

**FIRST SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 2,958 of 16th January, 1997.



I ASSENT,

HUGO WHITE,

GOVERNOR

16th January, 1997.



GIBRALTAR

No. 2 of 1997

AN ACT to transpose into the laws of Gibraltar Council Directives 91/689/EEC and 94/31/EC and Council Decision 94/904/EC and matters connected thereto.

Enacted by the Legislature of Gibraltar.

Title and commencement.

1. This Act may be cited as the Public Health (Amendment) Act 1997 and shall come into effect on such day as the Governor may appoint by Notice in the Gazette.

Amendment to Public Health Act.

2. The Public Health Act is hereby amended as follows–

- (a) by inserting after the definition of “disposal” in section 192A the following definitions –

“hazardous waste” has the meaning given in section 192KA,

“the Hazardous Waste Directive” means Council Directive 91/689/EEC on hazardous waste as amended by Council Directive 94/31/EC and Council Decision 94/904/EC,”

- (b) in section 192B-

(i) in sub-section (1) by deleting “and Schedules 12 to 18” and inserting the following-

“and Schedules 11A to 18”,

(ii) in sub-section (1) by inserting after paragraph (b) the following paragraph–

“(bb) the Hazardous Waste Directive,”

(iii) by inserting after sub-section(3) the following sub-section–

“(4) Domestic waste shall not be treated as hazardous waste.”,

- (c) by inserting after section 192D(2)(b) the following paragraph–

“(c) additionally in the case of hazardous waste–

(i) collection,

(ii) transportation.”,

- (d) by inserting after section 192K the following sections–

“Meaning of hazardous waste.

192KA (1) Subject to sub-sections (5) and (6), any waste-

(a) to which a six-digit code is assigned in the list set out in Part I of Schedule 11A to this Act (which reproduces the list of hazardous waste annexed to Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of the Hazardous Waste Directive); and

(b) which, subject to sub-section (3), displays any of the properties specified in Part II of that Schedule (which reproduces Annex III to the Hazardous Waste Directive),

is hazardous was

(2) Subject to sub-section (5), any other waste which-

(a) displays the property H3A (first indent), or subject to sub-sections (3) and (5), H4, H5, H6, H7 or H8 specified in Part II of Schedule 11A; or

(b) is clinical waste,

is hazardous waste.

(3) For the purposes of sub-sections (1) and (2), waste displays a property mentioned in Part II of Schedule 11A as toxic, very toxic, harmful, corrosive, irritant or carcinogenic, if it is so classified or, being so classified, has assigned to it a risk phase which is made on the basis of the criteria laid down by Annex VI, Part IA and Part IIB of Council Directive 67/548/EEC on the approximation of laws regulations and administrative provisions relating to the classification packaging and labelling of dangerous

substances as amended by Council Directive 79/831/EEC.

(4) The test methods to be used, for the purposes of deciding which (if any) of the properties mentioned in Part II of Schedule 11A are to be assigned to a substance, are those described in Annex V to Council Directive 67/548/EEC as amended.

(5) Waste which, apart from this paragraph, would be hazardous waste is not hazardous waste if it displays any of the properties H4 to H8 below the threshold shown as applicable to that property in Part III of Schedule 11A (which reproduces those thresholds set out in Article 1 of Council Decision 94/904/EC in so far as they are relevant).

(6) In this Act and unless the context otherwise provides, “risk phase” means the risk phase under Part III of the approved supply list.

(7) Annex V and Annex VI of Council Directive 67/548/EEC, and the approved supply list referred to in this section shall be available for inspection upon written application to the Chief Environmental Health Office.

Provisions as to hazardous waste.

192KB (1) Where a person carries out a prescribed activity within the meaning of section 192D he shall do so without mixing hazardous waste with waste which is not hazardous waste.

(2) Where a person in carrying out or intending to carry out a prescribed activity acquires possession of waste which includes hazardous waste he shall, as soon as practicable, and to the extent that it is technically feasible without disproportionate cost, separate the hazardous waste from the waste which is not hazardous waste.

(3) No person shall collect, transport or store hazardous waste with the intention of subsequently disposing of it unless it is placed in containers labelled to show which of the types of hazardous waste set out in Schedule 11A is contained therein.

(4) Where a person transports hazardous waste he shall make and maintain the records required under paragraphs (a) and (aa) of section 192L (1).”,

(e) by adding in section 192L(1) the following paragraph–

“(aa) in the case of hazardous waste, maintain–

(i) the records mentioned in paragraph (a) for a period of not less than 3 years, and

(ii) records of transportation for a period of not less than 1 year, and”,

(f) by inserting in section 192M(2)(d) the following paragraph –

“(e) the management of hazardous waste,”,

(g) by inserting in section 320(1) after paragraph (a) the following new paragraph–

“(aa) for the purpose of discovering the origin or destination of hazardous waste (within the meaning of section 192KA),”,

(h) by inserting after Schedule 11 the following Schedule–

“SCHEDULE 11A

Section 192KA

HAZARDOUS WASTES

PART I

Introduction

The different types of waste in the list are fully defined by the six-digit code for the waste and the respective two-digit and four-digit chapter headings.

LIST OF HAZARDOUS WASTE

- 02 WASTE FROM AGRICULTURAL,
HORTICULTURAL, HUNTING, FISHING AND
AQUACULTURE PRIMARY PRODUCTION,
FOOD PREPARATION AND PROCESSING
 - 0201 PRIMARY PRODUCTION WASTE
 - 020105 agrochemical wastes
- 03 WASTES FROM WOOD PROCESSING AND
THE PRODUCTION OF PAPER, CARDBOARD,
PULP, PANELS AND FURNITURE
 - 0302 WOOD PRESERVATION WASTE
 - 030201 non-halogenated organic wood preservatives
 - 030202 organochlorinated wood preservatives
 - 030203 organometallic wood preservatives
 - 030204 inorganic wood preservatives
- 04 WASTES FROM THE LEATHER AND TEXTILE
INDUSTRIES
 - 0401 WASTES FROM THE LEATHER INDUSTRY
 - 040103 degreasing wastes containing solvents without a
liquid phase
 - 0402 WASTES FROM TEXTILE INDUSTRY
 - 040211 halogenated wastes from dressing and finishing
- 05 WASTES FROM PETROLEUM REFINING,
NATURAL GAS PURIFICATION AND
PYROLYTIC TREATMENT OF COAL
 - 0501 OILY SLUDGES AND SOLID WASTES

- 050103 tank bottom sludges
- 050104 acid alkyl sludges
- 050105 oil spills
- 050107 acid tars
- 050108 other tars

- 0504 SPENT FILTER CLAYS
- 050401 spent filter clays

- 0506 WASTE FROM THE PYROLYTIC TREATMENT OF COAL
- 050601 acid tars
- 050603 other tars

- 0507 WASTE FROM NATURAL GAS PURIFICATION

- 050701 sludges containing mercur

- 0508 WASTES FROM OIL REGENERATION
- 050801 spent filter clays
- 050802 acid tars
- 050803 other tars

- 050804 aqueous liquid waste from oil regeneration

- 06 WASTES FROM INORGANIC CHEMICAL PROCESSES

- 0601 WASTE ACIDIC SOLUTIONS
- 060101 sulphuric acid and sulphurous acid
- 060102 hydrochloric acid
- 060103 hydrofluoric acid
- 060104 phosphoric and phosphorous acid
- 060105 nitric acid and nitrous acid
- 060199 waste not otherwise specified

- 0602 ALKALINE SOLUTIONS
- 060201 calcium hydroxide
- 060202 soda
- 060203 ammonia

- 060299 wastes not otherwise specified

- 0603 WASTE SALTS AND THEIR SOLUTIONS
- 060311 salts and solutions containing cyanides

- 0604 METAL-CONTAINING WASTES
- 060402 metallic salts (except 0603)
- 060403 wastes containing arsenic
- 060404 wastes containing mercury
- 060405 wastes containing heavy metals

- 0607 WASTES FROM HALOGEN CHEMICAL PROCESSES
- 060701 wastes containing asbestos from electrolysis
- 060702 activated carbon from chlorine production

- 0613 WASTES FROM OTHER INORGANIC CHEMICAL PROCESSES
- 061301 inorganic pesticides, biocides and wood preserving agents

- 061302 spent activated carbon (except 060702)

- 07 WASTES FROM ORGANIC CHEMICAL PROCESSES

- 0701 WASTE FROM THE MANUFACTURE, FORMULATION, SUPPLY AND USE (MFSU) OF BASIC ORGANIC CHEMICALS
- 070101 aqueous washing liquids and mother liquors
- 070103 organic halogenated solvents, washing liquids and mother liquors
- 070104 other organic solvents, washing liquids and mother liquors
- 070107 halogenated still bottoms and reaction residues
- 070108 other still bottoms and reaction residues
- 070109 halogenated filter cakes, spent absorbents
- 070110 other filter cakes, spent absorbents

- 0702 WASTE FROM THE MFSU OF PLASTICS,
SYNTHETIC RUBBER AND MAN-MADE
FIBRES
 - 070201 aqueous washing liquids and mother liquors
 - 070203 organic halogenated solvents, washing liquids and
mother liquors
 - 070204 other organic solvents, washing liquids and mother
liquors
 - 070207 halogenated still bottoms and reaction residues
 - 070208 other still bottoms and reaction residues
 - 070209 halogenated filter cakes, spent absorbents
 - 070210 other filter cakes, spent absorbents

- 0703 WASTE FROM THE MFSU OF ORGANIC DYES
AND PIGMENTS (EXCLUDING 0611)
 - 070301 aqueous washing liquids and mother liquors
 - 070303 organic halogenated solvents, washing liquids and
mother liquors
 - 070304 other organic solvents, washing liquids and mother
liquors
 - 070307 halogenated still bottoms and reaction residues
 - 070308 other still bottoms and reaction residues
 - 070309 halogenated filter cakes, spent absorbents
 - 070310 other filter cakes, spent absorbents

- 0704 WASTE FROM THE MFSU OF ORGANIC
PESTICIDES (EXCEPT 020105)
 - 070401 aqueous washing liquids and mother liquors
 - 070403 organic halogenated solvents, washing liquids and
mother liquors
 - 070404 other organic solvents, washing liquids and mother
liquors
 - 070407 halogenated still bottoms and reaction residues
 - 070408 other still bottoms and reaction residues
 - 070409 halogenated filter cakes, spent absorbents
 - 070410 other filter cakes, spent absorbents

- 0705 WASTE FROM THE MFSU OF
PHARMACEUTICALS
 - 070501 aqueous washing liquids and mother liquors
 - 070503 organic halogenated solvents, washing liquids and
mother liquors

- 070504 other organic solvents, washing liquids and mother liquors
- 070507 halogenated still bottoms and reaction residues
- 070508 other still bottoms and reaction residues
- 070509 halogenated filter cakes, spent absorbents
- 070510 other filter cakes, spent absorbents

- 0706 WASTE FROM THE MFSU OF FATS, GREASE, SOAPS, DETERGENTS, DISINFECTANTS AND COSMETICS
- 070601 aqueous washing liquids and mother liquors
- 070603 organic halogenated solvents, washing liquids and mother liquors
- 070604 other organic solvents, washing liquids and mother liquors
- 070607 halogenated still bottoms and reaction residues
- 070608 other still bottoms and reaction residues
- 070609 halogenated filter cakes, spent absorbents
- 070610 other filter cakes, spent absorbents

- 0707 WASTE FROM THE MFSU OF FINE CHEMICALS AND CHEMICAL PRODUCTS NOT OTHERWISE SPECIFIED
- 070701 aqueous washing liquids and mother liquors
- 070703 organic halogenated solvents, washing liquids and mother liquors
- 070704 other organic solvents, washing liquids and mother liquors
- 070707 halogenated still bottoms and reaction residues
- 070708 other still bottoms and reaction residues
- 070709 halogenated filter cakes, spent absorbents

- 070710 other filter cakes, spent absorbents

- 08 WASTES FROM THE MFSU OF COATINGS (PAINTS, VARNISHES AND VITREOUS ENAMELS) ADHESIVE, SEALANTS AND PRINTING INKS

- 0801 WASTES FROM MFSU OF PAINT AND VARNISH

- 080101 waste paints and varnish containing halogenated solvents
- 080102 waste paints and varnish free of halogenated solvents
- 080106 sludges from paint or varnish removal containing halogenated solvents
- 080107 sludges from paint or varnish removal free of halogenated solvents

- 0803 WASTES FROM MFSU OF PRINTING INKS
- 080301 waste ink containing halogenated solvents
- 080302 waste ink free of halogenated solvents
- 080305 ink sludges containing halogenated solvents
- 080306 ink sludges free of halogenated solvents

- 0804 WASTES FROM MFSU OF ADHESIVE AND PRODUCTS
- 080401 waste adhesives and sealants containing halogenated solvents
- 080402 waste adhesives and sealants free of halogenated solvents
- 080405 adhesives and sealants sludges containing halogenated solvents
- 080406 adhesives and sealants sludges free of halogenated solvents

- 09 WASTES FROM THE PHOTOGRAPHIC INDUSTRY

- 0901 WASTES FROM THE PHOTOGRAPHIC INDUSTRY
- 090101 water based developer and activator solutions
- 090102 water based offset plate developer solutions
- 090103 solvent based developer solutions
- 090104 fixer solutions
- 090105 bleach solutions and bleach fixer solutions
- 090106 waste containing silver from on-site treatment of photographic waste

- 10 INORGANIC WASTES FROM THERMAL PROCESSES
 - 1001 WASTES FROM POWER STATION AND OTHER COMBUSTION PLANTS (EXCEPT 19)
 - 100104 oil fly ash
 - 100109 sulphuric acid
 - 1003 WASTES FROM ALUMINIUM THERMAL METALLURGY
 - 100301 tars and other carbon-containing wastes from anode manufacture
 - 100303 skimmings
 - 100304 primary smelting slags/white drosses
 - 100307 spent pot lining
 - 100308 salt slags from secondary smelting
 - 100309 black drosses from secondary smelting
 - 100310 waste from treatment of salt slags and black drosses treatment
 - 1004 WASTES FROM LEAD THERMAL METALLURGY
 - 100401 slags (1st and 2nd smelting)
 - 100402 dross and skimmings (1st and 2nd smelting)
 - 100403 calcium arsenate
 - 100404 flue gas dust
 - 100405 other particulates and dust
 - 100406 solid waste from gas treatment
 - 100407 sludges from gas treatment
 - 1005 WASTES FROM ZINC THERMAL METALLURGY
 - 100501 slags (1st and 2nd smelting)
 - 100502 dross and skimmings (1st and 2nd smelting)
 - 100503 flue gas dust
 - 100505 solid waste from gas treatment
 - 100506 sludges from gas treatment
 - 1006 WASTES FROM COPPER THERMAL METALLURGY
 - 100603 flue gas dust

- 100605 waste from electrolytic refining
- 100606 solid waste from gas treatment
- 100607 sludges from gas treatment

11 INORGANIC WASTE WITH METALS FROM METAL TREATMENT AND THE COATING OF METALS; NON-FERROUS HYDRO-METALLURGY

- 1101 LIQUID WASTES AND SLUDGES FROM METAL TREATMENT AND COATING OF METALS (eg GALVANIC PROCESSES, ZINC COATING PROCESSES, PICKLING PROCESSES, ETCHING PHOSPHATIZING, ALKALINE DEGREASING)
 - 110101 cyanidic (alkaline) wastes containing heavy metals other than chromium
 - 110102 cyanidic (alkaline) wastes which do not contain heavy metals
 - 110103 cyanide-free wastes containing chromium
 - 110105 acidic pickling solutions
 - 110106 acids not otherwise specified
 - 110107 alkalis not otherwise specified
 - 110108 phosphatizing sludges
- 1102 WASTES AND SLUDGES FROM NON-FERROUS HYDROMETALLURGICAL PROCESSES
 - 110202 sludges from zinc hydrometallurgy (including jarosite, goethite)
- 1103 SLUDGES AND SOLIDS FROM TEMPERING PROCESSES
 - 110301 wastes containing cyanide
 - 110302 other wastes

12 WASTES FROM SHAPING AND SURFACE TREATMENT OF METALS AND PLASTICS

- 1201 WASTES FROM SHAPING (INCLUDING FORGING, WELDING PRESSING, DRAWING, TURNING, CUTTING AND FILING)
- 120106 waste machining oils containing halogens (not emulsioned)
- 120107 waste machining oils free of halogens (not emulsioned)
- 120108 waste machining emulsions containing halogens
- 120109 waste machining emulsions free of halogens
- 120110 synthetic machining oils
- 120111 machining sludges
- 120112 spent waxes and fats

- 1203 WASTES FROM WATER AND STEAM DEGREASING PROCESSES (EXCEPT 11)
- 120301 aqueous washing liquids
- 120302 steam degreasing wastes

- 13 OIL WASTES (EXCEPT EDIBLE OILS, 05 AND 12)

- 1301 WASTE HYDRAULIC OILS AND BRAKE FLUIDS
- 130101 hydraulic oils, containing PCBs or PCTs
- 130102 other chlorinated hydraulic oils (not emulsions)
- 130103 non-chlorinated hydraulic oils (not emulsions)
- 130104 chlorinated emulsions
- 130105 non-chlorinated emulsions
- 130106 hydraulic oils containing only mineral oil
- 130107 other hydraulic oils
- 130108 brake fluids

- 1302 WASTE ENGINE, GEAR AND LUBRICATING OILS
- 130201 chlorinated engine, gear and lubricating oils
- 130202 non-chlorinated engine, gear and lubricating oils
- 130203 other machine, gear and lubrication oils

- 1303 WASTE INSULATING AND HEAT TRANSMISSION OILS AND OTHER LIQUIDS

- 130301 insulating or heat transmission oils and other liquids containing PCBs or PCTs
- 130302 other chlorinated insulating and heat transmission oils and other liquids
- 130303 non-chlorinated insulating and heat transmission oils and other liquids
- 130304 synthetic insulating and heat transmission oils and other liquids
- 130305 mineral insulating and heat transmission oils

- 1304 BILGE OILS
 - 130401 bilge oils from inland navigation
 - 130402 bilge oils from jetty sewers
 - 130403 bilge oils from other navigation

- 1305 OIL/WATER SEPARATOR CONTENTS
 - 130501 oil/water separator solids
 - 130502 oil/water separator sludges
 - 130503 interceptor sludges
 - 130504 desalter sludges or emulsions
 - 130505 other emulsions

- 1306 OIL WASTE NOT OTHERWISE SPECIFIED
 - 130601 oil waste not otherwise specified

- 14 WASTES FROM ORGANIC SUBSTANCES AS EMPLOYED AS SOLVENTS (EXCEPT 07 AND 08)
 - 1401 WASTES FROM METAL DEGREASING AND MACHINERY MAINTENANCE
 - 140101 chlorofluorocarbons
 - 140102 other halogenated solvents and solvent mixes
 - 140103 other solvents and solvent mixes
 - 140104 aqueous solvent mixes containing halogens
 - 140105 aqueous solvent mixes free of halogens
 - 140106 sludges or solid wastes containing halogenated solvents

 - 140107 sludges or solid wastes free of halogenated solvents

- 1402 WASTES FROM TEXTILE CLEANING AND
DEGREASING OF NATURAL PRODUCTS
- 140201 halogenated solvents and solvent mixes
- 140202 solvent mixes or organic liquids free of halogenated
solvents
- 140203 sludges or solid wastes containing halogenated
solvents
- 140204 sludges or solid wastes containing other solvents

- 1403 WASTES FROM THE ELECTRONIC
INDUSTRY
- 140301 chlorofluorocarbons
- 140302 other halogenated solvents
- 140303 solvents and solvent mixes free of halogenated
solvents
- 140304 sludges or solid wastes containing halogenated
solvents
- 140305 sludges or solid wastes containing other solvents

- 1404 WASTES FROM COOLANTS, FOAM/AEROSOL
PROPELLENTS
- 140401 chlorofluorocarbons
- 140402 other halogenated solvents and solvent mixes
- 140403 other solvents and solvent mixes
- 140404 sludges or solid wastes containing halogenated
solvents
- 140405 sludges or solid wastes containing other solvents

- 1405 WASTES FROM SOLVENT AND COOLANT
RECOVERY (STILL BOTTOMS)
- 140501 chlorofluorocarbons
- 140502 halogenated solvents and solvent mixes
- 140503 other solvents and solvent mixes
- 140504 sludges containing halogenated solvents

- 140505 sludges containing other solvents

- 16 WASTES NOT OTHERWISE SPECIFIED IN
THE CATALOGUE

- 1602 DISCARDED EQUIPMENT AND SHREDDER RESIDUES
- 160201 transformers and capacitors containing PCBs or PCTs

- 1604 WASTE EXPLOSIVES
- 160401 waste ammunition
- 160402 fireworks waste
- 160403 other waste explosives

- 1606 BATTERIES AND ACCUMULATORS
- 160601 lead batteries
- 160602 Ni-Cd batteries
- 160603 mercury dry cells
- 160606 electrolyte from batteries and accumulators

- 1607 WASTE FROM TRANSPORT AND STORAGE TANK CLEANING (EXCEPT 050000 AND 120000)
- 160701 waste from marine transport tank cleaning, containing chemicals
- 160702 waste from marine transport tank cleaning, containing oil
- 160703 waste from railway and road transport tank cleaning containing oil
- 160704 waste from railway and road transport tank cleaning containing chemicals
- 160705 waste from storage tank cleaning, containing chemicals
- 160706 waste from storage tank cleaning, containing oil

- 17 CONSTRUCTION AND DEMOLITION WASTE (INCLUDING ROAD CONSTRUCTION)

- 1706 INSULATION MATERIALS
- 170601 insulation materials containing asbestos

- 18 WASTES FROM HUMAN OR ANIMAL HEALTH CARE AND/OR RELATED RESEARCH (EXCLUDING KITCHEN AND RESTAURANT WASTES WHICH DO NOT ARISE FROM IMMEDIATE HEALTH CARE)

- 1801 WASTE FROM NATAL CARE, DIAGNOSIS, TREATMENT OR PREVENTION OF DISEASE IN HUMANS
- 180103 other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection

- 1802 WASTE FROM RESEARCH, DIAGNOSIS, TREATMENT OR PREVENTION OF DISEASE INVOLVING ANIMALS
- 180202 other wastes whose collection and disposal is subject to special requirements in view of the prevention of infection
- 180204 discarded chemicals

- 19 WASTES FROM WASTE TREATMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE WATER INDUSTRY

- 1901 WASTES FROM INCINERATION OR PYROLYSIS OF MUNICIPAL AND SIMILAR COMMERCIAL INDUSTRIAL AND INSTITUTIONAL WASTES
- 190103 fly ash
- 190104 boiler dust
- 190105 filter cake from gas treatment
- 190106 aqueous liquid waste from gas treatment and other aqueous liquid wastes
- 190107 solid waste from gas treatment
- 190110 spent activated carbon from flue gas treatment

- 1902 WASTES FROM SPECIFIC PHYSICO/CHEMICAL TREATMENTS OF INDUSTRIAL WASTES (eg DECHROMATATION, DECYANIDATION, NEUTRALIZATION)
- 190201 metal hydroxide sludges and other sludges from metal insolubilization treatment

- 1904 VITRIFIED WASTES AND WASTES FROM VITRIFICATION
- 190402 fly ash and other flue gas treatment wastes
- 190403 non-vitrified solid phase

- 1908 WASTES FROM WASTE WATER TREATMENT PLANTS NOT OTHERWISE SPECIFIED
- 190803 grease and oil mixture from oil/waste water separation
- 190806 saturated or spent ion exchange resins
- 190807 solutions and sludges from regeneration of ion exchangers

- 20 MUNICIPAL WASTES AND SIMILAR COMMERCIAL INDUSTRIAL AND INSTITUTIONAL WASTES INCLUDING SEPARATELY COLLECTED FRACTIONS
- 2001 SEPARATELY COLLECTED FRACTIONS
- 200112 paint, inks, adhesives and resins
- 200113 solvents
- 200117 photo chemicals
- 200119 pesticides
- 2000121 fluorescent tubes and other mercury containing waste.

PART II

HAZARDOUS PROPERTIES

H1 "Explosive": substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.

H2 “Oxidizing”: substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.

H3-A “Highly flammable”:

- liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or
- substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
- solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
- gaseous substances and preparations which are flammable in air at normal pressure, or
- substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.

H3-B “Flammable”: liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.

H4 “Irritant”: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

H5 “Harmful”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.

H6 “Toxic”: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.

H7 “Carcinogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.

H8 “Corrosive”: substances and preparations which may destroy living tissue on contact.

H9 “Infectious”: substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.

H10 “Teratogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.

H11 “Mutagenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.

H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

H13 Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

H14 “Ecotoxic”: substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

PART III

THRESHOLDS FOR CERTAIN HAZARDOUS PROPERTIES

In the waste:

- the total concentration of substances classified as irritant and having assigned to them any of the risk phrases R36 (“irritating to the eyes”), R37 (“irritating to the respiratory system”) or R38 (“irritating to the skin”) is equal to or greater than 20%;

- the total concentration of substances classified as irritant and having assigned to them the risk phrase R41 (“risk of serious damage to eyes”) is equal to or greater than 10%;
- the total concentration of substances classified as harmful is equal to or greater than 25%;
- the total concentration of substances classified as very toxic is equal to or greater than 0.1%;
- the total concentration of substances classified as toxic is equal to or greater than 3%;
- the total concentration of substances classified as carcinogenic and placed by the approved classification and labelling guide in category 1 or 2 of that classification is equal to or greater than 0.1%;
- the total concentration of substances classified as corrosive and having assigned to them the risk phrase R34 (“causes burns”) is equal to or greater than 5%; and
- the total concentration of substances classified as corrosive and having assigned to them the risk phrase R35 (“causes severe burns”) is equal to or greater than 1%.”.

Passed by the Gibraltar House of Assembly on the 7th day of January, 1997.

D.J. REYES,

Clerk to the Assembly.