

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 4257 of 27 April, 2016**

LEGAL NOTICE NO. 98 OF 2016.

PUBLIC HEALTH ACT

INTERPRETATION AND GENERAL CLAUSES ACT

PUBLIC HEALTH ACT (AMENDMENT) REGULATIONS 2016

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, and in order to transpose Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as Public Health Act (Amendment) Regulations 2016.

Commencement.

2. These Regulations come into operation on 31 July 2016.

Amendment of the Public Health Act.

3. In footnote (1) of Schedule 13 of the Public Health Act after the last sentence insert-

“The energy efficiency formula value will be multiplied by a climate correction factor (CCF) as shown below:

1. CCF for installations in operation and permitted in accordance with applicable Union legislation before 1 September 2015.

CCF = 1 if HDD \geq 3 350

CCF = 1,25 if HDD \leq 2 150

$$\text{CCF} = - (0,25/1\ 200) \times \text{HDD} + 1,698 \text{ when } 2\ 150 < \text{HDD} < 3\ 350$$

2. CCF for installations permitted after 31 August 2015 and for installations under 1 after 31 December 2029:

$$\text{CCF} = 1 \text{ if } \text{HDD} \geq 3\ 350$$

$$\text{CCF} = 1,12 \text{ if } \text{HDD} \leq 2\ 150$$

$$\text{CCF} = - (0,12/1\ 200) \times \text{HDD} + 1,335 \text{ when } 2\ 150 < \text{HDD} < 3\ 350$$

(The resulting value of CCF will be rounded at three decimal places).

The value of HDD (Heating Degree Days) should be taken as the average of annual HDD values for the incineration facility location, calculated for a period of 20 consecutive years before the year for which CCF is calculated. For the calculation of the value of HDD the following method established by Eurostat should be applied: HDD is equal to $(18\text{ °C} - T_m) \times d$ if T_m is lower than or equal to 15 °C (heating threshold) and is nil if T_m is greater than 15 °C ; where T_m is the mean $(T_{\min} + T_{\max})/2$ outdoor temperature over a period of d days. Calculations are to be executed on a daily basis ($d = 1$), added up to a year.”.

Dated 27th April, 2016.

DR J CORTES,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend Schedule 13 of the Public Health Act in order to transpose Commission Directive (EU) 2015/1127 of 10 July 2015 amending Annex II to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

