

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE  
No. 4277 of 7 July, 2016**

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LEGAL NOTICE NO. 147 OF 2016.

**ENVIRONMENT ACT 2005**

**ENVIRONMENT (PROTECTION OF GROUNDWATER)  
(AMENDMENT) REGULATIONS 2016**

In exercise of the powers conferred upon the Minister by section 18 of the Environment Act and for the purpose of transposing Directive 2014/80/EU amending Annex II to Directive 2006/118/EC on the protection of groundwater against pollution and deterioration, the Minister has made these Regulations-

**Title.**

1. These Regulations may be cited as the Environment (Protection of Groundwater) (Amendment) Regulations 2016.

**Commencement.**

2. These Regulations come into operation on 10 July 2016.

**Amendment.**

3.(1) The Environment (Protection of Groundwater) Regulations 2009 are amended in accordance with this regulation.

(2) For paragraph 3(c) of Part I of Schedule 1 substitute-

“(c) wherever elevated background levels of substances or ions or their indicators occur due to natural hydro-geological reasons, those background levels in the relevant body of groundwater shall be taken into account when establishing threshold values; when determining background levels, the following principles should be taken into account-

(i) the determination of background levels should be based on the characterisation of groundwater bodies in accordance with Annex II to Directive 2000/60/EC

and on the results of groundwater monitoring in accordance with Annex V to that Directive; the monitoring strategy and interpretation of the data should take account of the fact that flow conditions and groundwater chemistry vary laterally and vertically;

- (ii) where only limited groundwater monitoring data are available, more data should be gathered and in the meantime background levels should be determined based on those limited monitoring data, where appropriate by a simplified approach using a subset of samples for which indicators show no influence of human activity; information on geochemical transfers and processes should also be taken account of, where available;
- (iii) where insufficient groundwater monitoring data are available and the information on geochemical transfers and processes is poor, more data and information should be gathered and in the meantime background levels should be estimated, where appropriate based on statistical reference results for the same type of aquifers in other areas having sufficient monitoring data;”.

(3) In paragraph 4 of Part I of Schedule 1 after the entry “Sulphate” insert the following entry and accompanying footnote-

“Nitrites  
Phosphorus (total)/Phosphates<sup>1</sup>

- 1. The Competent Authority may establish threshold values either for phosphorus (total) or for phosphates.”.

(4) In the heading to Part III of Schedule 1 after the words “and their indicators” insert “for which threshold values have been established”.

(5) In Part III of Schedule 1 for paragraphs 7 and 8 substitute-

“7. The Competent Authority shall include in the river basin management plans to be submitted in accordance with Article

13 of Directive 2000/60/EC information on the way the procedure set out in Part I of this Schedule has been followed.

8. In particular, the Competent Authority shall provide-
- (a) information on each of the bodies or groups of bodies of groundwater characterised as being at risk, including the following-
    - (i) the size of the bodies;
    - (ii) each pollutant or indicator of pollution which characterises bodies of groundwater as being at risk;
    - (iii) the environmental quality objectives to which the risk is related, including the actual or potential legitimate uses or functions of the groundwater body, and the relationship between the bodies of groundwater and the associated surface waters and directly dependent terrestrial ecosystems;
    - (iv) in the case of naturally-occurring substances, the natural background levels in the bodies of groundwater;
    - (v) information on the exceedances where threshold values are exceeded;
  - (b) the threshold values, whether they apply at the level of the river basin district or the part of the international river basin district falling within the territory of Gibraltar, or at the level of a body or a group of bodies of groundwater;
  - (c) the relationship between the threshold values and each of the following-
    - (i) in the case of naturally-occurring substances, the background levels;

- (ii) associated surface waters and directly dependent terrestrial ecosystems;
- (iii) the environmental quality objectives and other standards for water protection that exist at the Gibraltar, European Union or international level;
- (iv) any relevant information concerning the toxicology, eco-toxicology, persistence, bioaccumulation potential, and dispersion tendency of the pollutants;
- (d) the methodology for determining background levels based on the principles set out in paragraph 3(c) of Part I;
- (e) the reasons for not having established threshold values for any of the pollutants and indicators identified in Part II;
- (f) key elements of the groundwater chemical status assessment, including the level, method and period of aggregation of monitoring results, the definition of the acceptable extent of exceedance, and the method for calculating it, in accordance with regulation 4(2)(c)(i) and paragraph 3 of Schedule 3,

and where any of the data referred to in subparagraphs (a) to (f) are not included in the river basin management plans, the Competent Authority shall provide the reasons for this in those plans.”.

Dated 7th July, 2016.

Dr J CORTES,  
for the Government.

**EXPLANATORY MEMORANDUM**

These Regulations transpose Directive 2014/80/EU amending Annex II to Directive 2006/118/EC on the protection of groundwater against pollution and deterioration.

