

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4241 of 18 February, 2016

LEGAL NOTICE NO. 30 OF 2016.

**ENVIRONMENTAL PROTECTION (DISPOSAL OF DANGEROUS
SUBSTANCES) ACT 2000**

**ENVIRONMENTAL PROTECTION (DISPOSAL OF PERSISTENT
ORGANIC POLLUTANTS) (AMENDMENT) REGULATIONS 2016**

In exercise of the powers conferred upon it by section 12(g) of the Environmental Protection (Disposal of Dangerous Substances) Act 2000, and in order to implement Commission Regulation (EU) No 1342/2014 of 17 December 2014 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex IV and V, and Commission Regulation (EU) 2015/2030 of 13 November 2015 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I, the Minister has made the following Regulations–

Title.

1. These Regulations may be cited as the Environmental Protection (Disposal of Persistent Organic Pollutants) (Amendment) Regulations 2016.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment to Regulations.

3.(1) The Schedule to the Environmental Protection (Disposal of Persistent Organic Pollutants) Regulations 2006 are amended in accordance with this Regulation.

(2) In Part B of Annex I to Regulation (EC) No 850/2004 as reproduced in the Schedule, the entry for Alkanes C-10 is amended as follows–

(a) In paragraph 1–

(i) for “containing”, substitute “containing”;

- (ii) after “lower than 1% by weight”, insert “or articles containing SCCPs in concentrations lower than 0.15% by weight”;
- (b) for paragraphs 2 and 3, substitute the following–
 - “2. Use shall be allowed in respect of–
 - (a) conveyer belts in the mining industry and dam sealants containing SCCPs already in use before or on 4 December 2015; and
 - (b) articles containing SCCPs other than those referred to in (a) already in use before or on 10 July 2012.
 - 3. Article 4(2) third and fourth subparagraphs shall apply to the articles referred to in point 2 above.”;
- (c) delete the following–
 - “4. Placing on the market and use of articles already in use before or on 10 July 2012 containing SCCPs as a constituent of articles shall be allowed.
 - 5. Article 4(2), third and fourth subparagraphs shall apply to articles referred to in paragraphs 1 and 2.

As soon as new information on details of uses and safer alternative substances or technologies become available, the Commission shall review the derogations set out in point 2 so that the uses of SCCPs be phased out..”.

(3) For Annex IV to Regulation (EC) No 850/2004 as reproduced in the Schedule, substitute the following–

“List of substances subject to waste management provisions set out in Article 7

Substance	CAS No	EC No	Concentration limit referred to in Article 7(4)(a)
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Endosulfan	155-29-7 959-98-8 33213-65-9	204-079-4	50 mg/kg
Hexachlorobutadiene	87-68-3	201-765-5	100 mg/kg
Polychlorinated naphthalenes ⁽¹⁾			10 mg/kg
Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs)	85535-84-8	287-476-5	10 000 mg/kg
Tetrabromodiphenyl ether C ₁₂ H ₆ Br ₄ O			Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether: 1 000 mg/kg
Pentabromodiphenyl ether C ₁₂ H ₅ Br ₅ O			
Hexabromodiphenyl ether C ₁₂ H ₄ Br ₆ O			
Heptabromodiphenyl ether C ₁₂ H ₃ Br ₇ O			
Perfluorooctane sulfonic acid and its derivatives (PFOS) C ₈ F ₁₇ SO ₂ X (X = OH, Metal salt (O-M ⁺), halide, amide, and other derivatives including polymers)			50mg/kg
Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)			15 µg/kg ⁽²⁾
DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl) ethane)	50-29-3	200-024-3	50 mg/kg
Chlordane	57-74-9	200-349-0	50 mg/kg
Hexachlorocyclohexanes, including lindane	58-89-9	210-168-9	50 mg/kg
	319-84-6	200-401-2	
	319-85-7	206-270-8	
	608-73-1	206-271-3	
Dieldrin	60-57-1	200-484-5	50 mg/kg

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Endrin	72-20-8	200-775-7	50 mg/kg
Heptachlor	76-44-8	200-962-3	50 mg/kg
Hexachlorobenzene	118-74-1	200-273-9	50 mg/kg
Chlordecone	143-50-0	205-601-3	50 mg/kg
Aldrin	309-00-2	206-215-8	50 mg/kg
Pentachlorobenzene	608-93-5	210-172-5	50 mg/kg
Polychlorinated Biphenyls (PCB)	1336-36-3 and others	215-648-1	50 mg/kg ⁽¹⁾
Mirex	2385-85-5	219-196-6	50 mg/kg
Toxaphene	8001-35-2	232-283-3	50 mg/kg
Hexabromobiphenyl	36355-01-8	252-994-2	50 mg/kg

⁽¹⁾ Polychlorinated naphthalenes means chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.

⁽²⁾ The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

PCDD	TEF
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
OCDD	0,0003
PCDF	TEF
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,03

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2,3,4,7,8-PeCDF	0,3
1,2,3,4,7,8-HxCDF	0,1
PCDD	TEF
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
OCDF	0,0003

(3) Where applicable, the calculation method laid down in European standards EN 12766-1 and EN 12766-22 shall apply.”.

(4) For the table in Annex V to Regulation (EC) No 850/2004 as reproduced in the Schedule, substitute the following-

Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV ⁽¹⁾	Operation
10	WASTES FROM THERMAL PROCESSES	Alkanes C10-13, Chloro (short-chain chlorinated paraffins) (SCCPs): 10 000 mg/kg;	Permanent storage shall be allowed only when all the following conditions are met: 1. the storage takes place in one of the following locations: — safe, deep, underground, hard rock formations; — salt mines; — a landfill site for hazardous waste, provided that the waste is solidified or partly stabilised where technically feasible as required for classification
10 01	Wastes from power stations and other combustion plants (except 19)	Aldrin: 5 000 mg/kg; Chlordane: 5 000 mg/kg;	
10 01 14 * (2)	Bottom ash, slag & boiler dust from co- incineration containing hazardous substances	Chlordecone: 5 000 mg/kg; DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl) ethane): 5 000 mg/kg;	
10 01 16 *	Fly ash from co- incineration containing hazardous substances	Dieldrin: 5000 mg/kg; Endosulfan: 5000 mg/kg; Endrin: 5000 mg/kg;	

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10 02	Wastes from the iron and steel industry	Heptachlor: 5 000 mg/kg; Hexabromobiphenyl: 5000mg/kg; Hexachlorobenzene: 5000mg/kg;	of the waste in subchapter 1903 of Decision 2000/532/EC. 2. the provisions of Council Directive 1999/31/EC (*) and Council Decision 2003/33/EC (**) were respected. 3. it has been demonstrated that the selected operation is environmentally preferable.
10 02 07 *	Solid wastes from gas treatment containing hazardous substances	Hexachlorobutadiene: 1000 mg/kg	
10 03	Wastes from aluminium thermal metallurgy	Hexachlorocyclohexanes, including lindane: 5000 mg/kg; Mirex: 5000mg/kg;	
10 03 04 *	Primary production slag	Pentachlorobenzene: 5000mg/kg;	
10 03 08 *	Salt slag from secondary production	Perfluorooctane sulfonic acid and its derivatives (PFOS) (C ₈ F ₁₇ SO ₂ X)	
10 03 09 *	Black drosses from secondary production	(X = OH, Metal salt (O-M+), halide, amide, and other derivatives including polymers): 50mg/kg	
10 03 19 *	Flue-gas dust containing hazardous substances	Polychlorinated Biphenyls (PCB) ⁽³⁾ : 50mg/kg;	
10 03 21 *	Other particulates and dust (including ball-milldust) containing hazardous substances	Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) ⁽⁴⁾ : 5mg/kg; Polychlorinated naphthalenes*: 1000 mg/kg	
10 03 29 *	Wastes from treatment of salt slags and black drosses-containing hazardous substances	Sum of the concentrations of tetrabromodiphenyl ether (C ₁₂ H ₆ Br ₄ O), pentabromodiphenyl ether (C ₁₂ H ₅ Br ₅ O), hexabromodiphenyl ether (C ₁₂ H ₄ Br ₆ O) and heptabromodiphenyl ether (C ₁₂ H ₃ Br ₇ O): 10 000 mg/kg;	
10 04	Wastes from lead thermal metallurgy	Toxaphene: 5 000 mg/kg;	

10 04 01 *	Slags from primary and secondary production		
10 04 02 *	Dross and skimmings from primary and secondary production		
10 04 04 *	Flue-gas dust		
10 04 05 *	Other particulates and dust		
10 04 06 *	Solid wastes from gas treatment		
10 05	Wastes from zinc thermal metallurgy		
10 05 03 *	Flue-gas dust		
10 05 05 *	Solid waste from gas treatment		
10 06	Wastes from copper thermal metallurgy		
10 06 03 *	Flue-gas dust		
10 06 06 *	Solid wastes from gas treatment		
10 08	Wastes from other non-ferrous thermal metallurgy		
10 08 08 *	Salt slag from primary and secondary production		
10 08 15 *	Flue-gas dust containing hazardous substances		

10 09	Wastes from casting of ferrous pieces		
10 09 09 *	Flue-gas dust containing hazardous substances		
16	WASTES NOT OTHERWISE SPECIFIED IN THE LIST		
16 11	Waste linings and refractories		
16 11 01 *	Carbon-based linings and refractories from metal-lurgical processes containing hazardous substances		
16 11 03 *	Other linings and refractories from metal-lurgical processes containing hazardous substances		
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)		
17 01	Concrete, bricks, tiles and ceramics		
17 01 06 *	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing hazardous substances		

17 05	Soil (including excavated soil from contaminated sites), stones and dredging spoil		
17 05 03 *	Soil and stones containing hazardous substances		
17 09	Other construction and demolition wastes		
17 09 02 *	Construction and demolition wastes containing PCB, excluding PCB containing equipment		
17 09 03 *	Other construction and demolition wastes (including mixed wastes) containing hazardous substances		
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FROM INDUSTRIAL USE		

19 01	Wastes from incineration or pyrolysis of waste		
19 01 07 *	Solid wastes from gas treatment		
19 01 11 *	Bottom ash and slag containing hazardous substances		
19 01 13 *	Fly ash containing hazardous substances		
19 01 15 *	Boiler dust containing hazardous substances		
19 04	Vitrified waste and waste from vitrification		
19 04 02 *	Fly ash and other flue-gas treatment wastes		
19 04 03 *	Non-vitrified solid phase		

(1) These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous wastes, including salt mines.

(2) Any waste marked with an asterisk * is considered as hazardous waste pursuant to Directive 2008/98/EC and subject to the provisions of that Directive.

(3) The calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall apply.

(4) The limit is calculated as PCDD and PCDF according to the following toxic equivalency factors (TEFs):

PCDD	TEF
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1

1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
OCDD	0,0003
PCDF	TEF
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,03
2,3,4,7,8-PeCDF	0,3
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
OCDF	0,0003

(*) OJ L 182, 16.7.1999, p.1.

(**) OJ L ii, 16.1.2003, p. 27.”.

Dated 18th February, 2016.

DR J CORTES,
Minister with responsibility for the Environment.

EXPLANATORY MEMORANDUM

These Regulations to implement Commission Regulation (EU) No 1342/2014 of 17 December 2014 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex IV and V, and Commission Regulation (EU) 2015/2030 of 13 November 2015 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I.

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