

# Limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products

2002/0301(COD) - 27/05/2011 - Follow-up document

In accordance with the requirements of Directive 2004/42/EC 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 ("the Paints Directive"), the Commission presents a report giving:

- a summary of the state of transposition of the Directive;
- an assessment of the implementation of the Directive in Member States;
- an analysis of the possibility of further reduction of the volatile organic compounds ("VOC") content limits.

**Transposition:** whilst few Member States met the deadline of 30 October 2005, all Member States completed transposition for the whole national territory shortly after that date. The Commission has not identified any major instances of non-conformity of the Member States' transposing legislation.

**Implementation:** at the time of gathering the data for this report (covering the year 2007), the implementation of the Paints Directive in Member States was still in its very early stages as the VOC limits from Annex I only apply from 1 January 2007. Furthermore, the Directive granted a one year transitional period allowing non-compliant products produced before 1 January 2007 to be placed on the market. The information received so far shows that many Member States have established programmes for monitoring compliance of products placed on the market. However, the Commission has indications that in 2007 several Member States were still behind schedule in setting up their inspection programmes. Adequate monitoring of manufacturers and importers is of particular importance for ensuring compliance with the Directive's VOC limits and labelling obligations.

Improvements to the monitoring programmes and practices are therefore required and Member States will be encouraged to share their experiences and learn from established best practices. It is expected that a more thorough evaluation of Member States' compliance with the Directive's monitoring obligations will be possible on the basis of the second national implementation reports covering the year 2010 which are due by 30 June 2011.

With regard to compliance, the report notes that several cases of non-compliance were found during the inspections. The number of breaches of the VOC limits was generally below 5% of the cases, while breaches of the labelling requirements were more frequent and often around 20%.

**Review of the Paints Directive: with the assistance of external consultants, the Commission performed** an assessment on measures that could potentially result in a further reduction of VOC emissions, i.e. the widening of the scope of the Directive and the tightening of its VOC limit values for vehicle refinishing products. It found that even regulating a very wide range of different products would deliver only modest potential emission reductions and this would come with significant implementation problems, as well as with increased administrative burden and costs. In particular, important concerns remain with regard to the uncertain impacts on consumer behaviour and the likely increase of the administrative burden of regulating non-coating products.

**Options for scope extension:** during the review, the environmental, economic and social impacts of 17 options for a possible extension of the scope of the Paints Directive were assessed. One of the products assessed was **aerosol for paints and varnishes**, which is explicitly mentioned in the Directive. The option of including such paints in the scope of the Directive was found to have a very small VOC reduction potential. Furthermore, this product group comprises a high variety of product types used for different purposes, which would make defining appropriate VOC limits difficult and monitoring complex. Introducing limit values for the VOC content of these products in the Directive would in fact require switching to other coating systems, but the existing alternatives may cause a loss of product performance. A phase out of the aerosols for paints and varnishes was therefore considered to be inappropriate. Amongst the other options considered, the highest potential for VOC reduction (126 kt/y) was expected from introducing a VOC limit value (10%) for **deodorants and anti-perspirants**. However, this measure was not recommended as it would de facto ban the use of aerosol- and pump-type spray systems and the existing alternatives seem to have limited acceptance from consumers. Further research to allow the development of alternative spraying systems for deodorants is therefore needed before considering this option further. None of the remaining options were estimated to reduce VOC emissions by more than 40 kt/year. For the **non-coating products** in particular, there is a lack of knowledge on the anticipated market evolution and consumer behaviour to fully assess the potential effects of their inclusion in the scope of the Directive.

**Stricter VOC limit values for vehicle refinishing products:** Annex II(B) of the Paints Directive sets out the maximum VOC content of vehicle refinishing products. The feasibility and impacts of strengthening the VOC limit values for each of the vehicle refinishing product subcategories have been assessed. The overall conclusion from this assessment was that it would not be appropriate to propose stricter VOC limit values for these coatings: (i) for most of the subcategories it was found not to be feasible to lower the limit values, either because no products with lower VOC content are expected to be available on the market soon or because of a lack of appropriate test methods; (ii) for the topcoats and for the special finishes, the options for optimizing the current requirements were estimated to deliver a VOC reduction of only about 3,5 kt/year while potentially increasing the administrative burden because of more complicated monitoring.

Lastly, the Commission notes that a strengthening of the existing VOC emission reduction measures seems not to be required to achieve the intermediate objectives of the [2005 Thematic Strategy on Air Pollution](#). This will be further assessed over the coming years as part of the ongoing work related to the review of the Thematic Strategy. Therefore, amending the scope or limit values of the Paints Directive is not justified at this stage.