

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 3801 of 29 July, 2010**

LEGAL NOTICE NO. 137 OF 2010.

ENVIRONMENT ACT 2005

**ENVIRONMENT (WASTE) (AMENDMENT NO.2) REGULATIONS
2010**

In exercise of the powers conferred upon it by section 18(c) of the Environment Act, and all other enabling powers, and in order to partly transpose into the law of Gibraltar Directive 2008/112/EC of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures, the Government has made the following Regulations—

Title.

1. These Regulations may be cited as the Environment (Waste) (Amendment No.2) Regulations 2010.

Commencement and expiry.

2.(1) Regulations 1, 2 and 4 come into operation on the day of publication.

(2) Regulation 3(a) comes into operation on the day of publication and shall cease to have effect on 1 December 2010.

(3) Regulation 3(b) comes into operation on 1 December 2010 and shall cease to have effect on 1 June 2015.

(4) Regulation 3(c) comes into operation on 1 June 2015.

Amendment of the Environment (Waste) Regulations 2007.

3. Regulation 2 of the Environment (Waste) Regulations 2007 is amended as follows—

(a) for the words ““dangerous substance or preparation” means any substance or preparation” substitute the words ““dangerous substance or mixture” means any substance or mixture”;

(b) for the definition “dangerous substance or mixture” substitute the following definition–

““dangerous substance or mixture” means any mixture which has to be considered dangerous under Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations or any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1;
- (iv) hazard class 5.1;”.

(c) for the definition “dangerous substance or mixture” substitute the following definition–

““dangerous substance or mixture” means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures:

- (i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;
- (ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;
- (iii) hazard class 4.1;
- (iv) hazard class 5.1;”.

Further amendments.

4. The Environment (Waste) Regulations 2007 are further amended as follows—

- (a) in regulation 10(b) for the word “preparations” substitute the word “mixtures”;
- (b) in paragraph 1 of Schedule 2 for the word “preparations” substitute the word “mixtures”;
- (c) in paragraph 1 of Schedule 2 for the words “— components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress Council Directive 67/548/EEC relating to the classification, packaging and labelling of dangerous substances;” substitute the words “— components containing refractory ceramic fibres as described in part 3 of Annex VI to Regulation (EC) No 1272/2008;”;
- (d) at the end of paragraph 1 of Schedule 2 for the words “These substances, preparations and components” substitute the word “These substances, mixtures and components”.

Dated 29th July, 2010.

P R CARUANA,

For the Government.

EXPLANATORY MEMORANDUM

These Regulations transpose in part Directive 2008/112/EC (“the Directive”) of the European Parliament and of the Council of 16 December 2008 amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures.

Regulations 1, 2 and 4 come into operation on the day of publication.

Regulation 3 comes into operation in 3 steps. The first amendment comes into operation on the day of publication and has the effect of amending the reference to dangerous preparation to dangerous mixture. On 1 December 2010 the amended definition ceases to have effect. Regulation 3(b) inserts a new definition which will be valid only until 1 June 2015. On that date the definition is further revised by regulation 3(c), as required by the Directive.

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