

SCHEDULE 1

Regulation 3(1)

1.—(1) For the purposes of these Regulations, “paints and varnishes” means 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 purpose.

(2) The sub-categories referred to in sub-paragraph (1) are—

- (a) “matt coatings for interior walls and ceilings” means coatings designed for application to indoor walls and ceilings with a degree of gloss $\leq 25@60^\circ$;
- (b) “glossy coatings for interior walls and ceilings” means coatings designed for application to indoor walls and ceilings with a degree of gloss $>25@60^\circ$;
- (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 a plastic substrate. This subcategory includes undercoats and intermediate coatings;
- (e) “interior/exterior trim 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 subcategory 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 $5\mu\text{m}$ 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, anticorrosion 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-performance coatings, but with a second component (e.g. tertiary amines) added prior to application;
- (k) “multicoloured 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 prepared pre-painted substrates or base coats and subsequently treated with various tools during the drying period.

2.—(1) 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 [70/156/EEC\(1\)](#), or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations.

(1) O.J. L42, 23.2.1970, p.1, as last amended by Directive [2004/3/EC](#), O.J. L49, 19.2.2004, p.36.

Status: This is the original version (as it was originally made).

- (2) The sub-categories referred to in sub-paragraph (1) are—
- (a) “preparatory and cleaning” means products designed to remove old coatings and rust, either mechanically or chemically, or to provide a key for new coatings:
 - (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 surfacer/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 a primer surfacer:
 - (i) “surfacer/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 promote 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.
- (3) In this Schedule—
- ”coating” means any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to provide a film with decorative, protective or other functional effect on a surface;
- “film” means a continuous layer resulting from the application of one or more coats to a substrate;
- “organic solvent” means any VOC which is used—
- (i) alone or in combination with other agents to dissolve or dilute raw materials, products, or waste materials;
 - (ii) as a cleaning agent to dissolve contaminants;

- (iii) as a dispersion medium;
- (iv) as a viscosity adjuster;
- (v) as a surface tension adjuster;
- (vi) as a plasticiser; or
- (vii) as a preservative;

“preparation” means mixtures or solutions composed of two or more substances; and

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

SCHEDULE 2

Regulations 4 and 5

**A. MAXIMUM VOC CONTENT LIMIT
VALUES FOR PAINTS AND VARNISHES**

	<i>Product Subcategory</i>	<i>Type (*)</i>	<i>Phase I (g/ l (**))(from 1.1.2007)</i>	<i>Phase II (g/ l (**))(from 1.1.2010)</i>
a	Interior matt walls and ceilings (Gloss $\leq 25@60^\circ$)	WB	75	30
		SB	400	30
b	Interior glossy walls and ceilings (Gloss $>25@60^\circ$)	WB	150	100
		SB	400	100
c	Exterior walls of mineral substrate	WB	75	40
		SB	450	430
d	Interior/exterior trim and cladding paints for wood and metal	WB	150	130
		SB	400	300
e	Interior/exterior trim varnishes and woodstains, including opaque woodstains	WB	150	130
		SB	500	400
f	Interior and exterior minimal build woodstains	WB	150	130
		SB	700	700
g	Primers	WB	50	30

(*) “solvent-borne coatings (SB)” means coatings the viscosity of which is adjusted by the use of organic solvent; and “water-borne coatings (WB)” means coatings the viscosity of which is adjusted by the use of water; where “coatings” has the meaning defined in paragraph 3 of Schedule 1.

(**) g/l ready to use

Status: This is the original version (as it was originally made).

	<i>Product Subcategory</i>	<i>Type (*)</i>	<i>Phase I (g/l (**))(from 1.1.2007)</i>	<i>Phase II (g/l (**))(from 1.1.2010)</i>
		SB	450	350
h	Binding primers	WB	50	30
		SB	750	750
i	One-pack performance coatings	WB	140	140
		SB	600	500
j	Two-pack reactive performance coatings for specific end use such as floors	WB	140	140
		SB	550	500
k	Multi-coloured coatings	WB	150	100
		SB	400	100
l	Decorative effect coatings	WB	300	200
		SB	500	200

(*) “solvent-borne coatings (SB)” means coatings the viscosity of which is adjusted by the use of organic solvent; and “water-borne coatings (WB)” means coatings the viscosity of which is adjusted by the use of water; where “coatings” has the meaning defined in paragraph 3 of Schedule 1.

(**) g/l ready to use

B. MAXIMUM VOC CONTENT LIMIT VALUES FOR VEHICLE REFINISHING PRODUCTS

	<i>Product Subcategory</i>	<i>Coatings</i>	<i>VOC g/l (*) (1.1.2007)</i>
a	Preparatory and cleaning	Preparatory	850
		Pre-cleaner	200
b	Bodyfiller/stopper	All types	250
c	Primer	Surfacet/filler and general (metal) primer	540
		Wash primer	780
d	Topcoat	All types	420
e	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

Regulation 4(2)

METHODS REFERRED TO IN REGULATION 3(3)

<i>Parameter</i>	<i>Unit</i>	<i>Test Method</i>	<i>Date of publication</i>
VOC content	g/l	ISO 11890-2)	2002
VOC content where reactive diluents are present	g/l	ASTMD 2369)	2003

SCHEDULE 4

Regulation 7(6)

ENFORCEMENT POWERS AND RELATED OFFENCES IN NORTHERN IRELAND

PART 1

POWERS OF ENTRY

1. An authorised person may, on production (if so required) of his authority, exercise any of the powers specified in paragraph 2 for the purpose of determining whether any provision of these Regulations is being, or has been, complied with.

2. The powers of an authorised person are—

- (a) to enter at any reasonable time any premises which he has reason to believe it is necessary for him to enter;
- (b) on entering any premises by virtue of sub-paragraph (a), to take with him—
 - (i) any other person duly authorised by the enforcing authority and, if the authorised person has reasonable cause to apprehend any serious obstruction in the execution of his duty, a constable; and
 - (ii) any equipment or materials required for any purpose for which the power of entry is being exercised;
- (c) to make such examination and investigation as may in any circumstances be necessary;
- (d) as regards any premises which he has power to enter, to direct that those premises or any part of them, or anything in them, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any examination or investigation under sub-paragraph (c);
- (e) to take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under sub-paragraph (c);
- (f) to take samples, or cause samples to be taken, of any relevant product found in or on any premises which he has power to enter, and of the air, in, on, or in the vicinity of, the premises;
- (g) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any examination or investigation under sub-paragraph (c) to answer (in the absence of persons other than a person nominated by that person to be present and any persons whom the authorised person may allow to be present) such

questions as the authorised person thinks fit to ask and to sign a declaration of the truth of his answers;

- (h) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which it is necessary for him to see for the purposes of an examination or investigation under sub-paragraph (c), and to inspect and take copies of, or of any entry in, the records;
- (i) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on him by paragraph 1 and this paragraph;

3. The powers which under paragraphs 1 and 2 are conferred in relation to any premises for the purpose of enabling an enforcing authority to determine whether any provision of these Regulations is being, or has been, complied with shall include power, in order to obtain the information on which that determination may be made, to install, keep or maintain monitoring and other apparatus there.

4. In any case where it is proposed to enter any premises used for residential purposes, any entry by virtue of this Part shall only be effected—

- (a) after the expiration of at least seven days' notice of the proposed entry given to a person who appears to the authorised person in question to be in occupation of the premises in question, and
- (b) with the consent of a person who is in occupation of those premises;

5. No answer given by a person in pursuance of a requirement imposed under paragraph 2(g) shall be admissible in evidence against that person in any proceedings.

6. Nothing in this Part shall be taken to compel the production by any person of a document of which he would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the High Court.

7. Nothing in section 98 of the Local Government Act (Northern Ireland) 1972 (c. 9) shall apply to powers conferred on an authorised person by a district council under this Part.

PART II

OFFENCES

8. It is an offence for a person intentionally to obstruct an authorised person in the exercise of his powers or duties.

9. It is an offence for a person, without reasonable excuse—

- (a) to fail to comply with any requirement imposed under Part I;
- (b) to fail or refuse to provide facilities or assistance or any information or to permit any inspection reasonably required by an authorised person in the exercise of his powers or duties under that Part; or
- (c) to prevent any other person from appearing before an authorised person, or answering any question to which an authorised person may require an answer under that Part.

10. A person guilty of an offence under paragraph 8 or 9 shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

PART III

DEFINITIONS

11. In this Schedule—

“authorised person” means a person who is authorised in writing by an enforcing authority for the purposes of these Regulations;

“constable” has the meaning given to it by section 43A of the Interpretation Act (Northern Ireland) 1954⁽²⁾;

“enforcing authority” means—

- (a) the Secretary of State; or
- (b) where the Secretary of State has delegated any or all of her functions under Regulation 7(4) of these Regulations to the Department of the Environment or to a district council in Northern Ireland, that Department or district council;

“mobile plant” means plant which is designed to move or to be moved whether on roads or otherwise;

“premises” includes any land, vehicle, vessel or mobile plant.

(2) 1954 c. 33 (N.I.).