

**2010 No. 165**

**ENVIRONMENTAL PROTECTION**

**The Solvent Emissions (Amendment) Regulations (Northern Ireland) 2010**

*Made* - - - - - *23rd April 2010*

*Coming into operation* - - - - - *1st June 2010*

The Department of the Environment, in exercise of the powers conferred upon it by Article 4 of the Environment (Northern Ireland) Order 2002<sup>(a)</sup>, and having, in accordance with Article 4(4) of that Order, consulted district councils and such bodies or persons appearing to it to be representative of the interests of district councils as it considers appropriate, such bodies and persons appearing to it to be representative of the interests of industry, agriculture and business as it considers appropriate and such other bodies or persons as it considers appropriate, makes the following Regulations:

**Citation and Commencement**

**1.**—(1) These Regulations may be cited as the Solvent Emissions (Amendment) Regulations (Northern Ireland) 2010.

(2) Except as provided by paragraph (3) below these regulations shall come into operation as follows:—

- (a) Regulation 3(1)(c) shall come into operation on 1 December 2010.
- (b) Regulation 3(1)(d) shall come into operation on 1 June 2015.
- (c) Regulations 4(1)(c), 4(1)(d), 4(1)(e) and 4(1)(g) shall come into operation on 1 June 2015.

(3) All other regulations shall come into operation on 1 June 2010.

**Amendment to the Solvent Emissions Regulations (Northern Ireland) 2004**

**2.**—(1) The Solvent Emissions Regulations (Northern Ireland) 2004 shall be amended as follows.

- (a) In Regulation 2(1) after “authorisation” insert—

“mixture” means a mixture or solution composed of two or more substances and all references to “preparation” or “preparations” in these Regulations shall be replaced by “mixture” or “mixtures” respectively.
- (b) In Regulation 2(1) after “risk phase substance or preparation” insert —
  - (i) “substance” 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.

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(a) S.I. 2002 No. 3153 (N.I. 7)

- (c) In Regulation 2 after paragraph (2) insert —

“3. All references in the Regulations to “the SED” or “Council 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” shall be replaced by reference to that directive as amended by Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008.”

### **Amendments to the Pollution Prevention and Control Regulations (Northern Ireland) 2003**

3.—(1) The Pollution Prevention and Control Regulations (Northern Ireland) 2003 shall be amended as follows.

- (a) In Regulation 2(2) after “landfill” insert—

“mixture” means a mixture or solution composed of two or more substances and all references to “preparation” or “preparations” in these Regulations shall be replaced by “mixture” or “mixtures” respectively.

- (b) In Regulation 2 after paragraph (5) insert —

“6. All references in the Regulations to “the SED” or “Council 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” shall be replaced by reference to that directive as amended by Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008.”

- (c) Schedule 4 shall be amended as follows.

- (i) For paragraph 1B (2) (ii) substitute

“1B (2) (ii) where there is used in the SED installation substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (a) are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phases R45, R46, R49, R60 or R61 shall be replaced, as far as possible and by taking into account the guidance referred to in Article 7(1) of the SED, by less harmful substances or mixtures within the shortest possible time”.

- (d) Paragraph 1B (2) (ii) shall be deleted and replaced with the following

“1B (2) (ii) where there is used in the SED installation substances or mixtures which, because of its content of VOCs classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (b) are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F shall be replaced, as far as possible and by taking into account the guidance mentioned in Article 7(1) of the SED, by less harmful substances or mixtures within the shortest possible time”.

### **Amendments to the Solvent Emissions Regulations (Northern Ireland) 2004 and the Pollution Prevention and Control Regulations (Northern Ireland) 2003**

4.—(1) The following amendments apply to the Solvent Emissions Regulations Northern Ireland) 2004 and the Pollution Prevention and Control Regulations (Northern Ireland) 2003

- (a) All references to the words “the risk phase R40” shall be replaced by “the risk phases R40 or R68” throughout the Regulations.

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(a) OJ L 353, 13.12.2008, p. 1.

(b) OJ L 353, 13.12.2008, p. 1.

- (b) All references to the words “the labelling R40” shall be replaced by “the labelling R40 or R68” throughout the Regulations.
- (c) All references to the words “the risk phases R40 or R68” shall be replaced by “the hazard statements H341 or H351” throughout the Regulations.
- (d) All references to the words “the labelling R40 or R68” shall be replaced by “the hazard statements H341 or H351” throughout the Regulations.
- (e) All references to the words “risk phases” shall be replaced by “hazard statements” throughout the Regulations.
- (f) All references to the words “the labelling R40, R60 or R61” shall be replaced by the “risk phases R40, R68, R60 and R61” throughout the Regulations.
- (g) All references to the words “the risk phases R40, R68, R60 or R61” shall be replaced by “the hazard statements H341, H351, H360F or H360D” throughout the Regulations.

Sealed with the Official Seal of the Department of the Environment on 23<sup>rd</sup> April 2010.



*Denis McMahon*  
A senior officer of the Department of the Environment

## EXPLANATORY NOTE

*(This note is not part of the Regulation)*

These Regulations implement Directive 2008/112/EC of the European Parliament and of the Council or 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (O.J. No. L 345/68, 23.12.2008) (the “Directive”).

Regulation 1 sets out the relevant dates upon which each provision of the Regulations come into operation.

Regulation 2 amends The Solvent Emission Regulations (Northern Ireland) 2004 in line with the changes set out in the Directive.

Regulation 3 amends The Pollution Prevention and Control Regulations (Northern Ireland) 2003 in line with the changes set out in the Directive.

Regulation 4 amends both The Solvent Emission Regulations (Northern Ireland) 2004 and The Pollution Prevention and Control Regulations (Northern Ireland) 2003 to take account of the changes effected by the Directive which apply to both the Solvent Emissions and the Pollution Prevention and Control regimes.

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