

**L.N. 78 of 2006**

**ENVIRONMENT PROTECTION ACT  
(CAP. 435)**

**PRODUCT SAFETY ACT  
(CAP. 427)**

**Limitation of Emissions of Volatile Organic Compounds (Paints,  
Varnishes and Vehicle Refinishing Products) Regulations, 2006**

BY VIRTUE of the powers conferred by articles 3, 9 and 28 of the Environment Protection Act, 2001, and by article 38 of the Product Safety Act, 2001, the Minister for Rural Affairs and the Environment and the Minister for Competitiveness and Communications, have made the following regulations:—

Citation and entry  
into force and  
scope.

**1.** (1) The title of these regulations is the Limitation of Emissions of Volatile Organic Compounds (Paints, Varnishes and Vehicle Refinishing Products) Regulations, 2006.

(2) These regulations shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

(3) A notice under sub-regulation (2) of this regulation may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

(4) The purpose of these regulations is to limit the total content of VOCs in certain paints and varnishes and vehicle refinishing products in order to prevent or reduce air pollution resulting from the contribution of VOCs to the formation of tropospheric ozone.

(5) These regulations shall apply to the products set out in Annex I.

Definitions.

**2.** For the purpose of these regulations and unless the context otherwise requires:—

“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 film with decorative, protective or other functional effect on a surface;

“the competent authority” means the authority or authorities or bodies appointed by the Minister by notice in the Gazette;

“film” means a continuous layer resulting from the application of one or more coats to a substrate;

“organic compound” means any compound containing at least the element carbon and one or more of hydrogen, oxygen, sulphur, phosphorus, silicon, nitrogen, or a halogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates;

“organic solvent” 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 a surface tension adjuster, or as a plasticiser, or as a preservative;

“placing on the market” means making available to third parties, whether in exchange for payment or not. Importation into the Community customs territory shall be deemed to be placing on the market for the purposes of these regulations;

“preparation” means mixtures or solutions composed of two or more substances;

“solvent-borne coatings (SB)” means coatings the viscosity of which is adjusted by the use of organic solvent;

“substances” means any chemical element and its compounds, as they occur in the natural state or as produced by industry, whether in solid or liquid or gaseous form;

“VOC content” means the mass of volatile organic compounds, expressed in grams/litre (g/l), in the formulation of the product in its ready to use condition. The mass of volatile organic compounds in a given product which react chemically during drying to form part of the coating shall not be considered part of the VOC content;

“volatile organic compound (VOC)” means any organic compound having an initial boiling point less than or equal to 250°C measured at a standard pressure of 101,3 kPa;

“water-borne coatings (WB)” means coatings the viscosity of which is adjusted by the use of water.

Requirements.

**3.** (1) The competent authority shall ensure that the products set out in Annex I are placed on the market after the dates laid down in Annex II only if they have a VOC content not exceeding the limit values set out in Annex II and comply with regulation 4 hereof.

(2) For determining compliance with the VOC content limit values set out in Annex II, the analytical methods referred to in Annex III shall be used.

(3) For products set out in Annex I to which solvents or other components containing solvents have to be added in order for the product to be ready for use, the limit values in Annex II shall apply to the VOC content of the product in its ready for use condition.

L.N. 225 of 2001.

(4) By way of derogation from sub-regulation (1), products sold for exclusive use in an activity covered by the Limitation of Emissions of Volatile Organic Compounds Regulations, 2001, and carried out in a registered or authorised installation according to regulations 3 and 4 of the said regulations shall be exempt from compliance with the above-mentioned requirements.

(5) For the purposes of restoration and maintenance of buildings and vintage vehicles designated by competent authorities as being of particular historical and cultural value, the competent authority may grant individual licences for the sale and purchase in strictly limited quantities of products which do not meet the VOC limit values laid down in Annex II.

(6) Products falling under the scope of these regulations which are shown to be produced before the dates laid down in Annex II and do not fulfill the requirements of sub-regulation 1 may be placed on the market for a period of 12 months following the date on which the requirement applying to the product in question comes into force.

Labelling.

**4.** (1) The competent authority shall ensure that the products set out in Annex I carry a label when they are placed on the market. The label shall indicate:—

(a) the subcategory of the product and the relevant VOC limit values in g/l as referred to in Annex II;

(b) the maximum content of VOC in g/l of the product in a ready to use condition.

Monitoring.

**5.** The competent authority shall set up a monitoring programme for the purpose of verifying compliance with these regulations.

6. The placing on the market of products falling under the scope of these regulations and which, in their ready to use condition, comply with the requirements of these regulations shall not be prohibited, restricted or prevented on grounds dealt with in these regulations. Free circulation.

7. Any person shall be guilty of an offence under these regulations if:– Offences under these regulations.

(a) he fails to comply with any order lawfully given in terms of any provision of these regulations; or

(b) he contravenes any restriction, prohibition or requirement imposed by or under these regulations; or

(c) he conspires or attempts, or aids, or abets, any other person by whatever means, including advertising, counselling or procurement to contravene the provisions of these regulations or to fail to comply with any such provisions, including any order lawfully given in terms of any of the provision of these regulations, or to contravene any restriction, prohibition or requirement imposed by or under the said regulations.

8. Any person who commits an offence against these regulations shall, on conviction, be liable:– Penalties.

(a) on a first conviction to a fine (*multa*) of not less than five hundred liri but not exceeding one thousand liri;

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than one thousand liri, but not exceeding two thousand liri or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment;

Provided that whenever any person is found guilty of committing an offence under these regulations by means of vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree;

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the public entities and, or other persons acting on their behalf involved in the implementation of these regulations and restitution of the environment as a result of the said offence, the revocation of the permit issued by the Police and the confiscation of the *corpus delicti*.

9. (1) The provisions of section 23 and subsection (1) of section 30 of the Criminal Code shall, *mutatis mutandis*, apply to proceedings, in respect of offences against these regulations, so however that the disqualification from holding or obtaining a licence, permit or authority shall in no case be for less than one year.

(2) Notwithstanding the provisions of section 370 of the Criminal Code, proceedings for an offence against these regulations shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, and shall be in accordance with the provisions of the Criminal Code regulating the procedure before the said courts as courts of criminal judicature.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) in respect of proceedings for any offence against these regulations.

*ANNEX I***SCOPE**

1. For the purposes of these regulations, paints and varnishes means products listed in the subcategories below, excluding aerosols. They are coatings applied to buildings, their trim and fittings, and associated structures for decorative, functional and protective purpose.

1.1. Subcategories:

- a) 'matt coatings for interior walls and ceilings' means coatings designed for application to indoor walls and ceilings with a degree of gloss  $\leq 25@60^\circ$ .
- b) 'glossy coatings for interior walls and ceilings' means coatings designed for application to indoor walls and ceilings with a degree of gloss  $>25@60^\circ$ .
- c) 'coatings for exterior walls of mineral substrate' means coatings designed for application to outdoor walls of masonry, brick or stucco;
- d) 'interior/exterior trim and cladding paints for wood, metal or plastic' means coatings designed for application to trim and cladding which produce an opaque film. These coatings are designed for either a wood, metal or a plastic substrate. This subcategory includes undercoats and intermediate coatings;
- e) 'interior/exterior trim varnishes and woodstains' means coatings designed for application to trim which produce a transparent or semi-transparent film for decoration and protection of wood, metal and plastics. 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-stable category;
- f) 'minimal build woodstains' means woodstains which, in accordance with EN 927-1:1996, have a mean thickness of less than  $5\mu\text{m}$  when tested according to ISO 2808: 1997, method 5A;
- g) 'primers' means coatings with sealing and/or blocking properties designed for use on wood or walls and ceilings;
- h) 'binding primers' means coatings designed to stabilise loose substrate particles or impart hydrophobic properties and/or to protect wood against blue stain;
- i) 'one-pack performance coatings' means performance coatings based on film-forming material. They are designed for applications requiring a special performance, such as primer and topcoats for plastics, primer coat for ferrous substrates, primer coat for reactive metals such as zinc and aluminium, anticorrosion finishes, floor coatings, including for wood and cement floors, graffiti resistance, flame retardant, and hygiene standards in the food or drink industry or health services;

- j) 'two-pack performance coatings' means coatings with the same use as one-performance coatings, but with a second component (e.g. tertiary amines) added prior to application;
- k) 'multicoloured coatings' means coatings designed to give a two-tone or multiple-colour effect, directly from the primary application;
- l) 'decorative effect coatings' means coatings designed to give special aesthetic effects over specially prepared pre-painted substrates or base coats and subsequently treated with various tools during the drying period.

2. For the purposes of these regulations, 'vehicle refinishing products' means products listed in the subcategories below. They are used for the coating of road vehicles as defined in the Motor Vehicle (EC Type Approval) Requirements, 2002 (L.N. 95 of 2002), or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations.

2.1. Subcategories:

- a) 'preparatory and cleaning' means products designed to remove old coatings and rust, either mechanically or chemically, or to provide a key for new coatings:
  - (i) preparatory products include gunwash (a product designed for cleaning spray-guns and other equipment), paint strippers, degreasers (including anti-static types for plastic) and silicone removers;
  - (ii) 'precleaner' means a cleaning product designed for the removal of surface contamination during preparation for and prior to the application of coating materials;
- b) 'Bodyfiller/stopper' means heavy-bodied compounds designed to be applied to fill deep surface imperfections prior to the application of the surfacer/filler;
- c) 'primer' means any coating that is designed for application to bare metal or existing finishes to provide corrosion protection prior to application of a primer surfacer:
  - (i) 'surfacers/filler' means a coating designed for application immediately prior to the application of topcoat for the purpose of corrosion resistance, to ensure adhesion of the topcoat, and to promote the formation of a uniform surface finish by filling in minor surface imperfections;

- (ii) 'general metal primer' means a coating designed for application as primers, such as adhesion promoters, sealers, surfacers, undercoats, plastic primers, wet-on-wet, non-sand fillers and spray fillers;
  - (iii) 'wash primer' means coatings containing at least 0,5 % by weight of phosphoric acid designed to be applied directly to bare metal surfaces to provide corrosion resistance and adhesion; coatings used as weldable primers; and mordant solutions for galvanised and zinc surfaces;
- d) 'topcoat' means any pigmented coating that is designed to be applied either as a single-layer or as a multiple-layer base to provide gloss and durability. It includes all products involved such as base coatings and clear coatings:
  - (i) 'base coatings' means pigmented coatings designed to provide colour and any desired optical effects, but not the gloss or surface resistance of the coating system;
  - (ii) 'clear coating' means a transparent coating designed to provide the final gloss and resistance properties of the coating system;
- e) '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, interior finishes; and aerosols.



## ANNEX II

**A. MAXIMUM VOC CONTENT LIMIT VALUES FOR PAINTS AND VARNISHES**

	Product Subcategory	Type	Phase I (g/l (*)) (from 1.1.2007)	Phase II (g/l (*)) (from 1.1.2010)
a	Interior matt walls and ceilings (Gloss < 25 @ 60°)	WB	75	30
		SB	400	30
b	Interior glossy walls and ceilings (Gloss > 25 @ 60°)	WB	150	100
		SB	400	100
c	Exterior walls of mineral substrate	WB	75	40
		SB	450	430
d	Interior/exterior trim and cladding paints for wood and metal	WB	150	130
		SB	400	300
e	Interior/exterior trim varnishes and woodstains, including opaque woodstains	WB	150	130
		SB	500	400
f	Interior and exterior minimal build woodstains	WB	150	130
		SB	700	700
g	Primers	WB	50	30
		SB	450	350
h	Binding Primers	WB	50	30
		SB	750	750
i	One-pack performance coatings	WB	140	140
		SB	600	500
j	Two-pack reactive performance coatings for specific end use such as floors	WB	140	140
		SB	550	500
k	Multi-coloured coatings	WB	150	100
		SB	400	100
l	Decorative effect coatings	WB	300	200
		SB	500	200

(\*) g/l ready use

**B. MAXIMUM VOC CONTENT LIMIT VALUES FOR VEHICLE  
REFINISHING PRODUCTS**

	Product Subcategory	Coatings	VOC g/l (*) (1.1.2007)
a	Preparatory and cleaning	Preparatory	850
		Pre-cleaner	200
b	Bodyfiller/stopper	All types	250
c	Primer	Surfacer/filler and general (metal) primer	540
		Wash primer	780
d	Topcoat	All types	420
e	Special Finishes	All types	840

(\*) g/l of ready for use product. Except for subcategory (a) any water content of the product ready for use should be discounted.

*ANNEX III***METHODS REFERRED TO IN REGULATION 3.2**

Parameter	Unit	Test	
		Method	Date of publication
VOC content	g/l	ISO 11890-2	2002
VOC content where reactive diluent are present	g/l	ASTM D 2369	2003