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STATUTORY INSTRUMENTS

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**2014 No. 2882**

**The REACH Enforcement (Amendment) Regulations 2014**

**Amendments to the REACH Enforcement Regulations 2008**

2.—(1) The REACH Enforcement Regulations 2008<sup>(1)</sup> are amended as follows.

(2) In regulation 2(2) after the definition of “offshore installation” insert—

““paint stripper” means material that, when applied to a coated substrate, softens the coating so that it can be removed easily, and “paint stripping” is to be construed accordingly;

“paint stripper containing dichloromethane” means any paint stripper containing dichloromethane in a concentration equal to or greater than 0.1% by weight;

“professional” means any person undertaking paint stripping in the course of their professional activity other than within an industrial installation<sup>(2)</sup> where the conditions set out in entry 59 paragraph 4 of Annex XVII to REACH are complied with.”

(3) After regulation 8A<sup>(3)</sup> insert—

**“Placing on the market and use of paint stripper containing dichloromethane**

**8B.**—(1) A person (“P”) who places on the market paint stripper containing dichloromethane for supply to a professional or to a person for use by a professional does not breach the restriction on this activity provided for by Article 67 of REACH<sup>(4)</sup> where P complies with the provisions of paragraph 1 of Schedule 5B.

(2) A professional who uses paint stripper containing dichloromethane does not breach the restriction on this activity provided for by Article 67 of REACH where that professional complies with the provisions of paragraphs 2 and 3 of Schedule 5B.

(3) Schedule 5B (Placing on the market and use of paint stripper containing dichloromethane) has effect.”

(4) After regulation 11(4) insert—

“(5) Where a person (“P”) is charged with an offence for a contravention of Article 67 of REACH under regulation 11(2) of these Regulations for placing on the market paint stripper containing dichloromethane for supply to—

(a) a person who is not a professional; or

(b) a person for use by a person who is not a professional,

it is a defence that P took all reasonable steps and exercised all due diligence to avoid the commission of the offence.”

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<sup>(1)</sup> [S.I. 2008/2852](#); amended by [S.I. 2013/2919](#). There are other amending instruments but none is relevant.

<sup>(2)</sup> The term “industrial installation” has the meaning given by entry 59 paragraph 1(c)(ii) of Annex XVII to REACH (Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ No L 396, 20.12.2006, p1, as read with the corrigenda published in OJ No L136, 29.5.2007, p3 and OJ No L 36 5.2.2009, p84)). By virtue of regulation 2(3) of the REACH Enforcement Regulations 2008, expressions used in those Regulations which are also used in REACH have the meaning given by REACH.

<sup>(3)</sup> Regulation 8A was inserted by [S.I. 2013/2919](#).

<sup>(4)</sup> REACH is defined in regulation 2(1) of [S.I. 2008/2852](#) and referred to as amended from time to time (this ambulatory reference was inserted by [S.I. 2013/2919](#)).

(5) After Schedule 5A(5) insert—

“SCHEDULE 5B

Regulation 8B(3)

Placing on the market and use of paint stripper containing dichloromethane

1. A person (“P”) may place on the market paint stripper containing dichloromethane for supply to a professional or to a person for use by a professional provided the professional to whom, or for whose use, such paint stripper is supplied holds a certificate of competence in the safe use of such paint stripper issued by the Executive in accordance with paragraph 3(b).
2. A professional may use paint stripper containing dichloromethane where that professional—
  - (a) demonstrates proper training and competence in the safe use of paint stripper containing dichloromethane in accordance with paragraph 3; and
  - (b) applies in practice all appropriate safety measures, including the use of personal protective equipment that complies with the Personal Protective Equipment Regulations 2002(6).
3. A professional may only demonstrate proper training and competence in the safe use of paint stripper containing dichloromethane by—
  - (a) undertaking training in the safe use of such paint stripper which covers as a minimum—
    - (i) awareness, evaluation and management of risks to health, including information on existing substitutes or processes, which under their conditions of use are less hazardous to the health and safety of workers;
    - (ii) the use of adequate ventilation; and
    - (iii) the use of appropriate personal protective equipment that complies with the Personal Protective Equipment Regulations 2002; and
  - (b) holding a certificate of competence issued by the Executive in the safe use of paint stripper containing dichloromethane.
4. A certificate issued under paragraph 3(b) may be revoked in writing at any time by the Executive if the Executive believes that the professional holding the certificate is no longer competent in the safe use of paint stripper containing dichloromethane.”

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(5) Schedule 5A was inserted by [S.I. 2013/2919](#).

(6) [S.I. 2002/1144](#), to which there are amendments not relevant to these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The REACH Enforcement (Amendment) Regulations 2014, Section 2.