



STATUTORY INSTRUMENTS.

S.I. No. 356 of 2024

EUROPEAN UNION (PAINTS, VARNISHES, VEHICLE REFINISHING
PRODUCTS AND ACTIVITIES) (AMENDMENT) REGULATIONS 2024

EUROPEAN UNION (PAINTS, VARNISHES, VEHICLE REFINISHING PRODUCTS AND ACTIVITIES) (AMENDMENT) REGULATIONS 2024

I, EAMON RYAN, Minister for the Environment, Climate and Communications, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purposes of giving further effect to Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004¹, as amended by Commission Directive 2010/79/EU of 19 November 2010², hereby make the following regulations:

1. These Regulations may be cited as the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) (Amendment) Regulations 2024.

2. The European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S. I. No. 564 of 2012) are amended —

- (a) in Regulation 3(2) —
 - (i) by substituting for the definition of “Directive” the following:

“Directive’ means Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004¹, as amended by Commission Directive 2010/79/EU of 19 November 2010²;”, and
 - (ii) by substituting for the definition of “Minister” the following:

“Minister’ means Minister for the Environment, Climate and Communications;”,
- (b) in Regulation 17(6), by substituting “paragraph” for “paragraphs”,
- (c) by substituting for Regulations 25 and 26 the following:

“Offences

- 25 (1) A person who contravenes Regulation 9(1) or (2), 11, 12, 13(1), (2) or (3), 15(1), 18(1), (3) or (4), 19(1), 21(8) or 23 commits an offence.
- (2) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable

¹ OJ No. L143, 30.4.2004, p. 87

² OJ No. L 304, 20.11.2010, p. 18

to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(3) Where the affairs of a body corporate are managed by its members, paragraph (3) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate".

"Penalties

26 A person who commits an offence under Regulation 25 is liable on summary conviction to a class A fine.",

- (d) in Regulation 27, by deleting paragraph (2),
- (e) by inserting after Regulation 27 the following:

"Fixed Payment Notice

27A. (1) Where an authorised officer has reasonable grounds for believing that a person is committing or has committed an offence under Regulation 25 (other than in relation to a contravention of Regulation 21(8)), the officer may give to the person a notice (in this Regulation referred to as a "fixed payment Notice") in writing in the form specified in Schedule 7 stating that—

- (a) the person is alleged to have committed the offence,
- (b) the person may, during the period of 21 days from the date of the notice, make a payment of—
 - (i) if the alleged offence consists of a contravention of Regulation 9(1) or (2), 11, 13(1) or 23, the amount of €1,000, or
 - (ii) if the alleged offence consists of a contravention of any other provision, the amount of €500,

to the local authority concerned at the address specified in the notice and if required in the notice, accompanied by the notice or its reference number,

- (c) the person is not obliged to make the payment specified in the notice, and
- (d) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made

during that period, no prosecution in respect of the alleged offence will be instituted.

- (2) If a fixed payment notice is given under paragraph (1) –
 - (a) the person to whom the notice applies, or a person on his or her behalf, may, during the period specified in the notice, make to the local authority concerned at the address specified in the notice the payment specified in the notice and accompanied, if required in the notice, by the notice,
 - (b) the local authority concerned shall receive the payment and shall, upon receipt of the payment, issue a receipt for it and any payment so received shall not be recoverable by the person who made it and the local authority shall retain the money for disposal in accordance with paragraph (4), and
 - (c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.
- (3) In proceedings for an offence under Regulation 25 in respect of a contravention of these Regulations it shall be a defence for the defendant to prove that he or she has made a payment in accordance with this Regulation, pursuant to a fixed payment notice issued in respect of that contravention.
- (4) Moneys received by a local authority pursuant to the giving of a fixed payment notice shall be lodged to the credit of the local fund maintained by the local authority concerned pursuant to, and in accordance with, section 97 of the Local Government Act 2001 and expended in accordance with that section.”,

and

- (f) by inserting after Schedule 6 (inserted by S. I. 398 of 2014) the Schedule set out in the Schedule to these Regulations.

3. The following are repealed:

- (a) section 12B of the Air Pollution Act 1987 (No. 6 of 1987), and
- (b) section 21 of the Environment (Miscellaneous Provisions) Act 2015 (No. 29 of 2015).

4. The Air Pollution Act (Fixed Payment Notice) (Paints) Regulations 2016 (S. I. No. 348 of 2016) are revoked.

Regulation 2(f)

SCHEDULE
“SCHEDULE 7

Fixed Payment Notice

European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S.I. No. 564 of 2012)

Fixed Payment Notice in relation to an alleged offence under Regulation 25 (other than in relation to a contravention of Regulation 21(8)) in respect of an alleged contravention of those Regulations.

Reference No: _____

Name of local authority: _____

Address of local authority: _____

To:

Name	
Name of person	
Trading as:	
Address Line 1	
Address Line 2	
Address Line 3	
Eircode	

- It is alleged that you have committed an offence under Regulation 25 of the European Union (Paints, Varnishes, Vehicle Refinishing Products and Activities) Regulations 2012 (S.I. No. 564 of 2012) in respect of the contravention of the provision those Regulations and the fixed payment amount to be paid by you are set out in the Table below.

Provision alleged to have been contravened	
Date of the alleged offence	
Details of the alleged offence:	
Fixed Payment Amount to be paid	€1,000 €500.00 (delete amount not applicable)

2. You may, during the period of 21 days beginning on the date of this notice, make a payment of the amount specified in above, accompanied by this notice or its reference number, to the local authority referred to above at the address referred to above.

You are not obliged to make the payment.

A prosecution in respect of the alleged offence will not be instituted during the period of 21 days beginning on the date of the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of that offence will be instituted.

Signed _____ Authorised Officer_____

Date _____

”.



GIVEN under my Official Seal,
31 July, 2024.

EAMON RYAN,
Minister for the Environment,
Climate and Communications.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations—

- Amend S. I. 564/2012 by providing for a new offence Regulation 25 and penalties Regulation 26.
- A fixed payment notice and form in respect of specified contraventions is also provided.
- Revoke the Air Pollution Act (Fixed Payment Notice) (Paints) Regulations 2016 (S. I. No. 348 of 2016).

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