



REPUBLIC OF ALBANIA

COUNCIL OF MINISTERS

DECISION

(Draft 3, Version 1)

dated 18.04.2014)

No. _____, date _____

“On the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products”¹

Pursuant to Article 100 of the Constitution and to paragraph (b) of Article 14 of the draft 3, version 3 of the Law no _____, dated _____ “On ambient air quality and cleaner air”, upon proposal of Minister of Environment and the Minister of Energy and Industry, the Council of Ministers

DECIDED

I. GENERAL PROVISIONS

1. The purpose of this Decision is to prevent or reduce air pollution resulting from the contribution of VOCs to the formation of tropospheric ozone through the limitation of the total content of VOCs in certain paints and varnishes and vehicle refinishing products.
2. The scope of this Decision covers the products set out in Annex I. It defines the technical specifications for certain paints and varnishes and vehicle refinishing products.
3. This Decision does not prejudice or affect the measures, including labelling requirements, taken to protect the health of consumers and of workers and their working environment.

II. DEFINITIONS

4. For the purposes of this Decision, the following terms will have the meaning:
 - a. “**NEA**” shall mean the National Environment Agency according to Law No.10431, date 9.6.2011 “On Environment Protection”;;
 - b. “**Paints and varnishes**” means products listed in the subcategory 1 of Annex I of this Decision, excluding aerosols. They are coatings applied to buildings, their trim and fittings, and associated structures for decorative, functional and protective purpose;
 - c. “**SIEFW**” shall mean the State Inspectorate of Environment, Forests and Water according to Decision No.46, date 29.1.2014 “On establishment, organization and functioning of State Inspectorate of Environment, Forests and Water”;

¹ Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC
OJ L 143, 30/04/2004 P. 0087 - 0096

- d. **“Minister”** shall mean the minister in charge of environment protection;
 - e. **“Ministry”** shall mean the ministry in charge of environment protection;
 - f. **“Mixture”** means mixtures or solutions composed of two or more substances;
 - g. **“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;
 - h. **“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;
 - i. **“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;
 - j. **“Vehicle refinishing products”** means products listed in the subcategories 2 of Annex I of this Decision. They are used for the coating of road vehicles as defined in Guideline of Minister of Public Works and Transport no.11, dated 6.6.2011 “For the approval of motor vehicles and their trailers, and of systems, components and separate technical unit intended for such vehicles”, or part of them, carried out as part of vehicle repair, conservation or decoration outside of manufacturing installations.
 - k. **“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;
 - l. **“Film”** means a continuous layer resulting from the application of one or more coats to a substrate;
 - m. **“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;
 - n. **“Coating”** means any mixture, including all the organic solvents or mixture 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;
 - o. **“Water-borne coatings (WB)”** means coatings the viscosity of which is adjusted by the use of water;
 - p. **“Solvent-borne coatings (SB)”** means coatings the viscosity of which is adjusted by the use of organic solvent;
- “Placing on the market”** means making available of the product to third parties, whether in exchange for payment or not. Importation into the Albanian customs territory shall be deemed to be placing on the market for the purposes of this Decision.

III. REQUIREMENTS

- 5. The maximum limit values for VOC content in certain paints, varnishes and vehicle refinishing products are set out in Annex II.
- 6. The products set out in Annex I shall be prohibited from being placed on the market within the territory of RoA before the dates laid down in Annex II, unless they have a VOC content not exceeding the limit values referred in paragraph 5 and comply with chapter IV.
- 7. SIEFW or any accredited labs hired by it, for determining compliance with the VOC content limit values set out in Annex II, shall use the analytical methods referred to in Annex III.
- 8. 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.
- 9. By way of derogation from paragraphs 5-8, products sold for exclusive use in an activity covered by decision no... dated.. “On the limitation of volatile organic compounds due to the use of organic solvents in certain activities and installations” and carried out in an installation, which has been registered or issued an environmental permit according to chapters III and IV of that Decision shall be exempted from compliance with the above requirements.
- 10. NEA may grant on a case by case bases individual authorizations for the sale and purchase in strictly limited quantities of products which do not meet the VOC limit values laid down in

Annex II exclusively for the purposes of restoration and maintenance of buildings and vintage vehicles designated by Ministry responsible for culture as being of particular historical and cultural value.

11. Products falling under the scope of this Decision which are shown to be produced before the dates laid down in Annex II and do not fulfill the requirements of paragraph 6 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.
12. NEA may maintain or introduce measures for the control of emissions from vehicle-refinishing activities that are not covered by the Decision no.. dt... “On the limitation of volatile organic compounds due to the use of organic solvents in certain activities and installations”.

IV. FREE CIRCULATION

13. SIEFW shall not, on the grounds dealt with in this Decision, prohibit, restrict or prevent the placing on the market of products falling under the scope of this Decision which, in their ready for use condition, comply with the requirements of this Decision.

V. LABELLING

14. The products set out in Annex I shall 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.

VI. INSPECTION

15. SIEFW shall prepare and implement a monitoring program for inspections of products put in the market to verify compliance with this Decision.

VII. REPORTING

16. SIEFW and NEA respectively shall draft 2 reports and deliver to the ministry the results of the monitoring programme to demonstrate:
 - a. compliance with the Decision, and
 - b. the categories and quantities of products authorised according to paragraph 10 of chapter III.
17. The first two reports shall be submitted 18 months after the dates for compliance with the VOC content limit values laid down in Annex II; subsequently the reports shall be submitted every 5 years.
18. The minister, through a ministerial order shall approve in advance a format for the submission of monitoring data.
19. The annual data shall be made available in the ministry website.

VIII. COMPETENT AUTHORITY

20. The ministry, NEA, and SIEFW are the competent authorities responsible for fulfilling the obligations laid down in this Decision.

IX. Entry into force of the Decision

21. This Decision shall enter into force 5 years after its publication in the Official Gazette.

PRIME MINISTER

EDI RAMA

ANNEX I

Subcategories 1:

- 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.

Subcategories 2:

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

(*) g/l ready to 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 chapter III, paragraph 7

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