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10 September 2003

*****I** **REPORT**

on the proposal for a European Parliament and Council directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC
(COM(2002) 750 – C5-0632/2002 – 2002/0301(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Giorgio Lisi

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
PROCEDURAL PAGE	4
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	27

PROCEDURAL PAGE

By letter of 23 December 2002 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 95 of the EC Treaty, the proposal for a European Parliament and Council directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (COM(2002) 750 – 2002/0301 (COD)).

At the sitting of 13 January 2003 the President of Parliament announced that he had referred this proposal to the Committee on the Environment, Public Health and Consumer Policy as the committee responsible and the Committee on Industry, External Trade, Research and Energy and the Committee on Regional Policy, Transport and Tourism for their opinions (C5-0632/2002).

The Committee on the Environment, Public Health and Consumer Policy appointed Giorgio Lisi rapporteur at its meeting of 19 February 2003.

The committee considered the Commission proposal and draft report at its meetings of 16 June 2003 and 9 September 2003.

At the latter meeting it adopted the draft legislative resolution by 31 votes to 15, with 1 abstention.

The following were present for the vote: Alexander de Roo, acting chairman; Mauro Nobilia and Guido Sacconi, vice-chairmen; Giorgio Lisi, rapporteur (for Caroline F. Jackson) and María del Pilar Ayuso González, María Luisa Bergaz Conesa, Hans Blokland, David Robert Bowe, John Bowis, Philip Bushill-Matthews (for Horst Schnellhardt), Martin Callanan, Marie-Arlette Carlotti (for Anne Ferreira), Dorette Corbey, Raffaele Costa, Chris Davies, Avril Doyle, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Robert Goodwill, Françoise Grossetête, Marie Anne Isler Béguin, Hedwig Keppelhoff-Wiechert (for Cristina Gutiérrez Cortines), Christa Klauß, Eija-Riitta Anneli Korhola, Bernd Lange, Torben Lund, Jules Maaten, Minerva Melpomeni Malliori, Erik Meijer (for Pernille Frahm), Emilia Franziska Müller, Rosemarie Müller, Riitta Myller, Ria G.H.C. Oomen-Ruijten, Fernando Pérez Royo (for Elena Valenciano Martínez-Orozco), Frédérique Ries, Dagmar Roth-Behrendt, Karin Scheele, Inger Schörling, María Sornosa Martínez, Bart Staes (for Hiltrud Breyer), Charles Tannock (for Peter Liese), Nicole Thomas-Mauro, Astrid Thors, Marianne L.P. Thyssen (for Peder Wachtmeister), Kathleen Van Brempt, Phillip Whitehead and Stavros Xarchakos (for Jorge Moreira da Silva).

On 21 January 2003 the Committee on Regional Policy, Transport and Tourism decided not to deliver an opinion. On 20 February 2003, the Committee on Industry, External Trade, Research and Energy decided not to deliver an opinion.

The report was tabled on 10 September 2003.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a European Parliament and Council directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (COM(2002) 750 – C5-0632/2002 – 2002/0301(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2002) 750¹),
 - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0632/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy (A5-0292/2003),
1. Approves the Commission proposal as amended;
 2. cCalls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Recital 5

(5) Because of the characteristics of organic solvents, their use in ***certain products*** gives rise to emissions of organic compounds into the air, which contributes to the local and transboundary formation of photochemical oxidants in the boundary layer of the troposphere and, under certain exposure conditions, have harmful effects on human health.

(5) Because of the characteristics of organic solvents, their use in ***decorative paints and varnishes and vehicle refinishing products*** gives rise to emissions of organic compounds into the air, which contributes to the local and transboundary formation of photochemical oxidants in the boundary layer of the troposphere and, under certain exposure

¹ OJ C not yet published.

conditions, have harmful effects on human health.

Justification

Need for scope consistency and legal clarity

Amendment 2

Recital 5 (a) (new)

(5a) *The purpose of this Directive and in particular future revisions is to prevent the direct and indirect emissions into the general or human environment of VOCs due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products, and the direct health risks to human health, by limiting the maximum content of VOC.*

Justification

One major health effect of VOC emissions is occupational hazards for professional and non-professional painters. This directive should take these considerations and existing regulations into account in particular in future revisions.

Amendment 3

Recital 6

(6) Emissions of VOCs should therefore be avoided or reduced, especially since potentially less harmful substitutes are available or will soon be.

(6) Emissions of VOCs should therefore be avoided or reduced, especially since potentially less harmful substitutes ***for decorative paints and varnishes and vehicle refinishing products*** are available or will soon be.

Justification

Need for scope consistency and legal clarity.

Amendment 4

Recital 7

- | | |
|--|--|
| (7) <i>The use of organic solvents and the emissions of VOCs</i> should be reduced <i>as much as</i> technically and economically feasible. | (7) <i>Emissions of VOCs from decorative paints and varnishes and vehicle refinishing products</i> should be reduced <i>where</i> technically and economically feasible. |
|--|--|

Justification

Need for scope consistency and legal clarity

Amendment 5

Recital 8

- | | |
|---|--|
| (8) A high level of environmental protection requires the setting and achievement of content limit values for VOCs used in <i>certain categories of products</i> . | (8) A high level of environmental protection requires the setting and achievement of content limit values for VOCs used in <i>decorative paints and varnishes and vehicle refinishing products, for example</i> . |
|---|--|

Justification

This amendment clarifies the scope of the directive and the need for it.

Amendment 6

Recital 9 (a) (new)

- 9a. *The repair and refurbishment of certain old and treasured vehicles may require the use of authentic repair materials.***

Justification

Some types of vehicles in preservation need to be finished in the original coatings to maintain authenticity or to avoid chemical reactions with paints when effecting a repair.

Amendment 7

Recital 10

- | | |
|--|--|
| (10) Content limit values need to be monitored in order to determine whether the mass concentrations of VOCs found in each category of products covered by this Directive are within the permitted limits. | (10) Content limit values need to be monitored in order to determine whether the mass concentrations of VOCs found in each category of <i>decorative paints and varnishes and vehicle refinishing</i> products covered by this Directive are within the permitted limits. |
|--|--|

Justification

Need for scope consistency and legal clarity.

Amendment 8

Recital 11

- | | |
|---|---|
| (11) 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 <i>certain</i> activities and installations should therefore be amended accordingly. | (11) 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 <i>vehicle refinishing</i> activities and installations should |
|---|---|

therefore be amended accordingly.

Justification

Need for scope consistency and legal clarity.

Amendment 9

Recital 14

- | | |
|---|---|
| (14) This Directive does not prejudice nor affect measures taken at Community or national level to protect the health of workers and their working environment. | (14) This Directive does not prejudice nor affect <i>existing or new</i> measures taken at Community or national level to protect the health of workers and their working environment. |
|---|---|

Justification

It is important to make it clear that Member States which already have a high level of worker protection may continue to maintain this high standard.

Amendment 10

Article 1, paragraph 2 (a) (new)

2(a) This directive does not impede Member States from taking measures to protect workers and consumers and in this way they may prohibit or restrict the use of certain high VOC-containing products.

Justification

This directive aims to prevent and reduce emissions of VOC due to the use of solvents in paints and varnishes, with the specific aim of reaching the NEC-goals in 2010 as the VOCs

are ozone precursors. It lays down VOC content limits which should never be exceeded by any product in the EU. This directive however should not prevent Member States to take the necessary measures to improve further workers health and consumers health when dealing with these products. More than 1.5 million painters and decorators in the EU work with these products and often suffer from various health problems. Due to the differences in climate and culture, some MS might want to impose healthier norms for certain categories, restrict the use of specific products. This directive should be seen as harmonising on a maximum content without restricting MS to go further.

Amendment 11
Article 2, paragraph 2

2. *VOC content limit value* means the mass of volatile organic compounds, expressed in terms of certain specific parameters, such as concentration expressed in g/l, which may not be exceeded in the formulation of the product;

2. *VOC content limit value* means the mass of volatile organic compounds, ***excluding any part that reacts during drying of the coating***, expressed in terms of certain specific parameters, such as concentration expressed in g/l, which may not be exceeded in the formulation of the product ***ready for use***;

Justification

This modification is necessary to allow the use of reactive diluents, which are substances that behave like solvents during the application phase but then react to form part of the film of varnish, thus helping to reduce the emission of VOCs.

Amendment 12

Article 2, paragraph 5

5. *volatile organic compound (VOC)* means any organic compound having a boiling point less than or equal to **250°C** measured at a standard pressure of 101.3kPA;

5. *volatile organic compound (VOC)* means any organic compound having a boiling point less than or equal to **280°C** measured at a standard pressure of 101.3kPA;

Justification

The current VOC definition in the Commission's text excludes solvents such as Texanol, which

are harmful to the environment and human health and would mislead consumers, The 280°C boiling point definition, which is strongly recommended by the Decopaint Study (European Study on the Potential for Reducing Emission from VOCs due to the use of Decorative Paints and Varnishes for Professional and Non-Professional use), provides consumers with an accurate definition of VOCs and is in line with the aim of this proposal to reduce VOC content in paints.

Amendment 13

Article 2, paragraph 6

- | | |
|---|--|
| 6. organic solvent means any VOC which is used alone or in combination with other agents, and without undergoing a chemical change , to dissolve raw materials, products, or waste materials, or is used as a cleaning agent to dissolve contaminants, or as a dispersion medium, or as a viscosity adjuster, or as a surface tension adjuster, or as a plasticiser, or as a preservative; | 6. <i>organic solvent</i> means any VOC which is used alone or in combination with other agents to dissolve or dilute raw materials, products, or waste materials, or is used as a cleaning agent to dissolve contaminants, or as a dispersion medium, or as a viscosity adjuster, or as surface tension adjuster or as a plasticiser, or as a preservative, or as a reactive diluent or as a paint stripper . |
|---|--|

Justification

Organic solvents should also include:

VOCs that are used to dilute products (thinners); VOCs that undergo or will potentially undergo chemical change. Reactive diluents e.g. some glycidyl ethers and styrene, which are intended to undergo chemical binding as the last step are also a VOC. These can be emitted before undergoing the intended chemical reaction and VOCs that are used as paint strippers.

Thinners and strippers are important contributors to VOC emissions, therefore it is important these products are include even though they are only indirectly regulated here.

Amendment 14

Article 2, paragraph 7

- | | |
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| 7. <i>coating</i> means any preparation, including all the organic solvents or | 7. <i>coating</i> 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;

preparations containing organic solvents necessary for its proper application, which is used to provide a **film with decorative, protective and/or other specific effects** on a surface;

Justification

This amendment clarifies the way in which the coating achieves its protective and/or decorative effects, i.e. by forming a film on a particular surface, thereby distinguishing it from other types of applications such as wood preservatives.

Amendment 15

Article 3

Member States shall ensure that only products set out in Annex I with a VOC content not exceeding the values set out in Annex II shall be **placed on the market** within their territory after the dates laid down in that Annex.

Without prejudice to the provisions of Article 1, Member States shall ensure that only products set out in Annex I with a VOC content not exceeding the values set out in Annex II shall be produced for the internal market or imported within their territory after the dates laid down in that Annex. Coating materials produced for the export to non-member countries are not concerned.

Justification

Member States should have an unquestioned right to maintain or introduce higher standards than those fixed in this Directive, provided those measures relate to one of the exemptions specifically allowed in the Treaty and do not represent a deliberate and unjustified restraint of trade. By obliging Member States to inform the Commission of any measures which go beyond the requirements of this Directive, this amendment seeks to reconcile a high standard of workers' protection with the smooth functioning of the internal market. The monitoring required of the Member States must be feasible in practice; the Commission proposal entails screening the whole commercial chain (distribution channels and points of sale), which would impose a very heavy administrative burden. It is therefore proposed that the problem be tackled at source, by requiring checks on production for the internal market as from the dates indicated in Annex II. To ensure a level playing field for coatings produced in Community

territory, imported coatings should be subject to the same provisions. For export to non-member states of the EU the proposed directive must not be applied since manufacturers/exporters from EU countries would not be able to compete successfully in the non-member countries.

Amendment 16

Article 3, 1st paragraph (a) (new)

Existing or new measures taken at national or Community level to protect their health of workers and their environment and which provide a higher level of protection than achieved by this Directive shall not be affected.

Justification

Several Member States have legislation on the use of volatile organic compounds in the working environment. Some of these provisions afford a higher level of protection for workers than will be achieved by this Directive. Harmonisation at Community level must not result in workers in certain Member States being given health protection of a lower standard than was the case before harmonisation. Consequently, more stringent legislative provisions should not be affected by this Directive.

Amendment 17

Article 3, 1st paragraph (b) (new)

Member States shall ensure that decorative paints and varnishes and vehicle refinishing products shall not contain substances that have been classified as carcinogens, mutagens, or toxic to reproduction under Directive 67/548/EEC.

Justification

This builds on the substitution clause in Article 5, paragraph 6 of Directive 1999/13/EC on the limitation of emissions of VOCs due to the use of organic solvents in certain activities and installations. Given the direct exposure when using paints, CMR substances should not be

used in them.

Amendment 18

Article 3, 1st paragraph (c) (new)

Should a Member State have adopted stricter measures than those required by the Directive, it shall, on entry into force of the Directive, inform the Commission of the nature of these provisions as well as the grounds for maintaining them.

Justification

Member States should have an unquestioned right to maintain or introduce higher standards than those fixed in this Directive, provided those measures relate to one of the exemptions specifically allowed in the Treaty and do not represent a deliberate and unjustified restraint of trade. By obliging Member States to inform the Commission of any measures which go beyond the requirements of this Directive, this amendment seeks to reconcile a high standard of workers' protection with the smooth functioning of the internal market.

Amendment 19

Article 3, 1st paragraph (d) (new)

Certain old and treasured vehicles may require the use of authentic repair materials which may not in all cases meet the VOC control values set in Annex II. Small quantities of such products may be placed on the market by specialist suppliers and special interest clubs or groups. This exemption shall not represent more than 0.5 % of total sales in the vehicle refinishing sector.

Justification

Some types of vehicles in preservation need to be finished in the original coatings to maintain authenticity or to avoid chemical reactions with paints when effecting a repair.

Amendment 20

Article 4

Member States shall ensure that the products set out in Annex I carry a label when they are placed on the market. **The** indications required on the label shall be determined in accordance with the procedure referred to in Article 12.

Member States shall ensure that the products set out in Annex I carry a label when they are placed on the market, **indicating the potential risks of exposure to solvents and how to use the products wisely, taking into account the distinction between products for indoor and outdoor use. The label shall provide at least the following information for the product in ready to use format:**

- **the quantity of solvent per volume of product in grams/litre of organic solvent for any solvent present above 2 grams/litre,**
- **a graded colour and/or numeric scaling based on existing best practice in the sector,**
- **a clear warning about the potential direct and indirect effects on human health and the environment due to emissions of VOCs.**

Products shall be labelled to prevent cleaning of products into waterways and drains.

Further indications required on the label shall be determined in accordance with the procedure referred to in Article 12, **with particular reference to existing best practice in the sector.**

The Commission shall produce guidelines so that any mandatory labelling requirements should complement and not undermine existing more stringent schemes in the European market.

Justification

Minimum requirements for the label should be decided by both Parliament and Council. Effective labelling already exists, and the EU label should build on this experience. The label should carry both absolute information (g/litre), and this information on existing best practice in the sector. Examples of scales can be the colour grading of the energy label or a numeric scale such as for example 0 < 2 < 5 < 10 < 50 < 100 < 250 < 500 < 750 g/L. The label should also carry a clear warning concerning the effects on human health and the environment.

As the Decopaint study has shown, cleaning of all products, including waterborne products, into waterways and drains is not desirable and should be prevented.

There have been large-scale investments to create a number of successful voluntary labelling schemes in the European decorative paints market. These have promoted the use of solvent free paints and provided access to impartial consumer information. They have been especially successful in Member States such as the UK. It is important to recognise and protect the value and integrity of these existing consumer labelling schemes

As the Commission itself points out, the voluntary initiative by the sector in terms of technical innovation and making consumers aware of the range of products available, in particular by labelling, has been decisive in reducing VOC emissions. Initiatives of this kind and past experience should be taken into account when formulating labelling requirements..

Amendment 21

Article 5, paragraph 2 (a) (new)

(2a) Member States shall take measures to promote and monitor the wise, controlled and responsible use of the products set out in Annex I.

Justification

Controlled and responsible use of products is important and Member States have a role to play in this respect.

Amendment 22

Article 5 (a) (new)

NEW Article 5 (a)

(1) For the purpose of restoration and maintenance of buildings designated by National Authorities as being of particular historical value, Member States may licence the use of special paints, which do not meet the solvent limit values laid down in Annex II.

(2) In the tri-annual reports according to Article 7 of the proposal, Member States shall inform the Commission about the number of licences granted and the nature and volume of the special paints licensed according to paragraph 1.

Justification

Without these derogations, there shall not be any authentic paint to restore historic buildings.

Amendment 23

Article 5 a (new)

NEW Article 5 (a)

Substitution

1. The Commission shall ensure that an exchange of information between Member States on the use of organic solvents in decorative paints and varnishes and vehicle refinishing products and their potential substitutes takes place. It shall consider the questions of:

- fitness for use,***
- potential effects on human health and occupational exposure in particular, and***
- potential effects on the environment, and***

- the economic consequences, in particular, the costs and benefits of the options available,

with a view to providing guidance on the use of products and techniques which have the least detrimental effects on air, water, soil, ecosystems and human health.

The exchange of information shall be made publicly available on the Commission's internet. Every two years, the Commission shall publish updated guidance for each product category

Justification

This new article is largely identical to Article 7 of Directive 1999/13/EC on the limitation of emissions of VOCs due to the use of organic solvents in certain activities and installations. The exchange of information on best available technology and potential substitutes is an important tool for innovation and for use in future revisions of the directive. Such information should be facilitated, made publicly available, and updated guidance documents should be published regularly

Amendment 24

Article 6, second paragraph

Member States shall use ***national*** methods of determination of the VOC content ***if relevant CEN or ISO methods are not available.***

Member States shall use ***the available CEN or ISO11890*** for determination of the VOC content.

Justification

As specific ISO standards (ISO 11890) are available for the determination of the VOC content of paints and varnishes, this standard should be specified as the method to be used for the purposes of applying the Directive, thereby avoiding the risk of obstacles to the free movement of goods being created by the application of particular national methods for determining the VOC content.

Amendment 25

Article 7, 1st paragraph (a) (new)

1a The Commission shall submit a report, no later than (2 years after implementation date), assessing the actual and anticipated reduction in ozone formation as a result of this Directive.

Justification

To ensure effectiveness of the legislation.

Amendment 26

Article 8

Member States shall not, prohibit, restrict or prevent the placing on the market of products which comply with the requirements of this Directive.

Without prejudice to existing measures taken at Community or national level to protect the health of workers when using the products referred to in this Directive,
Member States shall not, prohibit, restrict or prevent the placing on the market of products which comply with the requirements of this Directive.

Justification

Various Member States have worker's health legislation in place which establishes stricter measures. Member States should be allowed to keep such legislation on the use of paints so as to maintain their current level of protection.

Amendment 27

Article 9

By 31 December 2006 at the latest, the Commission shall review the technical and economic feasibility of applying from 2010

If no content limit value is set for 2010 for the solvent-borne products in subcategory (d) of Annex II point A, by 31 December

a content limit value to the solvent-borne products in subcategory (d) of Annex II point A, and shall make a proposal to the European Parliament and Council for the value to be applied from 2010.

2006 at the latest, the Commission shall review the technical and economic feasibility of applying a content limit value to the solvent-borne products in subcategory (d) of Annex II point A, and shall make a proposal to the European Parliament and Council for the value to be applied from 2010.

Justification

A clear sustainable VOC content limit should be adopted for subcategory (d) of Annex II, point A. The review under Article 9 proposed by the Commission especially for this subcategory would only be necessary in the case where such a content limit is not adopted.

Amendment 28

Article 13, paragraph 1

Directive 1999/13/EC shall be amended as follows:

1. In section "vehicle refinishing" of Annex I, the first indent is deleted.

Directive 1999/13/EC shall be amended as follows:

The section "vehicle refinishing" of Annex I is deleted.

Justification

The Commission's text results in an incomplete definition of "vehicle refinishing" in directive 1999/13/EC, which is no longer relevant to that Directive.

Car repair shops not only carry out paint spraying as part of a repair, for example of a dented wing, but also carry out the initial finishing of heavy goods vehicle bodies (for example advertising lettering) and trailers (for example, in the firm's colours). Under the Commission proposal, the new Decopaint Directive would apply exclusively to vehicle refinishing for car repairs, whereas the finishing of heavy goods vehicle bodies and trailers would remain subject to Directive 1999/13/EC. Making this sector subject to two different directives would impose a heavy administrative burden which is completely unnecessary given that the same products are used for all three types of finishing. There would be no drawbacks from the environmental protection point of view as the same modern products would be used even if the sector were subject to two different directives.

Amendment 29
Article 13, paragraph 2a (new)

2a. In Annex IIA, point II, in the footnote to the table, the words 'for the vehicle refinishing sector' are deleted.

Justification

This amendment extends the changes to be made to Directive 1999/13/EC, in line with the Commission's objective, i.e. to avoid overlapping between the two directives.

Amendment 30
Article 13, paragraph 2b (new)

2b. In Annex IIB, in the second table, the words 'vehicle refinishing' are deleted

Justification

This amendment extends the changes to be made to Directive 1999/13/EC, in line with the Commission's objective, i.e. to avoid overlapping between the two directives.

Amendment 31

ANNEX I, 1

I.1.-Decorative paints and varnishes means products listed in the subcategories below. They are coatings applied to buildings, their trim and fittings, and associated structures for decorative, functional and protective purpose. Products used in the coating of substrates at their original point of manufacture are excluded.

I.1.-Decorative paints and varnishes mean **all** coatings applied to buildings, their trim and fittings, and associated structures for decorative, functional and protective purpose, **including the subcategories listed below. Aerosols, wood preservatives, high performance protective coatings and products used in the coating of substrates at their original point of manufacture are excluded.**

Justification

The amendment is meant to make sure that all decorative paints and varnishes – as intended – are covered by the directive, i.e. to avoid any gaps in the coverage of the directive. The amendment makes sure that the listed subcategories are equal to or part of the conception of “decorative paints and varnishes”.

Amendment 32

ANNEX I, 1.1 - Subcategory (a)

(a) Matt coatings for interior walls and ceilings means coatings designed for application to indoor walls and ceilings with a degree of gloss < 25@60°.

(a) Matt coatings for interior walls and ceilings means coatings designed for application to indoor walls and ceilings with a degree of gloss ≤ ***[below or equal to]*** 25@60

Justification

The amendment is simply to make sure, that gloss = 25 does not fall out of the subcategories a and b.

Amendment 33

ANNEX I, 1.1.- Subcategories (d)

d) Interior/exterior trim and cladding paints for wood and metal means coatings designed for application to trim and cladding which produce an opaque film. These coatings are designed either for a wood or metal substrate. This subcategory includes ***opaque woodstains. Opaque woodstains means coatings producing an opaque film for the decoration and protection of wood, against weathering, as defined in EN 927-1 within the semi-***

d) Interior/exterior trim and cladding paints for wood and metal, ***and plastics*** means coatings designed for application to trim and cladding which produce an opaque film. These coatings are designed either for a wood or metal ***or plastic*** substrate. This subcategory includes ***undercoats and intermediate coatings.***

stable category.

Justification

This amendment seeks to correct a technical error: the table in Annex II puts opaque wood stains in category (e) (Interior/exterior trim varnishes and woodstains, whereas in the definitions in Annex I, these products come under the definition for subcategory (d) (Interior/exterior trim and cladding paints for wood and metal). It is therefore proposed that opaque wood stains should be put in the relevant subcategory of Annex I.

Amendment 34
ANNEX I, 1.2

Vehicle refinishing products means products used ***to coat a road vehicle or part of it, whether as part of a repair job, or to coat the vehicle with refinish-type materials, where this is done away from the original manufacturing line.***

Vehicle refinishing products means products used ***in any industrial or commercial coating activity and associated degreasing activities performing:***

- 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, or-***
- the original coating of road vehicles as defined in Directive 70/156/EEC or part of them with refinish-type materials, where this is carried out away from the original manufacturing line, or the coating of trailers (including semi-trailers) (category O).***

Justification

For the purposes of ensuring consistency in Community legislation, the rapporteur proposes to reproduce the wording used in Directive 1999/13/EC for the definition of road vehicles.

Amendment 35
ANNEX I, 2.1 (e)

2.1e) Special *finishes* means *coatings designed for application as topcoats requiring special properties, such as metallic or pearl effect, in a single layer, high-performance solid-colour and clear coats, (e.g. anti scratch and fluorinated clear-coat) reflective base coat, texture finishes (e.g. hammer), anti-slip, under-body sealers, anti-chip coatings and interior finishes.*

2.1e) Special *products* means *matting, texturing and leather graining coatings and agents; antigraffiti clearcoat; coatings for plastic components, flexible / adhesion primers, plasticizing additives; spot repair fade out additive; anti surface-defect additive; transparent, special effect design colours; organic solvent degreasers/silicone removers; electrostatic additive and aerosols.*

Justification

The Commission definition is ambiguous and includes products that are no longer used (single layer metallics). It also omits some important (though low volume) product types. Some of these are additives so the term "special finishes" is inappropriate.

Amendment 36

ANNEX A, row (e), WB, (Phase II)

Phase II (g/l*) (from 1.1.2010):
(from 1.1.2010) WB **100**

Phase II (g/l*) (from 1.1.2010):
(from 1.1.2010) WB **130**

Justification

The limit for subcategory (e) 'Interior / exterior trim varnishes and wood stains including opaque wood stains' WB is set at 100g/l for Phase II. This category of WB coating is even more critical in respect of open time and flow characteristics than paint. As such a low VOC limit will lead to unacceptable aesthetical appearance of the coating materials applied. It is therefore not understood why particularly this category of paint is directed to lower VOC threshold limits than opaque WB products. In addition, the limit of 100 g/l hampers unnecessarily the switch from solvent-borne products to waterborne products with their anyway lower VOC content. As this category of paint does not represent significant sales volumes, there is also no justification to do so for reasons of significant contribution to VOC reduction volumes. The limit should be set at 130 g/l.

Amendment 37

ANNEX II, Table A, row g SB (Phase I)

(g) Primers

Phase I (g/l)

(from 1.1.2007) - SB **450**

(g) Primers

Phase I (g/l)

(from 1.1.2007) - SB **400**

Justification

The proposed maximum limit values for the VOC content for specific applications do not go much beyond what is now technically feasible. The solvent content would be reduced only slightly and in several sectors the current VOC content is a target that does not have to be achieved until 2010 (Phase II). This would mean that existing decorative paints and varnishes could continue to be used, however it will not result in the further reduction of VOC emissions that the Directive seeks to achieve.

EXPLANATORY STATEMENT

Commission proposal

The European Commission's Clean Air for Europe programme (CAFE) is a thematic strategy to reduce emissions and provide European citizens with clean air.

Volatile organic compounds (VOCs) are emitted into the air from the processes where they are used or produced: in transport there are emissions in the form of evaporation from hydrocarbon-based fuels and vehicle exhausts and there are emissions from the use of solvent-containing products.

These emissions undergo chemical reactions in the atmosphere, which cause a number of indirect effects, in particular the formation of photochemical oxidants such as tropospheric ozone. When highly concentrated in air, ozone can impair human health and can damage forests, vegetation and crops, reducing yields. Ozone is also a potent greenhouse gas. VOCs cause episodic ozone formation at local and at regional level, involving precursors and photochemical oxidants transported over long distances.

There is already a substantial body of legislation in the Community to reduce emissions of volatile organic compounds into the air. Directive 96/61/EC on Integrated Pollution Prevention and Control addresses reduction of emissions into all media from a large number of industrial sectors. Directive 1999/13/EC on the limitation of volatile organic compounds due to the use of organic solvents in certain activities and installations specifically addresses emissions of volatile organic compounds from industrial sectors that are substantial users of solvents by setting both stack and fugitive emission limit values. In addition, that Directive sets out to clean up production processes by proposing solvent emission reduction plans as an alternative method of compliance to the conventional use of pollution abatement equipment.

The Commission therefore proposes to introduce maximum limits for the use of solvents in specific categories of coatings, in two phases (2007/2010) so as to reduce total VOC emissions by 295 kilotonnes by 2010, for the two sectors taken together (decorative paints and vehicle refinishing).

Rapporteur's position

The rapporteur welcomes the Commission's proposal, which is based on overriding considerations of environmental protection and public health protection for European citizens, to which the EU has a duty to respond; the proposal is part of a comprehensive body of legislation (National emission ceilings and IPPC).

Your rapporteur also welcomes the efforts made by this sector of industry to reduce voluntarily the quantities of solvents required to produce coatings. This effort, prompted by the industry's awareness of environmental concerns and by market forces, has brought about a situation in which today approximately 70% of decorative paints are water-based.

In view of the complex nature of the chemical processes resulting in the creation of tropospheric ozone and the need to take a broad view of this issue, the rapporteur would like to draw attention to the following points:

- a targeted measure of this kind by the Commission should take greater account of the present and future technical feasibility required to achieve the targets set, all the more so when the major risk is that VOC emissions might be increased rather than reduced;
- the question of technical feasibility is closely linked to that of paint quality, particularly for a number of specific applications which have not only a decorative but also a protective role for wood and metal and are used for both private and public purposes;
- quality is determined by long-term resistance to weather and contact with human beings or machines. Over a given period of time, reducing paint quality as defined above would involve increasing the number of applications required to ensure its protective and decorative functions;
- in terms of quality there is a point at which reducing the quantity of solvents for most categories of coatings covered by the scope of the directive becomes counterproductive, creating a serious risk of causing an increase in VOC emissions, which is exactly the opposite of what the present proposal sets out to achieve;
- the hoped-for shift to water-based paints does not completely solve the environmental problems as these products contain other substances with a not insignificant environmental impact, for example anti-bacterials, precisely because the quality is not up to the standard of solvent-based paints. Consequently, the problem will not be resolved but merely displaced.

Amendments

Your rapporteur therefore proposes seven amendments designed to clarify various definitions contained in the directive; these concern industrial practices (amendments 2 and 3), existing international or Community law (amendments 6, 8, 11) and the correction of technical errors in the Commission proposal (amendments 9 and 10).

In line with the argument set out in this explanatory statement, the rapporteur has tabled five amendments to the limits set for a number of specific subcategories (amendments 12 - 16), in order to maintain quality (or the protective function) of the subcategories of paints and to avoid the risk of increasing VOC emissions.

The other amendments concern:

- the committee procedure, laid down in Article 12, where clarification is required to take account of existing labelling practices in the industry; this change relates to the scope of Article 4 (amendment 5);
- monitoring by Member States, set out in Article 3 (amendment 4).

- the approach to product substitution, set out in recital 6 (amendment 1).
- the feasibility study proposed by the Commission in Article 9 (amendment 7): this amendment is justified by the changes made to Annex II by amendment 13.