of its functional area, ensure that the following information is made available to the public on the local authority website-

- (a) a list of certified operators of vehicle refinishing installations and the address of their premises, and
 - (b) a copy of these Regulations and any best practice guidelines published by the Agency under Regulation 6(4) regarding the operation of installations to which these Regulations apply.
- (4) Each local authority 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 Regulations 9 and 11; 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).

Approved Assessors

8. (1) The Agency may appoint as approved assessors such persons or bodies as it considers possesses the appropriate knowledge, training and experience to assess the compliance of vehicle refinishing installations with these Regulations.

(2) The Agency shall, within 14 days of these Regulations coming into effect, appoint an interim approved assessor for the purpose of assessing the compliance of vehicle refinishing installations until such time as the establishment of a national panel of approved assessors.

(3) The Agency shall, before 30 September 2013, establish a national panel of approved assessors for the purpose of assessing the compliance of vehicle refinishing installations with these Regulations.

(4) The Agency shall thereafter review the national panel of approved assessors at least every three years.

(5) An approved assessor appointed by the Agency under Regulations giving effect to Chapter V of Council Directive 2010/75/EU⁴ of 24 November 2010 may also be appointed by the Agency as an approved assessor for the purpose of these Regulations.

(6) An approved assessor shall not assess the compliance of a vehicle refinishing installation—

- (a) which is owned by him or her,
- (b) which is owned by a connected person,
- (c) which is to be sold or let by him or her or a connected person in their capacity as a sales or letting intermediary, or

⁴OJ No. L 334, 17 December, 2010, p.17

(d) in any other circumstances in which they have a material or financial interest in the outcome of preparing the report other than the fee charged for carrying out the inspection.

(7) An administration fee payable to the Agency, which shall not exceed €500, shall accompany an application for appointment or renewal as an approved assessor.

(8) The Agency may charge an annual fee, which shall not exceed €200, to approved assessors from the date twelve months after their appointment to the national panel to offset the costs incurred by the Agency in auditing the performance of the approved assessors.

(9) An approved assessor shall provide information to the Agency or local authority for the purposes of allowing the Agency or local authority to audit the performance of the approved assessor including, where requested, the dates, times and locations of any forthcoming assessment visits of any vehicle refinishing installation.

(10) The Agency or local authority may at any time accompany an approved assessor for the purpose of witnessing the assessment of a vehicle refinishing installation.

(11) The Agency may at any time revoke with immediate effect the appointment of any person or body as an approved assessor and remove such person or body from the national panel of approved assessors established under paragraph 3 and shall notify the person or body in writing together with the reasons for the revocation and the person or body may appeal the refusal or revocation in the manner set down by the Agency.

(12) The Agency may, with the consent of the Minister, appoint one or more persons who, in the opinion of the Agency, have the relevant knowledge and experience in relation to carrying out an inspection of an installation to which these Regulations apply to be an appeals officer for the purposes of this regulation (in this regulation referred to as an 'appeals officer')

(13) An appeals officer shall be independent in the performance of his or her functions under this Regulation.

(14) An appeals officer shall consider an appeal and shall, in accordance with any procedures, allow or refuse the appeal

PART II

PLACING ON THE MARKET OF PRODUCTS LISTED IN SCHEDULE 1

Placing on the Market Prohibition

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.

(2) Without prejudice to paragraph (1), a product listed in Schedule 1 shall not be placed on the market save in compliance with the product labelling requirements under Regulation 11.

(3) Where solvents or other components containing solvents are required to be added to a product listed in Schedule 1 in order for that product to be made ready for use, the relevant limit value specified in Schedule 2, as appropriate, shall apply in respect of the volatile organic compound content of the said product in its final ready for use condition.

(4) The requirements of paragraphs (1) and (2) do not apply to products placed on the market and sold for exclusive use in an activity listed in Part 1 of Annex VII of Council Directive 2010/75/EU.

(5) Notwithstanding the provisions of paragraphs (1) and (2), the Agency or local authority 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 exceed the relevant volatile organic compound limit values specified in Schedule 2, as appropriate.

Analytical Methods

10. The analytical methods for determining compliance with the volatile organic compound content limit values specified in Schedule 2 are those methods specified in Schedule 3.

Product Labelling

11. A product listed in Schedule 1 shall carry a label indicating—

- (a) the relevant sub-category of Schedule 1,
- (b) the relevant volatile organic compound limit value for the product, expressed in grammes per litre (g/l), prescribed in Schedule 2, 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

12. (1) Where a breach of Regulation 9 or Regulation 11 has occurred, the operator of the premises concerned shall inform the relevant local authority within the shortest possible time and take appropriate measures to remove the relevant non-compliant product from circulation and manage the recovery or disposal of the said product in accordance with relevant waste management legislation.

(2) In the event of a premises being supplied with a product prohibited under Regulation 9 or not labelled in compliance with the requirements of Regulation 11, 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

VEHICLE REFINISHING ACTIVITIES

Compliance of Vehicle Refinishing Installations

13. (1) A vehicle refinishing installation shall not commence to operate, or continue in operation, without a current certificate of compliance issued by a local authority in accordance with Regulation 17.

(2) The operator of a vehicle refinishing installation shall display their current certificate of compliance at their premises.

(3) The operator of a vehicle refinishing installation shall operate the installation at all times in accordance with the relevant waste management legislation.

Application for a Certificate of Compliance

14. (1) An application for a certificate of compliance by an operator shall be submitted in writing in the form prescribed in Schedule 4 to the local authority in whose functional area the installation is located unless otherwise directed by the local authority.

(2) An application for a certificate of compliance shall be accompanied by a report on the compliance of the vehicle refinishing installation with these Regulations prepared by an approved assessor appointed by the Agency.

(3) An application for a certificate of compliance shall be accompanied by an application fee of €70.00 payable to the local authority.

Renewal of a Certificate of compliance

15. (1) A certificate of compliance shall be renewed by an operator prior to its expiry.

(2) An application for a renewal of a certificate of compliance shall be submitted in writing to the relevant local authority, in the form prescribed in Schedule 4, not less than 28 days prior to expiry of the current certificate of compliance.

(3) A certificate of compliance that has expired shall not be renewed.

(4) Where a certificate of compliance has expired without being renewed the operator must apply for a new certificate of compliance under Regulation 14 and shall not continue in operation until this has issued.

(5) An application for a renewal of a certificate of compliance shall be accompanied by a report on the compliance of the vehicle refinishing installation prepared by an approved assessor appointed by the Agency.

(6) An application for a renewal of a certificate of compliance shall be accompanied by an application fee of €50.00 payable to the local authority.

Reports by Approved Assessors

16. (1) A report prepared by an approved assessor under Regulation 14 or 15 shall—

- (a) be prepared having regard to any best practice guidelines published by the Agency under Regulation 6(4),
- (b) have regard to any further guidance prepared by the Agency on common formats for reporting monitoring data,
- (c) state whether the application for a certificate of compliance or the application for renewal of a certificate of compliance, 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 compliance, as the case may be, include such recommendations or conditions as the approved assessor considers necessary to ensure that the installation concerned is established and operated in compliance with these Regulations.

(2) For the purposes of paragraph 1(d), any recommendations and conditions shall be consistent with any best practice guidelines published by the Agency under Regulation 6(4).

Issuing of Certificates of Compliance

17. (1) Within 28 days of receipt of an application for a certificate of compliance under Regulation 14, the local authority concerned shall, where it is satisfied that the report from the approved assessor demonstrates that the vehicle refinishing installation concerned satisfies the requirements of these Regulations as well as any conditions required by the local authority and provided the application fee has been submitted, grant a certificate of compliance to the applicant in the form specified in Schedule 5 and shall include such conditions, if any, proposed in the report from the said approved assessor or required by the local authority.

(2) Within 28 days of receipt of an application for renewal of a certificate of compliance submitted under Regulation 15, the local authority concerned shall, where it is satisfied that the report from the approved assessor demonstrates that the vehicle refinishing installation concerned satisfies the requirements of these Regulations, as well as any conditions required by the local authority and provided the application fee has been submitted, grant a renewal of a certificate of compliance to the applicant in the form specified in Schedule 5 and shall include such conditions, if any, proposed in the report from the said approved assessor or required by the local authority.

(3) A certificate of compliance granted under paragraph 1 or paragraph 2 shall, subject to compliance with any conditions contained therein, be valid for no longer than three calendar years from the date of issue and shall state the date on which it expires.

(4) Where the local authority has reasonable grounds for suspecting that a vehicle refinishing installation is not being operated in compliance with these Regulations it may refuse to grant a certificate of compliance or to renew a certificate of compliance, as the case may be, and shall state the reason for the refusal.

(5) (a) Where the local authority is not satisfied that a report from an approved assessor satisfies the requirements of these Regulations, it may—

(i) request additional information or a further report from the approved assessor 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 28 day period specified in paragraphs 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 paragraphs 1, 2, 4 or 5(a)(i) shall be notified in writing by the local authority concerned to the applicant.

(7) Certificates of approval issued by a local authority under 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 (S.I. No. 199 of 2007) that were valid on 31 December 2012 may be renewed by a local authority under these Regulations to be valid up to 30 September 2016.

(8) A local authority may revoke a certificate of compliance issued under these Regulations before its expiry date where it has reasonable grounds for suspecting that a vehicle refinishing installation is not being operated in compliance with these Regulations or if there is a failure by the operator to provide data enabling the local authority to verify compliance either annually or when requested.

Instances of Non-Compliance

18. (1) Where the operator of a vehicle refinishing installation to which these Regulations apply 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 their local authority immediately; and

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

(2) The local authority shall require the operator to take any appropriate complementary measures that it considers necessary to restore compliance.

(3) In the case of an instance of non-compliance with the requirements of these Regulations which poses an immediate danger to human health, or threatens to cause an immediate significant adverse effect upon the environment, the operation of the installation or relevant part thereof shall be suspended until compliance is restored to the satisfaction of the local authority.

(4) For the purposes of paragraph (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.

(5) In the event of a vehicle refinishing installation being supplied with a product prohibited under Regulation 9 or not labelled in compliance with the requirements of Regulation 11, 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.

Incidents and Accidents

19. (1) Notwithstanding the European Communities (Environmental Liability) Regulations 2008 (S.I. No. 547 of 2008), in the event of any incident or accident occurring which could significantly affect the environment, the operator shall—

- (a) inform the local authority immediately; and
- (b) immediately take any measures necessary to limit the environmental consequences and to prevent further possible incidents.

(2) The local authority shall require the operator to take any appropriate complementary measures that it considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.

PART IV

MONITORING, REPORTING AND ENFORCEMENT

Monitoring

20. (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 Regulation 9(5).

(2) Each local authority shall carry out or cause to be carried out, in respect of its functional area—

- (a) 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.

Authorised Persons

21. (1) The Agency or a local authority may appoint in writing any person to be an authorised person for the purposes of ensuring compliance with these Regulations.

(2) Any person appointed as an authorised person for the purposes of Section 7 of the Air Pollution Act 1987 (No. 6 of 1987) shall also be considered to be an authorised person for the purposes of these Regulations.

(3) An authorised person shall be furnished with a certificate of his or her appointment and when exercising a power conferred on him or her under these Regulations shall, if requested by any person thereby affected, produce the certificate or a copy of it to that person for inspection.

(4) Subject to paragraph 5, an authorised person may for the purpose of insuring that these Regulations are being complied with—

- (a) at all reasonable times, enter any premises which he or she has reason to believe is being operated as a manufacturer, producer, supplier, wholesaler or retailer of any or all of the products listed in Schedule 1 and inspect the premises,
- (b) at all reasonable times, enter any premises which he or she has reason to believe is being operated as a vehicle refinishing installation and inspect the premises,
- (c) require the operator of the premises or connected with any equipment at that premises to produce to him or her any records that are in the operator's power or control and to give to him or her such information as he or she may reasonably require in relation to any substances or mixtures that is used, prepared or stored at the premises,
- (d) inspect and take copies of, or take extracts from, any such records,
- (e) there or at any other place carry out or have carried out such examinations, inspections or tests of any substances or mixtures or equipment found on the premises and, if the authorised person so thinks fit, remove or have removed from there for a reasonable period to facilitate such examination, testing or inspection,
- (f) examine any procedure connected with the premises to which these Regulations apply or maintenance of equipment found on the premises,
- (g) take, without payment, such samples of any substances or mixtures as the authorised person may reasonably require and carry out or have carried out on such samples there or elsewhere such checks and inspections as he or she considers necessary,

(h) seize and detain products listed under Schedule 1 where the authorised person reasonably suspects that the volatile organic compound content for the said products exceed the relevant limit value specified in Schedule 2 or where the products are not labelled in accordance with the requirements of Regulation 11.

(5) An authorised person shall not, other than with the consent of the occupier, enter a private dwelling unless he or she has obtained a warrant from the District Court under paragraph 7 authorising such entry.

(6) An authorised person, where he or she considers it necessary, may be accompanied by a member of the Garda Síochána when performing any powers conferred on an authorised person by this Regulation.

(7) If a judge of the District Court is satisfied, on the sworn information of an authorised person that there are reasonable grounds for suspecting that a premises or private dwelling is being used as a vehicle refinishing installation, the judge may issue a warrant authorising an authorised person or persons, accompanied, if appropriate, by a member or members of the Garda Síochána at any time within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter those premises or part of it, if need be by reasonable force, and exercise all or any of the powers conferred on an authorised officer under this Regulation.

(8) An operator shall comply with any reasonable request made by an authorised person and shall not obstruct or interfere with an authorised person carrying out their duties under these Regulations.

Sampling of Products

22. (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, attach to the container or packaging, as the case may be, a label specifying the date on which the sample was taken, the premises 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 paragraph 1, 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

23. (1) The operator of a premises or vehicle refinishing installation to which these Regulations apply shall supply any information, record or data requested by a local authority or the Agency for the purpose of verifying compliance with these Regulations.

(2) An operator shall not provide any information, record or data that is false or misleading.

Reporting

24. (1) 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 Regulation 20(1).

(2) Local authorities shall supply to the Agency, upon request, any record or data with regard to the enforcement of these Regulations for the purposes of paragraph 1.

Offences

25. A person or body who contravenes a provision of these Regulations is guilty of an offence.

Penalties

26. (1) A person guilty of an offence under these Regulations is liable on summary conviction to a fine not exceeding a class A fine or imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(2) A person guilty of an offence under these Regulations is liable on 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.

Prosecutions

27. (1) An offence under these Regulations may be brought and prosecuted summarily by, as appropriate, the Agency or a local authority.

(2) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under these Regulations may be initiated at any time within 2 years from the date of the commission of the offence.

(3) Where a person or body is convicted of an offence under these Regulations the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the Agency or local authority, as the case may be, the costs and expenses, measured by the court, incurred by the Agency or local authority in relation to the investigation, detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisers, as the case may be.

(4) Where a court imposes a fine, or affirms or varies a fine imposed by another court for an offence under these Regulations, arising from a prosecution taken by the Agency or a local authority, it shall, on the application of the Agency or local authority (made before the time of such imposition, affirmation or variation), provide by order for the payment of the amount of the fine to the Agency or local authority concerned.

(5) The cost of the disposal of a product that has been seized by an authorised person under Regulation 21(4) may be recovered by the Agency or a local authority from the person who was the owner of the product at the time it was seized as a simple contract debt in any court of competent jurisdiction.

Revocation

26. The following are revoked:

- (a) 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 (S.I. No. 199 of 2007), and
- (b) The Limitation of Emissions of Volatile Organic Compounds due to the use of Organic Solvents in Certain Paints, Varnishes and Vehicle Refinishing Products Regulations (Amendment) 2012 (S.I. No. 186 of 2012).

SCHEDULE 1**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 under-coats 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 5µm 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 2007/46/EC, 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

pro-mote 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 and 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.

SCHEDULE 2

Part 1. Maximum VOC content limit values for paints and varnishes

	Product Sub-category	Type	VOC Limit Value (g/l)*
<i>a</i>	Interior matt walls and ceilings (Gloss less than or equal to 25@60□)	WB	30
		SB	30
<i>b</i>	Interior glossy walls and ceilings (Gloss greater than 25@60□)	WB	100
		SB	100
<i>c</i>	Exterior walls of mineral substrate	WB	40
		SB	430
<i>d</i>	Interior/exterior trim and cladding paints for wood and metal	WB	130
		SB	300
<i>e</i>	Interior/exterior trim varnishes and woodstains including opaque woodstains	WB	130
		SB	400
<i>f</i>	Interior and exterior minimal build woodstains	WB	130
		SB	700
<i>g</i>	Primers	WB	30
		SB	350
<i>h</i>	Binding primers	WB	30
		SB	750
<i>i</i>	One-pack performance coatings	WB	140
		SB	500
<i>j</i>	Two pack reactive performance coatings for specific end use such as floors	WB	140
		SB	500
<i>k</i>	Multi-coloured coatings	WB	100
		SB	100
<i>l</i>	Decorative effect coatings	WB	200
		SB	200

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

Part 2. Maximum VOC content limit values for vehicle refinishing products

	Product Sub-category	Coatings	VOC (g/l)*
<i>a</i>	Preparatory and cleaning	Preparatory	850
		Pre-cleane	200
<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 of ready for use product. Except for subcategory (*a*) any water content of the product ready for use should be discounted.

SCHEDULE 3**METHODS REFERRED TO IN REGULATION 10**

Permitted method for products with VOC content below 15% by mass where reactive diluents are not present:

Parameter	Unit	Test	
		Method	Date of Publication
VOC Content	g/l	ISO 11890-2	2006

Permitted method for products with volatile organic compound content equal to or greater than 15% mass where reactive diluents are not present:

Parameter	Unit	Test	
		Method	Date of Publication
VOC Content	g/l	ISO 11890-1	2007
VOC Content	g/l	ISO 11890-2	2006

Permitted method for products with volatile organic compound content where reactive diluents are present:

Parameter	Unit	Test	
		Method	Date of Publication
VOC Content	g/l	ASTMD 2369	2003

SCHEDULE 4

Application for a Certificate of Compliance/Renewal by an operator of a vehicle refinishing installation

1. Name and address of the operator:
2. Address of the vehicle refinishing installation if different from 1 above:
3. (a) Have you previously been issued with a certificate for this installation?
(b) If yes to 3(a), please state the date of expiry of the previous certificate:

Enclosed:

Report from an approved assessor appointed by the Environmental Protection Agency on the compliance of the vehicle refinishing installation; and

Fee of € payable to the local authority.

Signature.....

Date.....

SCHEDULE 5

CERTIFICATE OF COMPLIANCE

In accordance with Regulation 17 of the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012,

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

hereby grants a certificate of compliance to:

.....(*insert name and address of installation*)

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

This certificate of compliance will expire on (*insert date*) unless revoked sooner by (*insert name of local authority*).

An application for the renewal of this certificate of compliance shall be made in writing to (*insert name of local authority*) not less than 28 days prior to the expiry date above.

Conditions:

Stamp of local authority to be affixed here:

Signature of authorised person:

Date:



GIVEN under my Official Seal,
21 December 2012.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

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

These Regulations replace previous regulations made to transpose Directive 2004/42/CE, as amended, on the limitation of emissions of volatile organic compounds (VOCs) due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products.

These Regulations designate the Environmental Protection agency (EPA) as the competent authority, having a monitoring/supervisory role in enforcement. Local authorities also have responsibilities for general enforcement and inspection activities.

Paints, varnishes and vehicle refinishing products listed in Schedule 1 of these regulations can be placed on the market only if their VOC contents are equal to or lower than the values outlined in Schedule 2. Additionally, the product containers must be labelled to inform users of the product category, subcategory (Schedule 1), the maximum allowable VOC contents of the product (Schedule 2) and maximum VOC content of the product in its ready to use form. It is an offence to place on the market non-compliant products. Also, a producer, wholesaler or retailer who receives a non-compliant product must notify the EPA and take measures to minimise the risk to human health and the environment. An exception may be provided for in the case of products sold exclusively for use for buildings and vintage vehicles of particular importance and cultural value.

These Regulations oblige operators of vehicle refinishing installations to hold a current certificate of compliance. It is an offence to operate a vehicle refinishing for repair installation without a valid certificate of compliance. To obtain this certificate, operators must first arrange for an approved assessor, appointed by the EPA, to review their operations and obtain a compliant report. The EPA may produce best practice guidelines to assist operators in this process.

The resulting compliant assessment report along with a completed registration application form and registration fee must be submitted to and approved by the local authority in whose functional area the facility is located. Local authorities must then decide whether or not to issue a certificate of compliance, what conditions, if any, to apply and inform the operator of the decisions within 28 days of receipt of the application. Certificates of approval must be renewed by an operator every three years. Other requirements on vehicle refinishing operators under this legislation include:

- Immediate notification of the local authority on becoming aware of any breaches of the Regulations and restoration of compliance in the shortest possible time.

- Immediate cessation of any operation which is likely to endanger human health or the environment and the immediate notification of the local authority.
- Notification of the EPA of receipt of any unauthorised non compliant product.

An offence under these Regulations may be prosecuted by the EPA or a local authority. Any person found guilty of contravening or failing to comply with these Regulations faces a fine of up to €5,000 or imprisonment for up to six months, or both.

Le ceannach ó
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