

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 3886 of 27 October, 2011

---

---

LEGAL NOTICE NO. 211 OF 2011.

**INTERPRETATION AND GENERAL CLAUSES ACT**

**POLLUTION PREVENTION & CONTROL ACT 2001  
(AMENDMENT) REGULATIONS 2011**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and all other enabling powers, and in order to partly transpose Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, the Government has made the following Regulations—

**Title and commencement.**

1. These Regulations may be cited as the Pollution Prevention & Control Act 2001 (Amendment) Regulations 2011 and come into operation on the day of publication.

**Amendment of Act.**

2. The Pollution Prevention & Control Act, 2001 (“the principal Act”) is amended in accordance with these Regulations.

**Amendment of section 2.**

3.(1) In section 2 of the principal Act—

- (a) after “2” insert “(1)”;
- (b) after the definition of “any person concerned” insert the following definitions—

““automotive battery or accumulator” means any battery or accumulator used for automotive starter, lighting or ignition power;

“Batteries Directive” means Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, as amended from time to time;

“battery” or “accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable), but does not include a battery or accumulator which is excluded from the scope of the Environment (Waste) Regulations 2007 pursuant to regulation 14B of those Regulations;”;

(c) after the definition of “the Directive” insert the following definition–

“industrial battery or accumulator” means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;”;

(d) after the definition of “the Minister” insert the following definitions–

“portable battery or accumulator” means any battery, button cell, battery pack or accumulator that–

- (a) is sealed;
- (b) can be hand-carried; and
- (c) is neither an industrial battery or accumulator nor an automotive battery or accumulator;

“recycling” means the reprocessing in a production process of waste materials for their original purpose or for other purposes, but excluding energy recovery;

“treatment” means any activity carried out on waste batteries and accumulators after they have been handed over to a facility

for sorting, preparation for recycling or preparation for disposal.”.

(2) After subsection (1) insert the following subsection–

“(2) The terms “automotive battery or accumulator”, “battery or accumulator”, “industrial battery or accumulator” and “portable battery or accumulator” in subsection (1) shall be interpreted in the same way as those terms are interpreted and applied in the Environment (Waste) Regulations 2007.”

**New section 7A.**

4. After section 7 of the principal Act insert–

**“Conditions of permits: batteries.**

7A.(1) The Agency shall ensure that a permit granted under this Act authorising the incineration of waste contains conditions prohibiting the incineration of waste industrial and automotive batteries and where a permit has already been granted, that that permit is varied accordingly.

(2) Such conditions shall not prohibit the incineration of residues of any batteries that have undergone both treatment and recycling, provided that the treatment and recycling–

- (a) used best available techniques, in terms of the protection of health and the environment; and
- (b) complied, as a minimum, with European Union legislation, in particular as regards health and safety and waste management.”.

Dated 27th October, 2011.

P R CARUANA,  
Chief Minister,  
For the Government.

**EXPLANATORY MEMORANDUM**

These Regulations partly transpose Directive 2006/66/EC on batteries and accumulators.

The Regulations amend the Act so as to require a permit (for the incineration of waste batteries and accumulators) to prohibit their incineration, with the exception of certain residues.

