

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 4076 of 02 May, 2014**

LEGAL NOTICE NO. 61 OF 2014.

ENVIRONMENT ACT 2005

**WASTE (EXTRACTIVE INDUSTRIES) (AMENDMENT)
REGULATIONS 2014**

In exercise of the powers conferred on it by section 18 of the Environment Act 2005 and in order to further transpose into the law of Gibraltar Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC as amended, the Government has made the following Regulations–

Title and commencement.

1. These Regulations may be cited as the Waste (Extractive Industries) (Amendment) Regulations 2014 and come into operation on the day of publication.

Amendment of the Waste (Extractive Industries) Regulations 2009 .

2. The Waste (Extractive Industries) Regulations 2009 (the Principal Regulations) are amended in accordance with the provisions of these Regulations.

Amendments to regulation 2.

3. Regulation 2 of the Principal Regulations is amended–

- (a) by substituting the following definition for the definition of “best available techniques”–

““best available techniques” shall be construed in accordance with Article 3(10) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control);”;

- (b) in the definition of “dangerous substance” by substituting “Directive 67/548/EEC or Directive 1999/45/EC” for “Part VA of the Public Health Act”.

Amendment to regulation 3.

3. Regulation 3(3)(c) of the Principal Regulations is amended by substituting “first and second indent of Article 11(3)(j) of Directive 2006/60/EC, to the extent authorised by that Article” for “Public Health (Water Framework) Rules 2004”.

Amendment to regulation 5.

4. Regulation 5(3)(g) of the Principal Regulations is amended by inserting “in accordance with the Public Health (Water Framework) Rules 2004” after “deterioration”.

Amendments to regulation 8.

5. Regulation 8(2) of the Principal Regulations is amended—

- (a) by substituting “The Competent Authority shall, within appropriate time frames, ensure that” for “Within appropriate time frames,” in line 1; and
- (b) by substituting paragraph (b) with—
 - “(b) in accordance with the provisions of the Freedom of Access to Information on Environment Regulations 2005 any information in addition to that referred to in sub-regulation (1) which is relevant for the decision in accordance with regulation 7 and which only becomes available after the time the public have been informed in accordance with sub-regulation (1).”.

Amendments to regulation 11.

6. Regulation 8 of the Principal Regulations is amended—

- (a) in sub-regulation (1), in line 3, by substituting “competent person or” for “competent person and”;
- (b) in sub-regulation (2)(a), by inserting “taking into account especially the Public Health (Pollution of the Aquatic Environment) Regulations 1994, the Public Health (Pollution of Groundwater) Regulations 1995 and the Public Health

(Water Framework) Rules 2004” after “ground water or surface water”.

Dated 2nd May, 2014.

DR J CORTES,
Minister with responsibility for the Environment.

EXPLANATORY MEMORANDUM

These Regulations amend the Waste (Extractive Industries) Regulations 2009 to further transpose into the law of Gibraltar Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC as amended.

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