

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) - 07/01/2004 - Council position

To recall, at its plenary session of 23 September 2003, the European Parliament adopted 40 amendments to the Commission proposal, out of the 83 amendments that were tabled. Out of the 40 amendments adopted, the Commission accepted 16 either in full, or in part or in principle. Out of the 40 amendments adopted by Parliament, the Council incorporated 26 amendments in full, in part or in principle. Further to these amendments from Parliament, the Council also introduced a number of own, new amendments to the Commission's proposal. As regards the amendments incorporated in full or in part in the Common position, these concern the following issues: - requesting an explicit reference to the products covered by the Directive; - the need for allowing special paints etc. for the maintenance of old and treasures vehicles; - deleting the reference to human health from Article 1; - clarifying that the Directive does not preclude or prejudice national or Community measures for the protection of the health of workers or consumers is covered in substance by Article 1 paragraph 4; - on the definition of VOC content which is covered in its entirety by the new version of Article 2 paragraph 2. As a consequence, a clarification has also been added related to products in their ready for use condition; - on the definition of "coating"; - emphasising that the Directive does not prejudice nor affect National or Community measures for the protection of health of workers and their working environment with a higher level of protection is covered in substance by the new paragraph 4 of Article 1; - pointing to the need allow the sales in limited quantities of products, which do not comply with the VOC limit values, for the repair of vintage is modified accordingly; - on labelling is partly taken up in Article 4, while recital 12 specifies that the Directive complements Community provisions on the labelling of chemical substances and preparation. In this context, moreover, it is recalled that Article 1 paragraph 4 on further Community or national measures also applies to labelling requirements; - allowing Member States to grant derogations for special paints for the restoration and maintenance of building of special historical value is covered; - on measures to protect the health of workers; - on the definition of "matt coatings for interior walls and ceilings" has been taken in full and Annex II.A a) has been modified accordingly; - on the definition of vehicle refinishing products is taken up in part. However, the additional coverage of other activities (the original coating of road vehicles and the coating of trailers) was not supported by the Council. As regards the main innovations introduced by Council, these aim to: - delete the term "decorative" used to specify the paints covered by the Directive. The term "decorative paints" did not correspond to common usage in some Member States and were perceived as being too restrictive. The sub-categories of products covered by the Directive are exhaustively listed in Annex I; - add definitions of "preparation", "film" and "placing on the market"; - to revise the definition of "VOC content"; - on the issue of Requirements : include a reference to the new Annex III, listing the analytical methods to be used for determining compliance with the Directive; - include a derogation for products used exclusively in registered or authorised installations according to Directive 1999/13/EC, where pollution abatement equipment is used (to avoid repetitions); - include a transitional arrangement in respect to existing stocks; - stipulate that the deadlines for the first two reports on the implementation of the Directive has been fixed to 18 months after the dates for compliance with limit values laid down in Annex II, i.e.: 1 January 2007 and 1 January 2010. The following reports will be prepared every five years; - clarify that the Commission's review has been entirely reformulated in the Council's common position. According to this Article, the Commission is invited to present to the European Parliament and to the Council two reports, accompanied, if appropriate, by proposals to amend the Directive. Paragraphs 1 and 2 of Article 9 contain a list of elements which the Commission is requested to examine. The first report should be prepared in 2008 while the second one, based on the

experience gained in applying the Directive, is foreseen in 2012 (i.e. at the latest 30 months after the date of implementation of the VOC content limit values of Annex II phase II); - Annex I, part 2.1 a) : the first indent defining preparatory and cleaning products for vehicle refinishing (gunwash) has been reworded to include clearly all preparatory products; - Annex III (new) lists the analytical methods to be used for determining compliance with the VOC limit values of the Directive. These methods are to be adapted, if necessary, by the Commission in accordance with a regulatory committee procedure. Finally, the recitals have undergone some additions and changes, consequent to the new elements of the common position.