

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4196 of 9th September, 2015

LEGAL NOTICE NO. 144 OF 2015.

INTERPRETATION AND GENERAL CLAUSES ACT

PUBLIC HEALTH (WATER FRAMEWORK) (AMENDMENT) REGULATIONS 2015

In exercise of the powers conferred on it by section 23(g)(ii) as read with section 27 of the Interpretation and General Clauses Act, and of all other enabling powers, and for the purpose of transposing into the law of Gibraltar Directive 2013/39/EU of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Public Health (Water Framework) (Amendment) Regulations 2015 and come into operation on 14 September 2015.

Amendments to the Public Health (Water Framework) Rules 2004.

2. The Public Health (Water Framework) Rules 2004 (the “Rules”) are amended in accordance with the provisions of regulations 3 to 9.

Amendment to rule 2(1).

3. The Rules are amended in rule 2(1) by-

(a) inserting the following definition after the definition of “available groundwater resource” –

““biota taxon” means a particular aquatic taxon within the taxonomic rank “sub-phylum”, “class” or their equivalent;”;

(b) inserting the following definition after the definition of “inland water”-

““matrix” means a compartment of the aquatic environment, namely water, sediment or biota;”;

(c) inserting the following definition after the definition of “the Directive”-

““Directive 2008/105/EC” means Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending the Directive, as amended from time to time;”;

(d) inserting the following definitions after the definition of “quantitative status”-

““Regulation (EC) No 1107/2009” means Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, as amended from time to time;

“Regulation (EU) No 528/2012” means Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products, as amended from time to time;”.

Substitution of rule 10A.

4. The Rules are amended by substituting for rule 10A the following rules-

“Environmental quality standards.

10A.(1) The Competent Authority must apply the Environmental Quality Standards (“EQS”) listed in Part A of Schedule 9 for bodies of surface water in accordance with the requirements laid down in Part B of that Schedule.

(2) In respect of the substances numbered 2, 5, 15, 20, 22, 23 and 28 in Part A of Schedule 9, the Competent Authority must implement the EQS listed in that Schedule-

- (a) in accordance with the dates as specified in column (3A); and
 - (b) with the aim of achieving good surface water chemical status in relation to those substances by 22 December 2021 by means of programmes of measures included in the 2015 river basin management plan.
- (3) In respect of substances numbered 34 to 45 in Part A of Schedule 9, the Competent Authority must, with effect from 22 December 2018, implement the EQS listed in that Schedule with the aim of achieving good surface water chemical status in relation to those substances by 22 December 2027 and preventing deterioration in the chemical status of surface water bodies in relation to those substances.
- (4) Subject to subrule (5), the Competent Authority must -
 - (a) for substances numbered 5, 15, 16, 17, 21, 28, 34, 35, 37, 43 and 44 in Part A of Schedule 9 apply the biota EQS in column (8); and
 - (b) for all the other substances listed in Part A of Schedule 9, apply the water EQS in columns (4) to (7).
- (5) The Competent Authority may, in relation to one or more categories of surface water, opt to apply an EQS for a matrix or, if applicable, a biota taxon other than that required to be applied by subrule (4) if the conditions in subrules (6) and (7) are met.
- (6) The first condition is that the Competent Authority applies-
 - (a) the relevant EQS listed in Part A of Schedule 9; or
 - (b) where there is no equivalent EQS in Part A of Schedule 9 for the alternative matrix or biota taxon, establish an EQS that offers at least the same level of protection as an EQS established for a matrix or biota taxon listed in Part A of Schedule 9.

- (7) The second condition is that-
- (a) the method of analysis used for the chosen matrix or biota taxon fulfils the minimum performance criteria laid down in paragraph 3 of Schedule 11; or
 - (b) where the minimum performance criteria are not met for any matrix –
 - (i) the monitoring is carried out using the best available techniques not entailing excessive costs; and
 - (ii) that method of analysis performs at least as well as that available for the matrix specified in subrule (4) for the relevant substance.
- (8) For the purposes of subrule (3), the Competent Authority must-
- (a) by 22 December 2018, establish and submit to the Commission a supplementary monitoring programme and a preliminary programme of measures covering those substances; and
 - (b) by 22 December 2021, establish a final programme of measures covering those substances which shall be implemented and made operational as soon as possible after that date and at the latest by 22 December 2024.
- (9) Paragraphs 4 to 9 of Schedule 7 apply, with the necessary modifications, to the substances listed in subrules (2) and (3).
- (10) Subrules (2) and (3) apply without prejudice to the obligations arising under Directive 2008/105/EC and, in particular, the achievement of good surface water chemical status in relation to the substances and the associated EQS listed in that Directive before it was amended by Directive 2013/39/EU.

EQS Monitoring.

10AA.(1) Where a potential risk to, or via, the aquatic environment from acute exposure to one of the substances listed in Part A of Schedule 9 has been identified as a result of measured or estimated environmental concentrations or omissions, and where a biota or sediment EQS is being applied, the Competent Authority must-

- (a) also monitor surface waters; and
 - (b) where such EQS have been established, apply the MAC-EQS set out in Part A of Schedule 9.
- (2) Where, pursuant to paragraph 4 of Schedule 11, the calculated mean value of a measurement, when carried out using the best available technique not entailing excessive costs, is referred to as “less than limit of quantification”, and the limit of quantification of that technique is above the EQS, the Competent Authority must not use the result for the substance being measured for the purposes of assessing the overall chemical status of that water body.
- (3) In relation to substances for which an EQS for sediment or biota (or both) is applied, the Competent Authority must monitor the substance in the relevant matrix at least once every year, unless technical knowledge and expert judgment justify another interval.
- (4) Subject to subrule (5), the Competent Authority may monitor the substances numbered 5, 21, 28, 30, 35, 37, 43 and 44 in Part A of Schedule 9 less intensely than is required for priority substances under subrule (3) and Schedule 6, provided that the monitoring is representative and a statistically robust baseline is available regarding the presence of those substances in the aquatic environment.
- (5) Monitoring under subrule (4) must take place at least every three years, unless technical knowledge and expert judgment justify another interval.

Priority substances tending to accumulate in sediment or biota.

10AB.(1) The Competent Authority must arrange for the long-term trend analysis of concentrations of those priority substances listed in Part A of Schedule 9 that tend to accumulate in sediment or biota (or both), giving particular consideration to the substances numbered 2, 5, 6, 7, 12, 15, 16, 17, 18, 20, 21, 26, 28, 30, 34, 35, 36, 37, 43 and 44, on the basis of monitoring of surface water status carried out in accordance with rule 9.

- (2) The Competent Authority must take such measures aimed at ensuring, subject to Schedule 7, that such concentrations do not significantly increase in sediment or relevant biota (or both).
- (3) The Competent Authority must carry out monitoring under subrule (1) in sediment or biota (or in both) so as to provide sufficient data for a reliable long-term trend analysis and such monitoring should take place every three years, unless the Competent Authority's technical knowledge and expert judgment justify another interval."

Amendment of rule 17.

5. Rule 17 is amended by inserting the following after subrule (2)-

- "(3) The Competent Authority must ensure that the updated river basin management plan produced in accordance with rule 14 containing-
- (a) the results and impact of measures taken to prevent chemical pollution of surface water; and
 - (b) the interim report describing progress in the implementation of the planned programme of measures in accordance with article 15(3) of the Directive,

is made available via a central portal which is accessible to the public electronically in accordance with regulation 4 of the Freedom of Access to Information on the Environment Regulations 2005."

Insertion of rule 17B.

6. The Rules are amended by inserting the following rule after rule 17A-

“Watch list.

- 17.(1) The Competent Authority must, at least once a year at a minimum of one monitoring station, monitor each substance in the watch list produced by the Commission under Article 8b(2) of Directive 2008/105/EC.
- (2) For each substance included in the first watch list, the monitoring period must commence by 14 September 2015 or within six months of the establishment of the watch list, whichever is the later.
- (3) For each substance included in any subsequent lists, the monitoring period must commence within six months of its inclusion in the watch list.
- (4) In selecting the monitoring station, the monitoring frequency and timing of each substance, the Competent Authority shall take into account the use patterns and possible occurrence of the substance.
- (5) The Competent Authority may opt not to undertake the additional monitoring under subrule (1) for a particular substance if-
 - (a) the Authority has sufficient, comparable, representative and recent monitoring data for the substance from existing monitoring programmes or studies; and
 - (b) the substance was monitored using a methodology that satisfies the requirements of the technical guidelines developed by the Commission in accordance with Article 8b(5) of Directive 2008/105/EC.
- (6) The Competent Authority must ensure that the results of the monitoring carried out under subrule (1) are reported to the Commission –

- (a) for the first watch list, within 21 months of the establishment of the watch list; and
- (b) for each substance included in subsequent lists, within 21 months of the inclusion of the substance in the watch list,

and every year thereafter while the substance is kept on the watch list.

- (7) Any report made under subrule (5) must include information on the monitoring strategy and the representativeness of the monitoring station.”.

Insertion of rule 19A.

7. The Rules are amended by inserting the following rule after rule 19-

“Coordination.

19A.(1) Where the results of a report by the Commission under Article 7a of Directive 2008/105/EC shows that additional measures at European Union or Member State level may be necessary in order to facilitate compliance with the Directive in relation to a particular substance approved pursuant to Regulation (EC) No 1107/2009 or Regulation (EU) No 528/2012, the Competent Authority must apply Articles 21 or 44 of Regulation (EC) No 1107/2009 or Articles 15 or 48 of Regulation (EU) No 528/2012, as appropriate, to that substance, or products containing that substance.

- (2) In applying the provisions of the Regulations referred to in subrule (1), the Competent Authority must take into account any risk evaluations and socio-economic cost or cost-benefit analyses required under those Regulations, including as regards the availability of alternatives.”.

Amendment of Schedule 8.

8. Schedule 8 is amended by inserting the following paragraphs after paragraph 16-

- “17. A table presenting the limits of quantification of the methods of analysis applied, and information on the performance of those methods in relation to the minimum performance criteria laid down in paragraph 3 of Schedule 11.
18. Where the option in rule 10A(5) is used –
- (a) the reasons and basis for using that option;
 - (b) where relevant, the alternative EQS established, evidence that those EQS would offer at least the same level of protection as the EQS laid down in Part A of Schedule 9, including the data and methodology used to derive the EQS, and the categories of surface water to which they would apply;
 - (c) for comparison with the information referred to in paragraph 17, the limits of quantification of the methods of analysis for the matrices specified in Part A of Schedule 9, including information on the performance of those methods in relation to the minimum performance criteria laid down in paragraph 3 of Schedule 11.
19. Justification for the frequency of monitoring applied in accordance with rule 10AA(3), if monitoring intervals are longer than one year.”.

Substitution of Schedules.

9. The Rules are amended by substituting the following Schedules for Schedules 9 and 10-

“SCHEDULE 9

Rules 10A, 10AA, 10AB and 11A

**ENVIRONMENTAL QUALITY STANDARDS FOR PRIORITY
SUBSTANCES AND CERTAIN OTHER POLLUTANTS**

PART A: ENVIRONMENTAL QUALITY STANDARDS (EQS)

AA: annual average;

MAC: maximum allowable concentration.

Unit: [$\mu\text{g}/\text{l}$] for columns numbered (4) to (7)

[$\mu\text{g}/\text{kg}$ wet weight] for the column numbered (8)

(1)	(2)	(3)	(3A)	(4)	(5)	(6)	(7)	(8)
No	Name of substance	CAS number (1)		AA-EQS (2) Inland surface waters (3)	AA-EQS (2) Other surface waters	MAC-EQS (4) Inland surface waters (3)	MAC-EQS (4) Other surface waters	EQS Biota (12)
(1)	Alachlor	15972-60-8		0,3	0,3	0,7	0,7	
(2)	Anthracene	120-12-7	14/09/15 to 21/12/15	0,1	0,1	0,4	0,4	
			22/12/15 onwards	0,1	0,1	0,1	0,1	
(3)	Atrazine	1912-24-9		0,6	0,6	2,0	2,0	
(4)	Benzene	71-43-2		10	8	50	50	
(5)	Brominated diphenylethers (5)	32534-81-9	14/09/15 to 21/12/15	0,0005	0,0002	not applicable	not applicable	
			22/12/15 onwards			0,14	0,014	0,0085
(6)	Cadmium and its compounds (depending on water hardness classes) (6)	7440-43-9		$\leq 0,08$ (Class 1) 0,08 (Class 2) 0,09 (Class 3) 0,15 (Class 4) 0,25 (Class 5)	0,2	$\leq 0,45$ (Class 1) 0,45 (Class 2) 0,6 (Class 3) 0,9 (Class 4) 1,5 (Class 5)	$\leq 0,45$ (Class 1) 0,45 (Class 2) 0,6 (Class 3) 0,9 (Class 4) 1,5 (Class 5)	
(6a)	Carbon-tetrachloride (7)	56-23-5		12	12	not applicable	not applicable	

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(7)	C10-13 Chloroalkanes (8)	85535-84-8		0,4	0,4	1,4	1,4	
(8)	Chlorfenvinphos	470-90-6		0,1	0,1	0,3	0,3	
(9)	Chlorpyrifos (Chlorpyrifos-ethyl)	2921-88-2		0,03	0,03	0,1	0,1	
(9a)	Cyclodienepesticides: Aldrin (7) Dieldrin (7) Endrin (7) Isodrin (7)	309-00-2 60-57-1 72-20-8 465-73-6		$\Sigma = 0,01$	$\Sigma = 0,005$	not applicable	not applicable	
(9b)	DDT total (7), (9)	Not applicable		0,025	0,025	not applicable	not applicable	
	para-para-DDT (7)	50-29-3		0,01	0,01	not applicable	not applicable	
(10)	1,2-Dichloroethane	107-06-2		10	10	not applicable	not applicable	
(11)	Dichloromethane	75-09-2		20	20	not applicable	not applicable	
(12)	Di(2-ethylhexyl)-phthalate (DEHP)	117-81-7		1,3	1,3	not applicable	not applicable	
(13)	Diuron	330-54-1		0,2	0,2	1,8	1,8	
(14)	Endosulfan	115-29-7		0,005	0,0005	0,01	0,004	
(15)	Fluoranthene	206-44-0	14/09/15 to 21/12/15	0,1	0,1	1	1	
			22/12/15 onwards	0,0063	0,0063	0,12	0,12	30
(16)	Hexachloro-benzene	118-74-1				0,05	0,05	10
(17)	Hexachloro-butadiene	87-68-3				0,6	0,6	55
(18)	Hexachloro-cyclohexane	608-73-1		0,02	0,002	0,04	0,02	
(19)	Isoproturon	34123-59-6		0,3	0,3	1,0	1,0	

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(20)	Lead and its compounds	7439-92-1	14/09/15 to 21/12/15	7,2	7,2	not applicable	not applicable	
			22/12/15 onwards	1,2 (13)	1,3	14	14	
(21)	Mercury and its compounds	7439-97-6				0,07	0,07	20
(22)	Naphthalene	91-20-3	14/09/15 to 21/12/15	2,4	1,2	not applicable	not applicable	
			22/12/15 onwards	2	2	130	130	
(23)	Nickel and its compounds	7440-02-0	14/09/15 to 21/12/15	20	20	not applicable	not applicable	
			22/12/15 onwards	4 (13)	8,6	34	34	
(24)	Nonylphenols (4-Nonylphenol)	84852-15-3		0,3	0,3	2,0	2,0	
(25)	Octylphenols (4-(1,1',3,3'-tetramethyl-1-butyl)-phenol))	140-66-9		0,1	0,01	not applicable	not applicable	
(26)	Pentachloro-benzene	608-93-5		0,007	0,0007	not applicable	not applicable	
(27)	Pentachloro-phenol	87-86-5		0,4	0,4	1	1	
(28)	Polycyclic aromatic hydrocarbons (PAH) (11)	not applicable	14/09/15 to 21/12/15	not applicable	not applicable	not applicable	not applicable	
			22/12/15 onwards	not applicable	not applicable	not applicable	not applicable	
	Benzo(a)pyrene	50-32-8	14/09/15 to 21/12/15	0,05	0,05	0,1	0,1	
			22/12/15 onwards	$1,7 \times 10^{-4}$	$1,7 \times 10^{-4}$	0,27	0,027	5

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	Benzo(b)fluoranthene	205-99-2	14/09/15 to 21/12/15	$\Sigma = 0,03$ with benzo(k)fluoranthene	$\Sigma = 0,03$ With benzo(k)fluoranthene	not applicable	not applicable	
			22/12/15 onwards	see footnote 11	see footnote 11	0,017	0,017	see footnote 11
	Benzo(k)fluoranthene	207-08-9	14/09/15 to 21/12/15	$\Sigma = 0,03$ With benzo(b)fluoranthene	$\Sigma = 0,03$ With benzo(b)fluoranthene	not applicable	not applicable	
			22/12/15 onwards	see footnote 11	see footnote 11	0,017	0,017	see footnote 11
	Benzo(g,h,i)-perylene	191-24-2	14/09/15 to 21/12/15	$\Sigma = 0,002$	$\Sigma = 0,002$	not applicable	not applicable	
			22/12/15 onwards	see footnote 11	see footnote 11	$8,2 \times 10^{-3}$	$8,2 \times 10^{-4}$	see footnote 11
	Indeno(1,2,3-cd)-pyrene	193-39-5	14/09/15 to 21/12/15					
			22/12/15 onwards	see footnote 11	see footnote 11	not applicable	not applicable	see footnote 11
(29)	Simazine	122-34-9		1	1	4	4	
(29a)	Tetrachloro-ethylene (7)	127-18-4		10	10	not applicable	not applicable	
(29b)	Trichloro-ethylene (7)	79-01-6		10	10	not applicable	not applicable	
(30)	Tributyltin compounds (Tributyltin-cation)	36643-28-4		0,0002	0,0002	0,0015	0,0015	
(31)	Trichlorobenzenes	12002-48-1		0,4	0,4	not applicable	not applicable	
(32)	Trichloromethane	67-66-3		2,5	2,5	not applicable	not applicable	
(33)	Trifluralin	1582-09-8		0,03	0,03	not applicable	not applicable	
(34)	Diclofol	115-32-2	22/12/18 onwards	$1,3 \times 10^{-3}$	$3,2 \times 10^{-5}$	not applicable (10)	not applicable (10)	33

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(35)	Perfluorooctane sulfonic acid and its derivatives (PFOS)	1763-23-1	22/12/18 onwards	$6,5 \times 10^{-4}$	$1,3 \times 10^{-4}$	36	7,2	9,1
(36)	Quinoxifene	124495-18-7	22/12/18 onwards	0,15	0,015	2,7	0,54	
(37)	Dioxins and dioxin-like compounds	see footnote 9 in Schedule 10	22/12/18 onwards			not applicable	not applicable	Sum of PCD D+P CDF +PCB-DL 0.0065 $\mu\text{g.kg}^{-1}$ TEQ (1)
(38)	Aclonifen	74070-46-5	22/12/18 onwards	0,12	0,012	0,12	0,012	
(39)	Bifenox	42576-02-3	22/12/18 onwards	0,012	0,0012	0,04	0,004	
(40)	Cybutryne	28159-98-0	22/12/18 onwards	0,0025	0,0025	0,016	0,016	
(41)	Cypermethrin	52315-07-8	22/12/18 onwards	8×10^{-5}	8×10^{-6}	6×10^{-4}	6×10^{-5}	
(42)	Dichlorvos	62-73-7	22/12/18 onwards	6×10^{-4}	6×10^{-5}	7×10^{-4}	7×10^{-5}	
(43)	Hexabromocyclododecane (HBCDD)	See footnote 11 in Schedule 10	22/12/18 onwards	0,0016	0,0008	0,5	0,05	167
(44)	Heptachlor and heptachlor epoxide	76-44-8/1024-57-3	22/12/18 onwards	2×10^{-7}	1×10^{-8}	3×10^{-4}	3×10^{-5}	$6,7 \times 10^{-3}$
(45)	Terbutryn	886-50-0	22/12/18 onwards	0,065	0,0065	0,34	0,034	

(1) CAS: Chemical Abstracts Service.

(2) This parameter is the EQS expressed as an annual average value (AA-EQS). Unless otherwise specified, it applies to the total concentration of all isomers.

(3) Inland surface waters encompass rivers and lakes and related artificial or heavily modified water bodies.

(4) This parameter is the EQS expressed as a maximum allowable concentration (MAC-EQS). Where the MAC-EQS are marked as “not applicable”, the AA-EQS values are considered protective against short-term pollution peaks in continuous discharges since they are significantly lower than the values derived on the basis of acute toxicity.

(5) For the group of priority substances covered by brominated diphenylethers (No 5), the EQS refers to the sum of the concentrations of congener numbers 28, 47, 99, 100, 153 and 154.

(6) For Cadmium and its compounds (No 6) the EQS values vary depending on the hardness of the water as specified in five class categories (Class 1: < 40 mg CaCO₃/l, Class 2: 40 to < 50 mg CaCO₃/l, Class 3: 50 to < 100 mg CaCO₃/l, Class 4: 100 to < 200 mg CaCO₃/l and Class 5: ≥ 200 mg CaCO₃/l).

(7) This substance is not a priority substance but one of the other pollutants for which the EQS are identical to those laid down in the legislation that applied prior to 13 January 2009.

(8) No indicative parameter is provided for this group of substances. The indicative parameter(s) must be defined through the analytical method.

(9) DDT total comprises the sum of the isomers 1,1,1-trichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 50-29-3; EU number 200-024-3); 1,1,1-trichloro-2 (o-chlorophenyl)-2-(p-chlorophenyl) ethane (CAS number 789-02-6; EU Number 212-332-5); 1,1-dichloro-2,2 bis (p-chlorophenyl) ethylene (CAS number 72-55-9; EU Number 200-784-6); and 1,1-dichloro-2,2 bis (p-chlorophenyl) ethane (CAS number 72-54-8; EU Number 200-783-0).

(10) There is insufficient information available to set a MAC-EQS for these substances.

(11) For the group of priority substances of polyaromatic hydrocarbons (PAH) (No 28), the biota EQS and corresponding AA-EQS in water refer to the concentration of benzo(a)pyrene, on the toxicity of which they are based. Benzo(a)pyrene can be considered as a marker for the other PAHs, hence only benzo(a)pyrene must be monitored for comparison with the biota EQS or the corresponding AA-EQS in water.

(12) Unless otherwise indicated, the biota EQS relate to fish. An alternative biota taxon, or another matrix, may be monitored instead, as long as the EQS applied provides an equivalent level of protection. For substances numbered 15 (Fluoranthene) and 28 (PAHs), the biota EQS refers to crustaceans and molluscs. For the purpose of assessing chemical status, monitoring of Fluoranthene and PAHs in fish is not appropriate. For substance number 37 (Dioxins and dioxin-like compounds), the biota EQS relates to fish, crustaceans and molluscs, in line with section 5.3 of the Annex to Commission Regulation (EU) No 1259/2011 of 2 December 2011 amending Regulation (EC) No 1881/2006 as regards maximum levels for dioxins, dioxin-like PCBs and non-dioxin-like PCBs in foodstuffs (OJ L 320, 3.12.2011, p. 18).

(13) These EQS refer to bioavailable concentrations of the substances.

(14) PCDD: polychlorinated dibenzo-p-dioxins; PCDF: polychlorinated dibenzofurans; PCB-DL: dioxin-like polychlorinated biphenyls; TEQ: toxic equivalents according to the World Health Organisation 2005 Toxic Equivalence Factors.

PART B: APPLICATION OF THE EQS SET OUT IN PART A

1. Columns (4) and (5) of the table: For any given surface water body, applying the AA-EQS means that, for each representative monitoring point within the water body, the arithmetic mean of the concentrations measured at different times during the year does not exceed the standard.

The calculation of the arithmetic mean, the analytical method used and, where there is no appropriate analytical method meeting the minimum performance criteria, the method of applying an EQS must be in accordance with implementing acts adopting technical specifications for chemical monitoring and quality of analytical results, in accordance with the Directive.

2. Columns (6) and (7) of the table: for any given surface water body, applying the MAC-EQS means that the measured concentration at any representative monitoring point within the water body does not exceed the standard.

However, in accordance with section 1.3.4 of Annex V to the Directive, the Competent Authority may introduce statistical methods, such as a percentile calculation, to ensure an acceptable level of confidence and precision for

determining compliance with the MAC-EQS. Where the Competent Authority does so, such statistical methods shall comply with detailed rules laid down in accordance with the examination procedure referred to in Article 9(2) of Directive 2008/105/EC.

3. The water EQS set up in this Schedule are expressed as total concentrations in the whole water sample.

By way of derogation from the first subparagraph, in the case of cadmium, lead, mercury and nickel (hereinafter “metals”), the water EQS refers to the dissolved concentration, i.e. the dissolved phase of a water sample obtained by filtration through a 0,45 µm filter or, where specifically indicated, to the bioavailable concentration.

The Competent Authority may, when assessing the monitoring results against the relevant EQS, take into account:

- (a) natural background concentrations for metals and their compounds, if they prevent compliance with the relevant EQS; and
- (b) hardness, pH, dissolved organic carbon or other water quality parameters that affect the bioavailability of metals, the bioavailable concentrations being determined using appropriate bioavailability modelling.

SCHEDULE 10

Rule 2(1)

LIST OF PRIORITY SUBSTANCES IN THE FIELD OF WATER POLICY

Number	CAS number ⁽¹⁾	EU number ⁽²⁾	Name of priority substance ⁽³⁾	Identified as priority hazardous substance
(1)	15972-60-8	240-110-8	Alachlor	
(2)	120-12-7	204-371-1	Anthracene	X
(3)	1912-24-9	217-617-8	Atrazine	
(4)	71-43-2	200-753-7	Benzene	
(5)	not applicable	not applicable	Brominated diphenylethers	X ⁽⁴⁾
(6)	7440-43-9	231-152-8	Cadmium and its compounds	X
(7)	85535-84-8	287-476-5	Chloroalkanes, C ₁₀₋₁₃	X
(8)	470-90-6	207-432-0	Chlorfenvinphos	
(9)	2921-88-2	220-864-4	Chlorpyrifos (Chlorpyrifos-ethyl)	
(10)	107-06-2	203-458-1	1,2-dichloroethane	
(11)	75-09-2	200-838-9	Dichloromethane	
(12)	117-81-7	204-211-0	Di(2-ethylhexyl)phthalate (DEHP)	X
(13)	330-54-1	206-354-4	Diuron	
(14)	115-29-7	204-079-4	Endosulfan	X
(15)	206-44-0	205-912-4	Fluoranthene	
(16)	118-74-1	204-273-9	Hexachlorobenzene	X
(17)	87-68-3	201-765-5	Hexachlorobutadiene	X
(18)	608-73-1	210-168-9	Hexachlorocyclohexane	X
(19)	34123-59-6	251-835-4	Isoproturon	
(20)	7439-92-1	231-100-4	Lead and its compounds	
(21)	7439-97-6	231-106-7	Mercury and its compounds	X

(22)	91-20-3	202-049-5	Naphthalene	
(23)	7440-02-0	231-111-4	Nickel and its compounds	
(24)	not applicable	not applicable	Nonylphenols	X ⁽⁵⁾
(25)	not applicable	not applicable	Octylphenols ⁽⁶⁾	
(26)	608-93-5	210-172-0	Pentachlorobenzene	X
(27)	87-86-5	201-778-6	Pentachlorophenol	
(28)	not applicable	not applicable	Polyaromatic hydrocarbons (PAH) ⁽⁷⁾	X
(29)	122-34-9	204-535-2	Simazine	
(30)	not applicable	not applicable	Tributyltin compounds	X ⁽⁸⁾
(31)	12002-48-1	234-413-4	Trichlorobenzenes	
(32)	67-66-3	200-663-8	Trichloromethane (chloroform)	
(33)	1582-09-8	216-428-8	Trifluralin	X
(34)	115-32-2	204-082-0	Dicofol	X
(35)	1763-23-1	217-179-8	Perfluorooctane sulfonic acid and its derivatives (PFOS)	X
(36)	124495-18-7	not applicable	Quinoxifen	X
(37)	not applicable	not applicable	Dioxins and dioxin-like compounds	X ⁽⁹⁾
(38)	74070-46-5	277-704-1	Aclonifen	
(39)	42576-02-3	255-894-7	Bifenox	
(40)	28159-98-0	248-872-3	Cybutryne	
(41)	52315-07-8	257-842-9	Cypermethrin ⁽¹⁰⁾	
(42)	62-73-7	200-547-7	Dichlorvos	
(43)	not applicable	not applicable	Hexabromocyclododecanes (HBCDD)	X ⁽¹¹⁾
(44)	76-44-8/ 1024-57-3	200-962-3/ 213-831-0	Heptachlor and heptachlor epoxide	X
(45)	886-50-0	212-950-5	Terbutryn	

- ⁽¹⁾ CAS: Chemical Abstracts Service.
- ⁽²⁾ EU-number: European Inventory of Existing Commercial Substances (EINECS) or European List of Notified Chemical Substances (ELINCS).
- ⁽³⁾ Where groups of substances have been selected, unless explicitly noted, typical individual representatives are defined in the context of the setting of environmental quality standards.
- ⁽⁴⁾ Only Tetra, Penta, Hexa and Heptabromodiphenylether (CAS -numbers 40088-47-9, 32534-81-9, 36483-60-0, 68928-80-3, respectively).
- ⁽⁵⁾ Nonylphenol (CAS 25154-52-3, EU 246-672-0) including isomers 4-nonylphenol (CAS 104-40-5, EU 203-199-4) and 4-nonylphenol (branched) (CAS 84852-15-3, EU 284-325-5).
- ⁽⁶⁾ Octylphenol (CAS 1806-26-4, EU 217-302-5) including isomer 4-(1,1',3,3'-tetramethylbutyl)-phenol (CAS 140-66-9, EU 205-426-2).
- ⁽⁷⁾ Including benzo(a)pyrene (CAS 50-32-8, EU 200-028-5), benzo(b)fluoranthene (CAS 205-99-2, EU 205-911-9), benzo(g,h,i)perylene (CAS 191-24-2, EU 205-883-8), benzo(k)fluoranthene (CAS 207-08-9, EU 205-916-6), indeno(1,2,3-cd)pyrene (CAS 193-39-5, EU 205-893-2) and excluding anthracene, fluoranthene and naphthalene, which are listed separately.
- ⁽⁸⁾ Including tributyltin-cation (CAS 36643-28-4).
- ⁽⁹⁾ This refers to the following compounds:
- 7 polychlorinated dibenzo-p-dioxins (PCDDs): 2,3,7,8-T4CDD (CAS 1746-01-6), 1,2,3,7,8-P5CDD (CAS 40321-76-4), 1,2,3,4,7,8-H6CDD (CAS 39227-28-6), 1,2,3,6,7,8-H6CDD (CAS 57653-85-7), 1,2,3,7,8,9-H6CDD (CAS 19408-74-3), 1,2,3,4,6,7,8-H7CDD (CAS 35822-46-9), 1,2,3,4,6,7,8,9-O8CDD (CAS 3268-87-9)
- 10 polychlorinated dibenzofurans (PCDFs): 2,3,7,8-T4CDF (CAS 51207-31-9), 1,2,3,7,8-P5CDF (CAS 57117-41-6), 2,3,4,7,8-P5CDF (CAS 57117-31-4), 1,2,3,4,7,8-H6CDF (CAS 70648-26-9), 1,2,3,6,7,8-H6CDF (CAS 57117-44-9), 1,2,3,7,8,9-H6CDF (CAS 72918-21-9), 2,3,4,6,7,8-H6CDF (CAS 60851-34-5), 1,2,3,4,6,7,8-H7CDF (CAS 67562-39-4), 1,2,3,4,7,8,9-H7CDF (CAS 55673-89-7), 1,2,3,4,6,7,8,9-O8CDF (CAS 39001-02-0)
- 12 dioxin-like polychlorinated biphenyls (PCB-DL): 3,3',4,4'-T4CB (PCB 77, CAS 32598-13-3), 3,3',4',5-T4CB (PCB 81, CAS 70362-50-4), 2,3,3',4,4'-P5CB (PCB 105, CAS 32598-14-4), 2,3,4,4',5-P5CB (PCB 114, CAS 74472-37-0), 2,3',4,4',5-P5CB (PCB 118, CAS 31508-00-6), 2,3',4,4',5'-P5CB (PCB 123, CAS 65510-44-3), 3,3',4,4',5-P5CB (PCB 126, CAS 57465-28-8), 2,3,3',4,4',5-H6CB (PCB 156, CAS 38380-08-4),

2,3,3',4,4',5'-H6CB (PCB 157, CAS 69782-90-7), 2,3',4,4',5,5'-H6CB (PCB 167, CAS 52663-72-6), 3,3',4,4',5,5'-H6CB (PCB 169, CAS 32774-16-6), 2,3,3',4,4',5,5'-H7CB (PCB 189, CAS 39635-31-9).

⁽¹⁰⁾ CAS 52315-07-8 refers to an isomer mixture of cypermethrin, alpha-cypermethrin (CAS 67375-30-8), beta-cypermethrin (CAS 65731-84-2), theta-cypermethrin (CAS 71697-59-1) and zeta-cypermethrin (52315-07-8).

⁽¹¹⁾ This refers to 1,3,5,7,9,11-Hexabromocyclododecane (CAS 25637-99-4), 1,2,5,6,9,10- Hexabromocyclododecane (CAS 3194-55-6), α -Hexabromocyclododecane (CAS 134237-50-6), β -Hexabromocyclododecane (CAS 134237-51-7) and γ - Hexabromocyclododecane (CAS 134237-52-8).".

Dated 9th September 2015.

Dr J Cortes,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations transpose into the law of Gibraltar Directive 2013/39/EU of the European Parliament and of the Council of 12 August 2013 amending Directives 2000/60/EC and 2008/105/EC as regards priority substances in the field of water policy.

**Printed by the Gibraltar Chronicle Limited
Printing Office: Unit 3, The New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price £1.10.**