

EXPLANATORY MEMORANDUM TO
THE VOLATILE ORGANIC COMPOUNDS IN PAINTS, VARNISHES AND VEHICLE
REFINISHING PRODUCTS REGULATIONS 2012

2012 No. 1715

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Regulations consolidate the Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2005 (Paints Regulations) with amended Regulations made in 2009 and 2010. The consolidated regulations also implement amendments to Annex III of European Directive 2004/42/CE (Paints Directive) which substitute new technical procedures for testing.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None

4. Legislative Context

4.1 Other than the changes to Schedule 3, the consolidating regulations make other small amendments, for example the deletion of the first stage of VOC limits and transitional arrangements for that first stage, as the date for these has now passed.

5. Territorial Extent and Application

5.1 This instrument extends to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The Regulations implement the Paints Directive. Whilst implementing changes to Annex III of the Directive we are taking the opportunity to consolidate the 2005 Paints Regulations with 2 amending Regulations made in 2009 and 2010. The

Paints Directive, specifies that many decorative paints and paints used by vehicle body shops for repairs can only be marketed if they have less than specified amounts of volatile organic compounds in them. The amounts vary according to the type of paint and its use. The main impacts from VOCs arise from its part in forming ground-level ozone when the VOCs react with oxides of nitrogen in the presence of sunlight. Ozone is an oxidising agent and acts as an irritant, producing inflammation of the respiratory tract.

- Consolidation

7.2 The consolidation is a better regulation initiative.

8. Consultation outcome

8.1 This is a tidying up exercise arising from the Red Tape Challenge. No consultation has taken place on the consolidation as changes to the regulations will not have any impact on the businesses concerned. We have received a positive response from industry on the savings resulting from the changes to Schedule 3. We have Home Office Gateway clearance for the revised Regulations.

9. Guidance

9.1 Guidance on solvent emissions and Paint Directive is on the Defra web site at <http://www.defra.gov.uk/industrial-emissions/eu-international/solvent-paint-directives/>

10. Impact

10.1 The impact on business of the changes at Schedule 3 is estimated annual savings in testing costs of around £475k per year (between £350k and £600k). There is no impact on charities or voluntary bodies.

10.2 The impact on the public sector of the changes at Schedule 3 is that there will be no cost saving to Defra. We continue to fund testing by local authority regulators where required, but so far this has not been necessary.

10.3 An Impact Assessment for the changes to Schedule 3 is attached to this memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 The legislation implements EU obligations and applies to small business.

11.2 To minimise the impact of these regulations on firms employing up to 20 people, the approach taken is to consolidate the regulations and to take this opportunity to delete unnecessary material. Regulated businesses will experience no changes as a

result of the amendments to testing methods in Schedule 3. This is the only substantive change.

12. Monitoring & review

12.1 Regulation 9 commits the Secretary of State to carrying out a review of the Regulations, setting out the conclusions of the review in a report, and publishing the report within 5 years of the Regulations coming into force.

13. Contact

Eamonn Prendergast at the Defra Tel: 020 7238 1692 or email:eamonn.prendergast@defra.gsi.gov.uk can answer any queries regarding the instrument.