



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.1.2004  
COM(2004) 16 final

2002/0301 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to the second subparagraph of Article 251 (2) of the EC Treaty**

**concerning the**

**common position of the Council on the Commission proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds (VOCs) due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (COM(2002)750 final (2002/0301 (COD))**

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**1. BACKGROUND**

Date of transmission of the proposal to the EP and the Council (document COM(2002)750 final – 2002/0301(COD)): 23.12.2002

Date of the opinion of the European Economic and Social Committee: 18.06.2003

Date of the opinion of the European Parliament, first reading: 25.09.2003

Date of adoption of the common position (unanimity): 07.01.2004

**2. OBJECTIVE OF THE COMMISSION PROPOSAL**

The purpose of the Commission proposal, which is based on Article 95 of the Treaty, is to limit the emissions of solvents containing volatile organic compounds (VOCs) in certain paints, varnishes and vehicle refinishing products.

The proposal also aims to amend Directive 1999/13/EC by deleting certain vehicle refinishing activities from the scope of Dir. 99/13/EC, as the VOC content of the special products used for these vehicle refinishing activities are proposed to be regulated by limit values laid down in this proposal. This entails an administrative and technical simplification for this sector, predominantly consisting of relatively small enterprises.

VOCs are transported in the atmosphere over long distances and represent one of the main sources of transboundary air pollution, being ozone precursor substances.

The proposed Directive will help Member States in complying with the requirements set out by the National Emission Ceilings (NEC) Directive. Without further action, the estimated VOC emissions would stand at 7.1 million tonnes per year in 2010, whereas the NEC Directive commits Member States to a combined Community ceiling of 6.5 million tonnes per year in 2010.

### 3. COMMENTS ON THE COMMON POSITION

#### 3.1. General

At its plenary session of 23 September 2003, the European Parliament adopted 40 amendments to the Commission proposal, out of the 83 amendments that were tabled. Out of the 40 amendments adopted, the Commission accepted 16 either in full, or in part or in principle.

Out of the 40 amendments adopted by Parliament, the Council incorporated 26 amendments in full, in part or in principle. Further to these amendments from Parliament, the Council also introduced a number of own, new amendments to the Commission's proposal.

The Commission supports the Common Position.

#### 3.2. Detailed comments

##### 3.2.1. *Amendments accepted by the Commission and incorporated in full or in part in the Common position*

Amendments 4, 6, 10, 11, 13, 14, 16, 19, 20, 22, 26, 32, 33, 34, 54 and 84 have been incorporated in full or in part in the Common Position.

**Amendment 4** requesting an explicit reference to the products covered by the Directive is incorporated in part in recitals 7 and 8.

**Amendment 6** concerning the need for allowing special paints etc. for the maintenance of old and treasures vehicles is in principle incorporated in recital 11.

**Amendment 84** deleting the reference to human health from Article 1 paragraph 1 is agreed by Council.

**Amendment 10** clarifying that the Directive does not preclude or prejudice national or Community measures for the protection of the health of workers or consumers is covered in substance by Article 1 paragraph 4.

**Amendment 11** on the definition of VOC content is covered in its entirety by the new version of Article 2 paragraph 2. As a consequence, a clarification has also been added in Article 3 paragraph 1 third indent, related to products in their ready for use condition.

**Amendment 13** is, in its first part, incorporated in Article 2 paragraph 6 while the second part is covered by the new version of Article 2 paragraph 2 and by Annex I.2 1 a) first indent.

**Amendment 14** on the definition of "coating" is incorporated in Article 2 paragraph 7.

**Amendment 16** emphasizing that the Directive does not prejudice nor affect National or Community measures for the protection of health of workers and their working environment with a higher level of protection is covered in substance by the new paragraph 4 of Article 1.

**Amendment 19** pointing to the need allow the sales in limited quantities of products, which do not comply with the VOC limit values, for the repair of vintage vehicles can be found, in substance, in Article 3 paragraph 3. Article 7 is modified accordingly.

**Amendment 20** on labelling is partly taken up in Article 4, while recital 12 specifies that the Directive complements Community provisions on the labelling of chemical substances and preparation. In this context, moreover, it is recalled that Article 1 paragraph 4 on further Community or national measures also applies to labelling requirements.

**Amendment 22** allowing Member States to grant derogations for special paints for the restoration and maintenance of building of special historical value is covered, in essence, by Article 3 paragraph 3 and by Article 7 on reporting.

**Amendments 26 and 54** on measures to protect the health of workers are covered in principle by Article 1 paragraph 4, in connection with the Article 8 as re-formulated by Council.

**Amendment 32** on the definition of "matt coatings for interior walls and ceilings" has been taken in full and Annex II.A a) has been modified accordingly.

**Amendment 33** is fully incorporated in Annex I.1.1. d).

**Amendment 34** on the definition of vehicle refinishing products is taken up in part in Annex I.2. However, the additional coverage of other activities (the original coating of road vehicles and the coating of trailers) was not supported by the Council.

### *3.2.2. New provisions introduced by Council*

Additional to the abovementioned 16 amendments voted by Parliament and accepted by the Commission, the Council to a greater or lesser degree integrated parts or principles of ten amendments: 1, 5, 7, 25, 31, 35, 36, 46, 48 and 54, which were initially rejected by the Commission.

Further Council decided to make changes to

**The title and Article 1** by deleting the term "decorative" used to specify the paints covered by the Directive. The term "decorative paints" did not correspond to common usage in some member states and were perceived as being too restrictive. The sub-categories of products covered by the Directive are exhaustively listed in Annex I.

**Article 2** by adding definitions of "preparation", "film" and "placing on the market". The definition of "VOC content" was also revised.

**Article 3** by including:

- A reference to the new Annex III, listing the analytical methods to be used for determining compliance with the Directive;
- A derogation for products used exclusively in registered or authorised installations according to Directive 1999/13/EC, where pollution abatement equipment is used (to avoid repetitions, the last sentence of Annex I 1 on the definition of paints and varnishes was deleted);
- A transitional arrangement in respect to existing stocks (Article 3 paragraph 4).

**Article 7** The deadlines for the first two reports on the implementation of the Directive has been fixed to 18 months after the dates for compliance with limit values laid down in Annex

II, i.e.: 1 January 2007 and 1 January 2010. The following reports will be prepared every five years.

**Article 9** on the Commission's review has been entirely reformulated in the Council's common position. According to this Article, the Commission is invited to present to the European Parliament and to the Council two reports, accompanied, if appropriate, by proposals to amend the Directive. Paragraphs 1 and 2 of Article 9 contain a list of elements which the Commission is requested to examine. The first report should be prepared in 2008 while the second one, based on the experience gained in applying the Directive, is foreseen in 2012 (i.e. at the latest 30 months after the date of implementation of the VOC content limit values of Annex II phase II).

**Annex I, part 2.1 a)** the first indent defining preparatory and cleaning products for vehicle refinishing (gunwash) has been reworded to include clearly all preparatory products.

**Annex III (new)** lists the analytical methods to be used for determining compliance with the VOC limit values of the Directive. These methods are to be adapted, if necessary, by the Commission in accordance with a regulatory committee procedure.

Finally, **the recitals** have undergone some additions and changes, consequent to the new elements of the common position.

#### **4. CONCLUSION**

The Commission supports the Common Position.

In particular the Commission welcomes the clarification of the purpose and scope of the Directive. The Commission is confident that this clarification adequately responds to the political concerns expressed by both Parliament and Council concerning protection of the health of workers and consumers.