

SCHEDULE 1

Regulation 8(9)

NEW SECTION 7 IN PART 1 OF SCHEDULE 1 TO THE 2000 REGULATIONS

*“SECTION 7—
SED ACTIVITIES*

Part A(1)

Nil.

Part A(2)

Nil.

Part B

The activities listed in the table below if they are operated above the solvent consumption threshold for the activity.

<i>Activity</i>	<i>Solvent consumption threshold in tonnes/year</i>
Heatset web offset printing	15
Publication rotogravure	25
Other rotogravure, flexography, rotary screen printing, laminating or varnishing units	15
Rotary screen printing on textile/cardboard	30
Surface cleaning using substances or preparations which because of their content of volatile organic compounds classified as carcinogens, mutagens or toxic to reproduction under Directive 67/548/EEC(1) as last amended by Commission Directive 98/98/EC(2) are assigned or need to carry one or more of the risk phrases R45, R46, R49, R60 or R61, or halogenated VOC's which are assigned or need to carry the risk phase R40	1
Other surface cleaning	2
Vehicle coating and vehicle refinishing	0.5
Coil coating	25
Other coating activities, including metal, plastic, textile (except rotary screen printing on textile), fabric, film and paper coating	5
Winding wire coating	5
Coating activity applied to wooden surfaces	15

(1) OJ 196, 16.8.1967, p. 1.

(2) J L 355, 30.12.1998, p. 1.

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<i>Activity</i>	<i>Solvent consumption threshold in tonnes/year</i>
Dry cleaning	0
Wood impregnation	25
Coating activity applied to leather	10
Footwear manufacture	5
Wood and plastic lamination	5
Adhesive coating	5
Manufacture of coating preparations, varnishes, inks and adhesives	100
Rubber conversion	15
Vegetable oil and animal fat extraction and vegetable oil refining activities	10
Manufacturing of pharmaceutical products	50 ⁷ .

- (1) Expressions used both in this Part and in the Solvent Emissions Directive have the same meaning for the purposes of this Part as they have for the purposes of that Directive.
- (2) For the purposes of this Part—
- “adhesive” means any preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product;
- “adhesive coating” means any activity in which an adhesive is applied to a surface, excluding the application of adhesive and laminating associated with printing activities;
- “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 decorative, protective or other functional effect on a surface;
- “coating activity” means any activity in which a single or a multiple application of a continuous film of a coating is applied (including a step in which the same article is printed using any technique) but does not include the coating of substrate with metals by electrophoretic and chemical spraying techniques;
- “coil coating” means any activity where coiled steel, stainless steel, coated steel copper alloys or aluminium strip is coated with either a film forming or laminate coating in a continuous process;
- “consumption” means the total input of organic solvents into an installation per calendar year, or any other twelve month period, less any volatile organic compounds that are recovered for reuse;
- “dry cleaning” means any industrial or commercial activity using volatile organic compounds to clean garments, furnishing and similar consumer goods excluding the manual removal of stains and spots in the textile and clothing industry;
- “flexography” means a printing activity using an image carrier of rubber or elastic photopolymers on which the printing areas are above the non-printing areas, and liquid inks which dry through evaporation;
- “footwear manufacture” means any activity of producing complete footwear or parts of footwear;
- “halogenated organic solvent” means an organic solvent which contains at least one atom of bromine, chlorine, fluorine or iodine per molecule;
- “heat web offset printing” means a web-fed printing activity using an image carrier in which the printing and non-printing area are in the same plane, where—
- the non-printing area is treated to attract water and reject ink;
 - the printing area is treated to receive and transmit ink to the surface to be printed; and
 - evaporation takes place in the oven where hot air is used to heat the printed material;
- “ink” means a preparation, including all the organic solvents or preparations containing organic solvents necessary for its proper application which is used in a printing activity to impress text or images on to a surface;
- “laminating associated to a printing activity” means the adhering together of two or more flexible materials to produce laminates;
- “manufacturing of coating preparations, varnishes, inks and adhesives” means the manufacture of coating preparations, varnishes, inks and adhesives as final products

and where carried out at the same site, the manufacture of intermediates by the mixing of pigments, resins and adhesive materials with organic solvent or other carrier, including—

- (a) dispersion and predispersion activities,
- (b) viscosity and tint adjustments, and
- (c) operations for filling the final product into its container;

“manufacturing of pharmaceutical products” means one or more of the following activities:

- (a) the chemical synthesis;
- (b) fermentation;
- (c) extraction; or
- (d) formulation and finishing.

of pharmaceutical products and, where carried out at the same site, the manufacture of intermediate products;

“organic solvents” means any volatile organic compound which is used—

- (a) alone or in combination with other agents, and without undergoing a chemical change to dissolve raw materials, products or waste materials, or;
- (b) as a cleaning agent to dissolve contaminants, or;
- (c) as a dissolver, or;
- (d) as a dispersion medium, or;
- (e) as a viscosity adjuster, or;
- (f) as a surface tension adjuster, or;
- (g) as a plasticiser, or;
- (h) as a preservative;

“other coating activities” means a coating activity applied to—

- (a) trailers, defined in categories O1, O2 O3 and O4 in Directive [70/156/EEC\(3\)](#);
- (b) metallic and plastic surfaces including surfaces of airplanes, ships, trains; or
- (c) textile, fabric, film and paper surfaces;

“printing activity” means any activity (not being a step in a coating activity) for reproducing text and/or images in which, with the use of an image carrier, ink is transferred onto any type of surface, including the use of associated varnishing, coating and laminating techniques;

“publication rotogravure” means a rotogravure printing activity used for printing paper for magazines, brochures, catalogues or similar products, using toluene-based inks;

“reuse” means the use of organic solvents recovered from an installation for any technical or commercial purpose and including use as a fuel but excluding the final disposal of such recovered organic solvent as waste;

“rotary screen printing” means a web-fed printing activity in which liquid ink which dries only through evaporation is passed onto the surface to be printed by forcing it through a porous image carrier, in which the printing area is open and the non-printing area is sealed off;

“rotogravure” means a printing activity, using a cylindrical image carrier in which the printing area is below the non-printing area and liquid inks which dry through evaporation, and in which the recesses are filled with ink and the surplus is cleaned off the non-printing area before the surface to be printed contacts the cylinder and lifts the ink from the recesses;

“rubber conversion” means—

- (a) any activity of mixing, milling, blending, calendaring, extrusion and vulcanisation of natural or synthetic rubber, and
- (b) any ancillary operations for converting natural or synthetic rubber into a finished product;

“surface cleaning” means any activity, except dry cleaning, using organic solvents to remove contamination from the surface of material including degreasing but excluding the cleaning of equipment; and a cleaning activity consisting of more than one step before or after any other activity shall be considered as one surface cleaning activity;

“vehicle coating” means a coating activity applied to the following vehicles—

- (a) new cars, defined as vehicles of category M1 in Directive [70/156/EEC](#), and of category N1 in so far as they are coated at the same installation as M1 vehicles;
- (b) truck cabins, defined as the housing for the driver, and all integrated housing for the technical equipment, of vehicles of categories N2 and N3 in Directive [70/156/EEC](#);
- (c) vans and trucks, defined as vehicles of categories N1, N2 and N3 in Directive [70/156/EEC](#), but not including truck cabins; or
- (d) buses, defined as vehicles in categories M2 and M3 in Directive [70/156/EEC](#);

“varnish” means a transparent coating;

(3) OJ L 42, 23.2.1970, p. 1 (OJ/SE Series I Chapter 1970(I) P 96), relevant amending Directives are Council Directive [92/53/EEC](#) and Commission Directive [2001/116/EC](#).

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“varnishing” means an activity by which varnish or an adhesive coating for the purpose of sealing the packaging material is applied to a flexible material;

“vegetable oil and animal fat extraction and vegetable oil refining activities” means any activity to extract vegetable oil from seeds and other vegetable matter, the processing of dry residues to produce animal feed, the purification of fats and vegetable oils derived from seeds, vegetable matter or animal matter;

“vehicle refinishing” means any industrial or commercial coating activity and associated degreasing activities performing—

- (a) the coating of road vehicles as defined in Directive 70/156/EEC, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations;
- (b) the original coating of road vehicles as defined in Directive 70/156/EEC or part of them with refinishing-type materials, where this is carried out away from the original manufacturing line; or
- (c) the coating of trailers (including semi-trailers) (category O);

“web-fed” means that the material to be printed is fed to the machine from a reel as distinct from separate sheets;

“winding wire coating” means any coating activity of metallic conductors used for winding the coils in transformers and motors, etc;

“wood and plastic lamination” means any activity to adhere together wood or plastic to produce laminated products;

“wood impregnation” means any activity giving a loading of preservative in timber.

- (3) Without prejudice to sub-paragraph (4), an activity shall be deemed to be operated above the solvent consumption threshold specified for that activity under this Part if the activity is likely to be operated above that threshold in any period of 12 months.
- (4) An activity listed in this Part which was operated before the coming into force of these Regulations shall be deemed to have been operated above the solvent consumption threshold specified for that activity under this Part if—
 - (a) it has been operated above that threshold in any period of 12 months prior to the date of coming into force of these Regulations; or
 - (b) for an activity which is put into operation within 12 months prior to the date of coming into force of these Regulations, it was at any point likely to be operated above that threshold in any period of 12 months; and in either case,
 - (c) it is likely to be operated above that threshold in any period of 12 months after the prescribed date for the SED installation in which that activity is carried out.

SCHEDULE 2

Regulation 8(10)

NEW PARTS 3 AND 4 OF SCHEDULE 3 TO THE 2000 REGULATIONS (PRESCRIBED DATE AND TRANSITIONAL ARRANGEMENTS)

“PART 3:

SED INSTALLATIONS

12. The prescribed date for a new SED installation is—

- (a) in relation to new SED installations brought into operation before the coming into force of the SED Regulations
 - (i) where an application for a permit to operate the SED installation is made before the expiry of a period 4 months beginning on the date of coming into force of the SED Regulations, the determination date for the SED installation;
 - (ii) where no such application is made, the day after the expiry of the period of 4 months beginning on the date of coming into force of the SED Regulations;
- (b) in relation to all other new SED installations, the date of coming into force of the SED Regulations.

13.—(1) Subject to paragraphs 14 and 15, the prescribed date for an existing SED installation is—

- (a) where an application for a permit to operate the SED installation is duly made by the relevant date, the determination date for the SED installation;
- (b) where no such application is made, 1 November 2006.

(2) For the purposes of sub-paragraph (1) the relevant date for an existing SED installation is—

- (a) for installations wishing to use the reduction scheme, 31 October 2005;
- (b) for all other installations, 31 October 2006.

14.—(1) Where there was a substantial change in the operation of an existing SED installation before the date of coming into force of the SED Regulations, the prescribed date for the affected part shall be—

- (a) where an application for a permit authorising the operation of that part of the installation is duly made before the expiry of a period 4 months beginning on the date of coming into force of the SED Regulations, the determination date for the SED installation;
- (b) where no such application is made, the day after the expiry of the period of 4 months beginning on the date of coming into force of the SED Regulations.

(2) Where an existing SED installation undergoes a substantial change in operation, the prescribed date for the affected part shall be the date on which the change is made, if earlier than the date which would be the prescribed date for the SED installation under this Part.

(3) Sub-paragraphs (1) and (2) do not apply to that part of the SED installation which undergoes a substantial change in operation where the total emissions of the SED installation do not exceed those that would have been permitted had that part been subject to a permit containing conditions necessary to ensure that the SED installation complied with the requirements of Article 5 of the Solvent Emissions Directive.

15.—(1) Where abatement equipment was installed in an existing SED installation before the coming into force of the SED Regulations, the prescribed date for the affected part shall be—

- (a) where an application for a permit authorising the operation of the affected part is duly made before the expiry of a period 4 months beginning on the date of coming into force of the SED Regulations, the determination date for the SED installation;
- (b) where no such application is made, the day after the expiry of the period of 4 months beginning on the date of coming into force of the SED Regulations.

(2) Subject to sub-paragraph (3), where after the date of coming into force of the SED Regulations abatement equipment is installed in an installation, the prescribed date for the affected part shall be the date on which the abatement equipment is installed if earlier than the date which would be the prescribed date for the SED installation under this Part.

(3) Where the abatement equipment is to be installed in an installation in respect of which the operator has made an application to use a reduction scheme, the prescribed date for the affected part shall be the determination date for that affected part.

16.—(1) Where—

- (a) in accordance with the provisions of Part 4 of this Schedule the prescribed date for a Part B installation which carries out in whole or in part an SED activity is to be determined under this Part; and

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- (b) but for the provisions of Part 4 the operator would have been deemed to have made an application for a permit to operate that plant under paragraph 9(3) of Part 2 of this Schedule,

the application to be made shall relate only to the SED installation and the operator shall be deemed to have made an application to operate the rest of the installation at the same date.

- (2) Schedule 4 shall not apply to a deemed application under sub-paragraph (1).

(3) Where sub-paragraph (1) applies, the regulator shall, within 1 month of the date on which the application is deemed to have been made, notify the operator of the installation of the deemed application and of the requirements of sub-paragraph (4).

(4) The regulator shall give notice of its determination of a deemed application under sub-paragraph (1) to the applicant at the same time as it gives notice of its determination of the application relating to the SED installation.

17.—(1) Expressions used both in this Part and in the Solvent Emissions Directive have the same meaning for the purposes of this Part as they have for the Solvent Emissions Directive.

- (2) In this Part—

“determination date” means—

- (a) for an SED installation or part of an SED installation, in relation to which a permit is granted, the date on which it is granted, whether in pursuance of the application, or, on an appeal, of a direction to grant it;
- (b) for an SED installation or part of an SED installation, in relation to which a permit is refused and the applicant for the permit appeals against the refusal, the date of the affirmation of the refusal;
- (c) for an SED installation or part of an SED installation, in relation to which a permit is refused and no appeal is made against the refusal, the date immediately following the last day, determined in accordance with paragraph 2 of Schedule 8, on which notice of appeal might have been given;
- (d) for an SED installation or part of an SED installation, in relation to which an application is withdrawn in accordance with regulation 7(6) or deemed to have been withdrawn in accordance with paragraph 4 of Schedule 4, the date the application is withdrawn, or deemed to have been withdrawn;

“existing SED installation” means—

- (a) an SED installation which was put into operation before 1 April 2001; or
- (b) an SED installation which was subject on 1 April 2001 to a permit or to a full application for a permit and was put into operation on or before 1 April 2002;

“new SED installation” means an SED installation which is put into operation on or after 1 April 2001, other than an existing SED installation.

PART 4:

APPLICATION OF PARTS 1 TO 3

18.—(1) Parts 1 to 3 of this Schedule shall apply subject to the provisions of this Part.

(2) Where an installation is wholly an SED installation and only carries out activities which do not fall within sections 1.1 to 6.9 of Part 1 of Schedule 1 the prescribed date for that installation shall be determined in accordance with Part 3.

(3) Subject to sub-paragraphs (4) to (6), the prescribed date for installations which carry out an activity falling within a description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and directly associated activities) shall be determined in accordance with Part 1 or 2.

(4) Subject to sub-paragraphs (5) and (6), where an SED installation carries out activities which are also wholly or partly activities falling within any description in sections 1.1 to 6.9 of Part 1 of Schedule 1 (and any directly associated activities), the prescribed date for that installation shall be determined in accordance with paragraphs 12 and 13 of Part 3 unless—

- (a) the activities carried out in the SED installation fall wholly within any description set out in Schedule 1 to the 1991 Regulations under the heading “Part A” and are wholly covered by an authorisation granted under Section 6 of the Environmental Protection Act 1990;
- (b) the anticipated prescribed date for the installation under Part 1 or 2 is earlier than the anticipated prescribed date for the SED installation under paragraph 12 or 13 of Part 3; or
- (c) an application to operate the installation has already been made or is already deemed to have been made at the date of coming into force of the SED Regulations.

(5) Subject to subparagraph (6), where an installation—

- (a) carries out an SED activity and directly associated activities which are only partly also activities falling within a description in sections 1.1 to 6.9 of Part 1 of Schedule 1 and directly associated activities; and
- (b) falls within sub-paragraph (4)(b),

the installation shall be regarded, for the purposes of this Schedule, as if it were two separate installations one consisting of the part of the installation carrying out activities under sections 1.1 to 6.9 in Part 1 of Schedule 1 (and directly associated activities) for which the prescribed date shall be determined in accordance with Parts 1 or 2 and the other consisting of the remainder of the installation for which the prescribed date shall be determined in accordance with Part 3.

(6) Where sub-paragraph (5) applies the operator may apply in writing to the regulator for consent to make an application at the earliest anticipated prescribed date covering the whole installation.

(7) Where abatement equipment is installed in an existing SED installation or an existing installation undergoes a substantial change in operation, the prescribed date for the affected part shall be determined in accordance with paragraphs 14 or 15 of Part 3 unless—

- (a) the prescribed date for the installation under Parts 1 or 2 or paragraphs 12 or 13 of Part 3 is earlier than the prescribed date for the affected part of the SED installation under paragraphs 14 or 15 of Part 3; or
- (b) in relation to an SED installation in which abatement equipment is installed the activities carried out by the affected part fall wholly within any description set out in Schedule 1 to the 1991 Regulations under the heading “Part A” and are wholly covered by an authorisation granted under Section 6 of the Environmental Protection Act 1990.

19. In this Schedule—

“affected part” means that part of an SED installation which undergoes a substantial change in operation or in which abatement equipment is installed;

“anticipated prescribed date” means—

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- (a) in relation to a prescribed date under Part 1 of this Schedule, the last day of a period of 4 months beginning on the last day for making an application for a permit under that Part;
- (b) in relation to a prescribed date for a deemed application under paragraph 3 of Part 2 of this Schedule, the last day of a period of 12 months from the relevant date specified in paragraph 10 of that Part; or
- (c) in relation to a prescribed date under paragraphs 12 and 13 of Part 3, the last day of a period of 4 months beginning on the last day for making an application for a permit under this Part;

“existing SED installation” means—

- (a) an SED installation which was put into operation before 1 April 2001; or
- (b) an SED installation which was on 1 April 2001 subject to a permit or to a full application for a permit and was put into operation on or before 1 April 2002;

“the 1991 Regulations” means the Environmental Protection (Prescribed Processes and Substances) Regulations 1991⁽⁴⁾;

“the SED Regulations” means the Solvent Emissions (England and Wales) Regulations 2004.”.

(4) S.I.1991/472.