

EXPLANATORY MEMORANDUM TO
THE SOLVENT EMISSIONS (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2010

SR 2010 No. 165

Introduction

This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

The Statutory Rule is made under Article 4(4) of the Environment (Northern Ireland) Order 2002 and is subject to negative resolution procedure before the Assembly.

Purpose

The purpose of the Amendment Regulation is to update the Solvent Emissions Regulations (Northern Ireland) 2004 (“the Regulations”) to transpose amendments made to the EC Directive on Solvent Emissions (1999/13/EC).

Background

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 (the “Solvent Emissions Directive” or “SED”) entered into force on 29 March 1999. It controls the use of solvents throughout Europe. In Northern Ireland the SED was implemented by the Solvent Emissions Regulations (Northern Ireland) 2004.

Directive 2008/112/EC of 16 December 2008 (the “amending Directive”) amends various directives in order to incorporate Regulation (EC) No 1272/2008 on Classification, Labelling and Packaging of substances and mixtures (“the CLP Regulations”). The amending Directive which came into force in January 2009 requires Member States to adopt and publish transposing legislation by 1 April 2010 and ensure that the provisions apply from 1 June 2010. Article 3 of this Directive amends the SED.

The amendments brought in by Directive 2008/112 EC are mainly simple changes in terminology which bring the directive in line with the CLP regulations. The regulations implement the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The changes contained in the amending Directive come into force at different times as the terminology progressively changes.

The Solvent Emissions (Amendment) Regulations (Northern Ireland) 2010 implement the changes contained in the amending Directive and amend the Solvent Emissions Regulations (Northern Ireland) 2004 and the Pollution Prevention and Control Regulations (Northern Ireland) 2003, which control the

permitting of industrial installations. The Regulations come into operation on 1 June 2010.

The regulations insert and change several definitions, update references to the SED as amended and update terminology to reflect the changes brought in by the CLP Regulation which implements the United Nations Globally Harmonised System of Classification and Labelling of Chemicals (GHS). The impact of this change is that references to substances carrying risk phases R45, R46, R49, R60 and R61 are extended to include substances carrying hazard statements H340, H350, H350i, H360D and H360F and from 1 June 2015 references to risk phases are removed and the hazard statements terminology remains. Other amendments include the gradual replacement of terminology relating to risk phases and the labelling of risk phases by subsequent risk phase and hazard statement terminology. Aside from the changes in terminology, the amendments have no practical effect.

Consultation

As the amendments had no practical effect and given the requirement that transposing legislation operate from 1 June 2010 the Department undertook an informal consultation with key interested parties, which included the District Councils and the NIEA. The NIEA responded to confirm it has no comments and no other responses were received.

Equality Impact

Consideration was given to compliance with section 75 of the Northern Ireland Act 1998. The Department carried out an Equality Screening Exercise on the draft legislation. No adverse impacts on any of the 9 section 75 categories were identified. A full Equality Impact Assessment was therefore not required.

Regulatory Impact

A Regulatory Impact was unnecessary as assessment is not necessary as the proposals result in no, or negligible, costs to the implementing authorities. The changes are primarily changes in terminology.

Financial Implications

There are no financial implications associated with these Regulations.

Section 24 of the Northern Ireland Act 1998

This Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

EU Implications

A transposition note is not required as Regulation 1 sets out the dates from which each regulation applies. The Regulations do not exceed the minimum necessary to comply with the Directive.

Parity or Replicatory Measure

The amendments are implemented in England and Wales by Footnote (a) of Schedule 14 to the Environmental Permitting (England and Wales) Regulations 2010 which refers to the amending Directive.

