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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 236**

**The Solvent Emissions (Scotland) Regulations 2010**

**Amendment of the Pollution Prevention and Control (Scotland) Regulations 2000**

2.—(1) The Pollution Prevention and Control (Scotland) Regulations 2000(1) are amended as follows.

(2) In regulation 2(1), in the definition of “the Solvent Emissions Directive”, at the end insert “, as amended by Directive [2008/112/EC](#) of the European Parliament and of the Council amending certain Directives in order to adapt them to Regulation (EC) No. [1272/2008](#) on classification, labelling and packaging of substances and mixtures”.

(3) In Schedule 1, Part 1, Chapter 7, Part B—

(a) in column 1 of the table, in the description of the activity of surface cleaning—

(i) for “preparations” substitute “mixtures”; and

(ii) for “the risk phrase R40” substitute “either of the risk phrases R40 or R68”;

(b) in column 1 of the table, for the description of the activity of surface cleaning substitute—

“Surface cleaning using substances or mixtures which because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No. [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures are assigned or need to carry one or more of the hazard statements H340, H350, H350i, H360D or H360F or one or more of the risk phrases R45, R46, R49, R60 or R61, or halogenated volatile organic compounds which are assigned or need to carry either of the hazard statements H341 or H351 or either of the risk phrases R40 or R68”;

(c) in column 1 of the table, for the description of the activity of surface cleaning substitute—

“Surface cleaning using substances or mixtures which because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No. [1272/2008](#) of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures are assigned or need to carry one or more of the hazard statements H340, H350, H350i, H360D or H360F, or halogenated volatile organic compounds which are assigned or need to carry either of the hazard statements H341 or H351”;

(d) in column 1 of the table, in the entry for the activity of manufacture of coating preparations, varnishes, inks and adhesives, for “preparations” substitute “mixtures”; and

(e) in paragraph (2), in the definitions of “adhesive”, “coating”, “ink” and “manufacturing of coating preparations, varnishes, inks and adhesives”, for “preparation” and “preparations” wherever they occur (including in the expression being defined) substitute “mixture” and “mixtures” respectively.

(4) In Schedule 3, Part 3, paragraph 16—

- (a) for “preparation” wherever it occurs substitute “mixture”;
  - (b) after “risk phrase” wherever it occurs insert “or hazard statement”;
  - (c) for “risk phrase or hazard statement” wherever it occurs substitute “hazard statement”.
- (5) In Schedule 3, Part 3, paragraph 17(2), in the definition of “affected part”—
- (a) for “preparation” substitute “mixture”;
  - (b) after “risk phrase” insert “or hazard statement”;
  - (c) omit “risk phrase or”.
- (6) In Schedule 3, Part 3, paragraph 17(2), in the definition of “risk phrase substance or preparation”—
- (a) for “preparation” wherever it occurs (including in the expression being defined) substitute “mixture”; and
  - (b) for “the risk phrase R40” substitute “the risk phrases R40 and R68”.
- (7) In Schedule 3, Part 3, paragraph 17(2), for the definition of “risk phrase substance or mixture” substitute—
- ““risk phrase or hazard statement substance or mixture” means—
- (a) in relation to a SED activity other than dry cleaning (as defined in paragraph (2) of Part B of Chapter 7 of Part 1 of Schedule 1), a substance or mixture which, because of its content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures is assigned or needs to carry the hazard statements H340, H350, H350i, H360D and H360F or the risk phrases R45, R46, R49, R60 and R61 or, in the case of halogenated volatile organic compounds, is assigned or needs to carry the hazard statements H341 and H351 or the risk phrases R40 and R68; and a substance or mixture “becomes a risk phrase or hazard statement substance or mixture” when, because of its content of volatile organic compounds or, as the case may be, halogenated volatile organic compounds, it is assigned or needs to carry one or more of those hazard statements or risk phrases;
  - (b) in relation to dry cleaning (as defined in paragraph (2) of Part B of Chapter 7 of Part 1 of Schedule 1), a substance or mixture which, because of its content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No. 1272/2008 is assigned or needs to carry the hazard statements H340, H350, H350i, H360D and H360F or the risk phrases R45, R46, R49, R60 and R61; and a substance or mixture “becomes a risk phrase or hazard statement substance or mixture” when, because of its content of volatile organic compounds, it is assigned or needs to carry one or more of those hazard statements or risk phrases;”.
- (8) In Schedule 3, Part 3, paragraph 17(2)—
- (a) after the definition of “halogenated volatile organic compound” insert—
- ““hazard statement substance or mixture” means—
- (a) in relation to a SED activity other than dry cleaning (as defined in paragraph (2) of Part B of Chapter 7 of Part 1 of Schedule 1), a substance or mixture which, because of its content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No. 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures is assigned or needs to carry the hazard statements H340, H350, H350i, H360D and H360F or, in the case of halogenated volatile organic compounds, is assigned or needs to carry the hazard statements H341 and H351; and a substance or mixture “becomes

- a hazard statement substance or mixture” when, because of its content of volatile organic compounds or, as the case may be, halogenated volatile organic compounds, it is assigned or needs to carry one or more of those hazard statements;
- (b) in relation to dry cleaning (as defined in paragraph (2) of Part B of Chapter 7 of Part 1 of Schedule 1), a substance or mixture which, because of its content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No. 1272/2008 is assigned or needs to carry the hazard statements H340, H350, H350i, H360D and H360F; and a substance or mixture “becomes a hazard statement substance or mixture” when, because of its content of volatile organic compounds, it is assigned or needs to carry one or more of those hazard statements;” and
- (b) omit the definition of “risk phrase or hazard statement substance or mixture”.
- (9) In Schedule 4, Part 1, paragraph 1C(1)(b)—
- (a) for “preparations” wherever it occurs substitute “mixtures”; and
- (b) for “the risk phrase R40” substitute “the risk phrases R40 and R68”.
- (10) For Schedule 4, Part 1, paragraph 1C(1)(b) substitute—
- “(b) where there are used in a SED installation substances or mixtures which, because of their content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No. 1272/2008 are assigned or need to carry the hazard statements H340, H350, H350i, H360D and H360F or the risk phrases R45, R46, R49, R60 and R61, a timetable for replacing as far as possible such substances or mixtures by less harmful substances or mixtures within the shortest possible time taking into account any guidance published under Article 7 of the Solvent Emissions Directive or, in the case of halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 and H351 or the risk phrases R40 and R68, how the emission limit value in Article 5(8) of the Directive will be complied with.”.
- (11) For Schedule 4, Part 1, paragraph 1C(1)(b) substitute—
- “(b) where there are used in a SED installation substances or mixtures which, because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No. 1272/2008 are assigned or need to carry the hazard statements H340, H350, H350i, H360D and H360F, a timetable for replacing as far as possible such substances or mixtures by less harmful substances or mixtures within the shortest possible time taking into account any guidance published under Article 7 of the Solvent Emissions Directive or, in the case of halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 and H351, how the emission limit value in Article 5(8) of the Directive will be complied with.”.
- (12) In Schedule 4, Part 1, paragraph 3A—
- (a) for “preparation” substitute “mixture”;
- (b) after “risk phrase” insert “or hazard statement”;
- (c) omit “risk phrase or”.