

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4907 GIBRALTAR Thursday 14th October 2021

LEGAL NOTICE NO. 423 OF 2021

EUROPEAN UNION (WITHDRAWAL) ACT 2019

ENVIRONMENT (QUALITY OF BATHING WATER) (EU EXIT) REGULATIONS 2021

In exercise of the powers conferred upon him by section 11(1) of, and paragraph 1 of Schedule 3 to, the European Union (Withdrawal) Act 2019, the Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the Environment (Quality of Bathing Water) (EU Exit) Regulations 2021.

Commencement.

2. These Regulations are deemed to have come into operation on 1 January 2021.

Amendment of the Environment (Quality of Bathing Water) Regulations 2009.

3.(1) The Environment (Quality of Bathing Water) Regulations 2009 are amended in accordance with this regulation.

(2) After regulation 2(2) insert-

“(3) For the purposes of these Regulations, a reference to a Directive is to be read as if any reference in that Directive to one or more member States in a provision imposing an obligation or conferring a discretion on a member State or member States were a reference to the Minister with responsibility for the Environment or the competent authority which immediately before 1 January 2021 was responsible for Gibraltar’s compliance with that obligation, or able to exercise that discretion, in relation to Gibraltar.”.

(3) In regulation 5-

(a) in subregulation (1), for “requirements” substitute “provisions”;

(b) after subregulation (2), insert-

“(3) For the purposes of this regulation, the Bathing Water Directive is to be read as if-

- (a) in Article 2(13), the reference to Council Directive 83/337/EEC on the assessment of the effects of certain public and private projects on the environment were a reference to Council Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment;
 - (b) the following provisions were omitted-
 - (i) Article 3(8);
 - (ii) in Article 3(9), the final sentence;
 - (iii) in Article 4(2), in the second subparagraph, the second and third sentences;
 - (c) in Article 6(3), the reference to Council Directive 2000/60/EC were a reference to Article 8 of that Directive;
 - (d) the following provisions were omitted-
 - (i) Article 13;
 - (ii) Article 14;
 - (iii) Article 18;
 - (e) in Annex 3, in paragraph 1(a), the reference to Council Directive 2000/60/EC were omitted.
- (4) For the purposes of subregulation (3)(c), Article 8 of Council Directive 2000/60/EC is to be read as if-
- (a) in paragraph 1, in the final indent, the reference to Community legislation were a reference to retained EU law;
 - (b) in paragraph 2, the reference in the second sentence to Annex V to Council Directive 2000/60/EC were a reference to Schedule 6 of the Public Health (Water Framework) Rules 2004.”.

(4) For regulation 28 substitute –

“Annual reports.

28(1) Subject to subregulation (2), the Minister must prepare and publish, by 30th April each calendar year, a report on the bathing water season in the previous year.

(2) The first report under this regulation must be published by 30 April 2022.

- (3) A report must-
- (a) be published in such manner as the Minister considers appropriate;
 - (b) contain the following information for a bathing water-
 - (i) the results of the monitoring carried out under regulation 10;
 - (ii) the reasons for any suspension of the monitoring calendar under regulation 13;
 - (iii) the results of bathing water quality assessments carried out under regulation 22;
 - (iv) a description of any significant management measures taken.”.

Amendment of Commission Implementing Decision 2011/321/EU.

4. In Commission Implementing Decision 2011/321/EU establishing, pursuant to Directive 2006/7/EC of the European Parliament and of the Council, a symbol for information to the public on bathing water classification and any bathing prohibition or advice against bathing, omit Article 2.

Dated: 14th October 2021.

PROF. J CORTES,
Minister with responsibility for the environment.

EXPLANATORY MEMORANDUM

These Regulations are made pursuant to the powers in section 11 and paragraph 1(b) of Schedule 3 of the European Union (Withdrawal) Act 2019 to address deficiencies arising from withdrawal from the European Union.