

Subsidiary Legislation made under s.18.

Environment (Waste) Regulations 2007**LN.2007/125***Commencement (LN.2007/126)***29.11.2007**

Amending enactments	Relevant current provisions	Commencement date
LN. 2010/050	rr. 22-24, Sch. 6	25.3.2010
2010/137	rr. 2, 10(b), Sch. 2	27.9.2010
“	r. 2	1.12.2010
2011/156	r. 14A	22.9.2011
2011/210	rr. 1A, 2, 2A, 5(2)(d), (5)(a), (6), 9(2), 11(2), 12(1), (2)(d), 14B-14V, 15(1), 16(2), 22(1), Schs. 1, 4, 7	27.10.2011
2014/014	rr. 2(1), 2A, (1)-(5), 3, 3A, 4(1), 5(1), (1A), (2)(c)(a), (d)-(f), (3A)-(3C), (5)-(6), 9(1)(b), (2)-(3), 10(a)-(d), 11, 11A-11B, 12(1), (2)(a)-(d), 13, 13A, 15(1)-(4), 16, Schs. 1, 1A, 2, 2A, 3-5, 5A	14.2.2014
2015/096	rr. 14O(4)-(6), 14P(1), (7)-(8), Sch. 8	1.7.2015
2017/094	r. 2A	18.5.2017
2018/024	Sch. 2	6.2.2018
2020/224	rr. 11(3), 14J(7), 14L(4), 14T	18.6.2020
2020/531	rr. 2(1), (3), 2ZA-2ZC, 2A(1), 3(6), 3A(1)(a), 5(2)(e), (3A), 5C(6)-(7), 6(6), 6B(1), 7(1)(c), 10(a), 11(3)-(4), 11A(1)-(2), 11B(1)-(2), 12, 13(1), (2)(b)-(c), 14C, 14J(7), 14L(1)(b), (4), 14O(6), 14U(1)(f), (3)	1.1.2021
2026/159	rr. 2(1)-(2), 2A(1), 9(2), 10(d), 14B-14Z, 14ZA-14ZL, Schs. 6-8	15.7.2026
2026/173	r. 14(3)	15.7.2026

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Environment

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Environment (Waste) Regulations 2007

EU Legislation/International Agreements involved:

Directive 67/548/EEC
Directive 75/442/EEC
Directive 76/768/EEC
Directive 88/378/EEC
Directive 91/157/EEC
Directive 97/7/EC
Directive 1999/13/EC
Directive 1999/45/EC
Directive 2000/53/EC
Directive 2002/96/EC
Directive 2003/108/EC
Directive 2004/42/EC
Directive 2006/66/EC
Directive 2008/112/EC
Directive 2008/99/EC
Directive 2012/19/EU
Directive 2013/59/EURATOM
Directive (EU) 2018/849
Regulation (EC) No 1272/2008
Regulation (EEC) No.259/93
Regulation (EC) No.1420/1999
Regulation (EC) No.761/2001
Decision 2005/369/EC
Recommendation 2001/331/EC

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In the exercise of the powers conferred upon it by section 18 of the Environment Act 2005, the Government has made the following Regulations–

**PART I
GENERAL**

Title and commencement.

1. These Regulations may be cited as the Environment (Waste) Regulations 2007 and come into operation on the day prescribed by the Minister by Notice in the Gazette.

Scope of regulations.

1A. The application of these Regulations is without prejudice to the fact that Gibraltar does not form part of the European Union's common customs territory and that European Union rules on the free movement of goods do not apply to Gibraltar.

Interpretation.

2.(1) In these Regulations–

“the Competent Authority” means the Minister or such other body or person as the Minister may, by notice in the Gazette, prescribe;

“the Market Surveillance Authority” means the Minister or such other body or person as the Minister may, by notice in the Gazette, designate for the purposes of Chapter X of the Batteries Regulation;

“the Notifying Authority” means the Minister or such other body or person as the Minister may, by notice in the Gazette, designate for the purposes of Chapter V of the Batteries Regulation;

“disposal” means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy, Schedule 12 to the Public Health Act sets out a non-exhaustive list of disposal operations;

“the Minister” means the Minister with responsibility for the environment;

“putting into service” means the first use, for its intended purpose, in Gibraltar, of a battery, without having previously been placed on the market;

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

the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of the heat;

“the Waste Batteries Competent Authority” means the Competent Authority or such other body or person as the Minister may, by notice in the Gazette, designate for the purposes of Chapter VIII of the Batteries Regulation;

“the Batteries Regulation” means Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC, as amended from time to time;

“the WEEE Directive” means Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) as it had effect immediately before 1 January 2021.

(2) Any term used, but not defined, shall be construed in accordance with the provisions of the WEEE Directive or the Batteries Regulation, as the case may be.

(3) In these Regulations a reference to the Waste Directive is a reference to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives as last amended by Directive (EU) 2018/851 and as read in accordance with regulation 2A.

2ZA.(1) For the purposes of these Regulations, the Waste Directive is to be read in accordance with this regulation.

(2) Article 3(20) is to be read as if for “Article 2(11) of Directive 96/61/EC” there were substituted “Article 3(10) of the Industrial Emissions Directive”.

(3) Article 5 is to be read as if-

(a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;

(b) after paragraph 1 there were inserted-

“1A. Any decision as to whether a substance or object is a by-product must be made-

(a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and

- (b) having regard to any guidance published by the Minister for the purposes of this Article.”;
 - (c) paragraphs 2 and 3 were omitted.
- (4) Article 6 is to be read as if-
 - (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
 - (b) after paragraph 1 there were inserted-

“1A. Any decision as to whether a substance or object has ceased to be waste must be made-

 - (a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
 - (b) having regard to any guidance published by the Minister for the purposes of this Article.”;
 - (c) in paragraph 2-
 - (i) the first subparagraph were omitted;
 - (ii) in the second subparagraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;
 - (iii) the third and fourth subparagraphs were omitted;
 - (d) paragraph 3 were omitted;
 - (e) in paragraph 4-
 - (i) in the first subparagraph-
 - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the Minister”;
 - (bb) the second sentence were omitted;

(ii) in the second subparagraph-

(aa) for “Member States” there were substituted “The Minister”;

(bb) “by competent authorities” were omitted.”;

(5) Article 7 is to be read as if-

(a) before paragraph 1 there were inserted-

“A1. In this Article, the “list of waste” means the list contained in the Annex to Commission Decision 2000/532/EC, as that list has effect in Gibraltar.”;

(b) in paragraph 1-

(i) the first and second sentences were omitted;

(ii) for the third sentence there were substituted “The list of waste shall, except as provided in Commission Decision 2000/532/EC, be binding as regards determination of the waste which is to be considered as hazardous waste or as non-hazardous waste.”;

(c) paragraphs 2, 3, 6 and 7 were omitted.”;

(6) Article 23 is to be read as if in paragraph 5, “or Community” were omitted.

(7) Annex 3 is to read as if, in entry HP 9, in the second sentence, “in the Member States” were omitted.

(8) Article 25 is to be read as if paragraph 3 were omitted.

(9) In subregulation (3), “the Industrial Emissions Directive” means Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control), read in accordance with subregulations (10) and (11).

(10) Article 3 of the Industrial Emissions Directive is to be read as if-

(a) in point (1)(a), for the words from “Article 1” to the end there were substituted “Article 4(78) of the Basic Safety Standards Directive”;

(b) in point (10)(b), for “Member State in question” there were substituted “Gibraltar”;

- (c) in point (37), for the words from “of the European” to the end there were substituted “, read with Articles 5 and 6 of that Directive”.

(11) Annex 1 is to be read as if-

- (a) in the words before point 1, the second paragraph were omitted;
- (b) in point 5.3-
 - (i) in point (a), in the words before point (i), for “Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment” there were substituted “the urban waste water treatment legislation”,
 - (ii) in point (b), in the words before point (i), for “Directive 91/271/EEC” there were substituted “the urban waste water treatment legislation”;
- (c) in point 5.4, the reference to Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste were a reference to the Landfill Directive;
- (d) in point 6.9, for “Directive 2009/31/EC” there were substituted “the Environment (Geological Storage of Carbon Dioxide) Regulations 2011”;
- (e) in point 6.11, for “Directive 91/271/EEC” there were substituted “the urban waste water treatment legislation”.

(12) In subregulation (11)(b) and (e), “the urban waste water treatment legislation” means the Public Health (Urban Waste Water Collection and Treatment) Regulations 1999.

(13) In subregulation (11)(c), “the Landfill Directive” means Council Directive 1999/31/EC on the landfill of waste, as last amended by Council Directive (EU) 2018/850, and read as if in Article 2-

- (a) in point (a) “‘waste’,” were omitted; and
- (b) after point (a) there were inserted-
 - “(aa) “waste” means anything that-
 - (i) is waste within the meaning of Article 3(1) of Directive 2008/98/EC, as read with Articles 5 and 6 of that Directive, and
 - (ii) is not excluded from the scope of that Directive by Article 2(1), (2) or (3) of that Directive;”.

PART II
WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

Modification of the WEEE Directive.

2ZB.(1) For the purposes of this Part, the WEEE Directive is to be read in accordance with this regulation.

(2) A reference to one or more member States or the competent authorities in a provision imposing an obligation or conferring a discretion on a member State, member States or competent authority is to be read as a reference to the Minister or appropriate authority which, immediately before 1 January 2021, was responsible for Gibraltar's compliance with that obligation or able to exercise that discretion.

(3) A reference to a term in the Directive which is defined in regulation 2A is to be read as if it had the meaning given in regulation 2.

(4) Article 3 is to be read as if paragraphs 1(e), (f) and (l) and (2) were omitted.

(5) Article 5(2)(e) is to be read as if "and Union" were omitted.

(6) Article 8 is to be read as if-

(a) paragraph 4 were omitted;

(b) in paragraph 5, the second to fifth subparagraphs were omitted.

(7) Article 9 is to be read as if-

(a) in paragraphs 1 and 2, for "Directive 2008/98/EC" there were substituted "the Waste Directive";

(b) in paragraph 3, for the words "Article 11" there were substituted "Parts 2 and 3 of Schedule 2A to the Environment (Waste) Regulations 2007";

(c) after paragraph 3, there were inserted-

"4. In paragraph 3, "permit" means a permit issued under regulation 6A of the Environment (Waste) Regulations 2007".

(8) Article 11 is to be read as if paragraphs 3 and 6 were omitted.

(9) Annex 7 is to be read as if, in paragraph 1-

(a) in the first subparagraph-

- (i) in the first indent, for the words from “Council Directive 96/59/EC” to the end there were substituted “the relevant PCB legislation”;
- (ii) in the thirteenth indent, for the words from “Commission Directive 97/69/EC” to the end there were substituted “Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures”;
- (iii) in the fourteenth indent, for the words from “Article 3” to the end there were substituted “Annex 7 to the Basic Safety Standards Directive”;

(b) in the second subparagraph, for “Directive 2008/98/EC” there were substituted “the Waste Directive”.

(10) Annex 8 is to be read as if, in paragraph 1, in the words before the first indent, the words from “(without prejudice” to “landfill of waste)” were omitted.

(11) In subregulation (9)(a)(i), the “relevant PCB legislation” means the Environmental Protection (Disposal of Dangerous Substances) Act, 2000.

Meaning of “the Basic Safety Standards Directive” and “the Industrial Emissions Directive”.

2ZC.(1) In regulation 2ZB(9)(a)(iii) and this regulation, “the Basic Safety Standards Directive” means Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, read in accordance with subregulations (2) to (4).

(2) A reference to one or more member States or a competent authority in a provision imposing an obligation or conferring a discretion on a member State, member States or competent authority is to be read as a reference to the Minister or appropriate authority which, immediately before exit day, was responsible for Gibraltar’s compliance with that obligation or able to exercise that discretion.

(3) Article 4(79) is to be read as if “under the legislative and regulatory framework of the Member State” there were substituted “in Gibraltar”.

(4) Annex 7 is to be read as if, in section 2-

- (a) in points (c) and (d), “Community” were omitted;
- (b) in point (e), in the second sentence, for “Article 75” there were substituted “regulation 16F of the Ionising Radiation Regulations 2004”.

Interpretation of Part.**2A.(1) In this Part–**

- “active implantable medical device” means an active implantable medical device within the meaning of point (c) of Article 1(2) of Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices which is EEE;
- “collection” means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility;
- “distributor” means any person in the supply chain who makes EEE available on the market;
- “EEE” means electrical and electronic equipment to which these Regulations apply;
- “economic operators” means producers, distributors, collectors, dismantlers, shredders, recoverers, recyclers and other treatment operators of waste electrical and electronic equipment, including their components and materials;
- “electrical and electronic equipment” or “EEE” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1,000 volt for alternating current and 1,500 volt for direct current;
- “finance agreement” means any loan, lease, hiring or deferred sale agreement or arrangement relating to any equipment whether or not the terms of that agreement or arrangement or any collateral agreement or arrangement provide that a transfer of ownership of that equipment will or may take place;
- “hazardous waste” means waste which displays one or more of the hazardous properties listed in Annex III of Directive 2008/98/EC;
- “historical WEEE” means WEEE from products put on the market before 13 August 2005;
- “in vitro diagnostic medical device” means an in vitro diagnostic device or accessory within the meaning of, respectively, point (b) or (c) of Article 1(2) of Directive 98/79/EC of

the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices which is EEE;

“large-scale fixed installation” means a large size combination of several types of apparatus and, where applicable, other devices which–

- (i) are assembled, installed and de-installed by professionals;
- (ii) are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location; and
- (iii) can only be replaced by the same specifically designed equipment;

“large-scale stationary industrial tools” means a large size assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

“making available on the market” means any supply of a product for distribution, consumption or use on the market of a Member State in the course of a commercial activity, whether in return for payment or free of charge;

“medical device” means a medical device or accessory within the meaning of, respectively, point (a) or (b) of Article 1(2) of Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in vitro diagnostic medical devices which is EEE;

“non-road mobile machinery” means machinery, with on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working;

“open-scope EEE” means electrical and electronic equipment which falls within the scope of regulation 3(3) but which did not fall within the scope of regulation 3(1);

“placing on the market” means the first making available of a product on the market in Gibraltar on a professional basis;

“preparing for reuse” means checking, cleaning or repairing recovery operations, by which products or components or products that have become waste are prepared so that they can be reused without any other preprocessing;

“prevention” means measures taken before a substance, material or product has become waste, that reduce—

- (i) the quantity of waste, including through the re-use of products or the extension of the life span of products;
- (ii) the adverse impacts of the generated waste on the environment and human health; or
- (iii) the content of harmful substances in materials and products;

“producer” means any person who, irrespective of the selling technique used, including distance communication—

- (i) is established in Gibraltar and manufactures EEE under his own name or trademark, or has EEE designed or manufactured and markets it under his name or trademark within Gibraltar;
- (ii) is established in Gibraltar and resells in Gibraltar, under his own name or trademark, equipment produced by other suppliers, a reseller not being regarded as the producer if the brand of the producer appears on the equipment, as provided for in paragraph (i);
- (iii) is established in Gibraltar and, on a professional basis, places EEE on the market of Gibraltar where that EEE is not from Gibraltar; or
- (iv) sells EEE by means of distance communication directly to private households and to users other than private households in Gibraltar, and is established outside of Gibraltar.

Whoever exclusively provides financing under or pursuant to any finance agreement shall not be deemed to be a producer unless he also acts as a producer within the meaning of paragraphs (i) to (iv);

“recovery” means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy and includes those recovery operations set out in Annex II of Directive 2008/98/EC;

“recycling” means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes;

“removal” means manual, mechanical, chemical or metallurgic handling with the result that hazardous substances, mixtures and components are contained in an identifiable stream and are an identifiable part of a stream within the treatment process; a substance, mixture or component is identifiable if it can be monitored to verify environmentally safe treatment;

“reuse” means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;

“separate collection” means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment;

“treatment” means recovery or disposal operations, including preparation prior to recovery or disposal;

“very small WEEE” means WEEE with external dimensions of no more than 25cm;

“waste electrical and electronic equipment” means electrical or electronic equipment which is waste within the meaning of Article 3(1) of the Waste Directive as read with Articles 5 and 6 of that Directive, including all components, subassemblies and consumables which are part of the product at the time of discarding;

“WEEE” means waste electrical and electronic equipment as defined herein;

“WEEE from private households” means WEEE which comes from private households and WEEE which comes from commercial, industrial, institutional and other sources which, because of its nature and quantity, is similar to that from private households.

(2) A person may be a distributor and a producer at the same time.

(3) Waste from EEE likely to be used by both private households and users other than private households is WEEE from private households for the purposes of these Regulations.

(4) Recycling includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.

(5) Where the definitions of “hazardous waste”, “collection”, “separate collection”, “prevention”, “reuse”, “treatment”, “recovery”, “preparing for reuse”, “recycling” and “disposal” in this regulation are inconsistent with the definition of those terms in Article 3 of Directive 2008/98/EC as amended from time to time, the definition in Article 3 applies.

Application.

3.(1) Up to and including 14 August 2018, these Regulations apply to electrical and electronic equipment falling under the categories set out in Part I of Schedule 1, subject to regulation 3A.

(2) Part II of Schedule 1 contains a non-exhaustive list of EEE which falls under the categories set out in Part I of Schedule 1.

(3) From 15 August 2018, these Regulations apply to all electrical and electronic equipment, subject to regulation 3A.

(4) All electrical and electronic equipment is classified within the categories set out in Part I of Schedule 1A.

(5) Part II of Schedule 1A contains a non-exhaustive list of EEE which falls within the categories set out in Part I of Schedule 1A.

(6) Nothing in these Regulations shall affect the application of retained EU law on waste management, product design, health and safety or on chemicals.

Exceptions.

3A.(1) These Regulations do not apply to any of the following electrical and electronic equipment—

- (a) equipment that is necessary for the protection of the essential security interests including arms, munitions and war material intended for specifically military purposes;
- (b) equipment that is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of these Regulations and which can fulfil its function only if it is part of that equipment; or
- (c) filament bulbs.

(2) In addition to the equipment specified in subregulation (1), from 15 August 2018, these Regulations do not apply to the following EEE—

- (a) equipment designed to be sent into space;
- (b) large-scale stationary industrial tools;
- (c) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;

- (d) means of transport for persons or goods;
- (e) non-road mobile machinery made available exclusively for professional use;
- (f) equipment specifically designed solely for the purposes of research and development that is only made available on a business to business basis; or
- (g) medical devices and in vitro diagnostic medical devices where such devices are expected to be infective prior to end of life, and active implantable medical devices.

Product design.

4.(1) Where EEE is manufactured in Gibraltar, the Competent Authority shall encourage cooperation between producers and recyclers and measures to promote the design and production of EEE, notably in view of facilitating reuse, dismantling and recovery of WEEE, its components and materials.

(2) The Competent Authority shall take necessary measures to ensure that producers shall not prevent, through specific design features or manufacturing processes, WEEE from being reused, unless such specific design features or manufacturing processes present overriding advantages, such as with regard to the protection of the environment or safety requirements, or both.

Separate collection.

5.(1) The Competent Authority shall take necessary measures to ensure that the disposal of WEEE as unsorted municipal waste is minimised, the correct treatment of all collected WEEE is carried out and a high level of separate collection of WEEE is achieved.

(1A) When taking the measures required in subregulation (1), the Competent Authority shall prioritize temperature exchange equipment containing ozone-depleting substances and fluorinated greenhouse gases, fluorescent lamps containing mercury, photovoltaic panels and small equipment as referred to in categories 5 and 6 of Part I of Schedule 1A.

(2) For WEEE from private households, the Competent Authority shall take necessary measures to ensure—

- (a) that economic operators use existing systems or set up systems for the collection of such waste allowing holders of such waste to return it at least free of charge;

- (b) the availability and accessibility of the necessary collection facilities, taking into account in particular the population density;
 - (c) that when supplying a new product, distributors shall ensure that such waste can be returned to the distributor at least free of charge on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment;
 - (ca) that where a retail shop has a sales area relating to EEE of at least 400m², distributors shall provide for the collection of very small WEEE at that retail shop or in its immediate proximity and that WEEE collected is treated in accordance with regulation 6;
 - (cb) that collection of WEEE under paragraph (ca) is provided free of charge to end-users and with no obligation to buy EEE of an equivalent type;
 - (d) that, without prejudice to paragraphs (a), (b), (c), (ca) and (cb) and subregulations (3), (3A) and (3B) producers shall be allowed to set up and operate individual or collective take-back systems, or both, for WEEE from private households provided that these are in line with the objectives of the WEEE Directive;
 - (e) that having regard to health and safety standards, WEEE that presents a health and safety risk to personnel because of contamination may be refused for return under paragraphs (a), (b), (c), (ca) and (cb) and subregulations (3), (3A) and (3B) and that specific arrangements shall be made for such WEEE; and
 - (f) that specific arrangements for the return of WEEE under paragraphs (a), (b), (c), (ca) and (cb) and subregulations (3), (3A) and (3B) may be provided for if the equipment does not contain the essential components or if the equipment contains waste other than WEEE.
- (3) The Competent Authority may exempt distributors from paragraph (c) of sub-regulation (2) provided they ensure that returning the WEEE is not thereby made more difficult for the final holder and provided that these systems remain free of charge for the final holder.

(3A) *Omitted*

(3B) Subregulation (2)(ca) does not apply where—

- (a) an assessment by the Competent Authority shows that alternative existing collection schemes are likely to be at least as effective as collection provided under that subregulation; and

(b) the assessment is made available to the public.

(3C) The Competent Authority may–

- (a) designate operators that are allowed to collect WEEE from private households as referred to in this regulation;
- (b) require that WEEE deposited at collection facilities is handed over–
 - (i) to producers or third parties acting on their behalf; or
 - (ii) to designated establishments or undertakings for the purposes of preparing for reuse.

(4) In the case of WEEE other than WEEE from private households, and without prejudice to regulations 8, 12 and Part V, the Competent Authority shall take necessary measures to ensure that producers or third parties acting on their behalf provide for the collection of such waste.

Offence.

5A.(1) A person who disposes of separately collected WEEE which has not yet undergone the treatment specified in regulation 6 commits an offence.

(2) A person guilty of an offence under subregulation (1) is liable on summary conviction or conviction on indictment to a fine not exceeding level 5 on the standard scale.

Transport of collected WEEE.

5B.(1) The Competent Authority shall take necessary measures to ensure that the collection and transport of separately collected WEEE is carried out in a way which allows optimal conditions for preparing for reuse, recycling and the confinement of hazardous substances.

(2) The Competent Authority shall take necessary measures to promote that collection schemes or facilities provide, where appropriate, for the separation of WEEE that is to be prepared for reuse from other separately collected WEEE and that the separation is provided for prior to any further transfer and in particular by granting access for personnel from reuse centres.

Collection rate.

5C.(1) Up to 31 December 2015, the Competent Authority shall, without prejudice to regulation 5(1), take necessary measures to ensure a rate of separate collection of at least 4

kilograms on average per inhabitant per year of WEEE from private households or the same amount of weight of WEEE as was collected in Gibraltar on average in the three preceding years, whichever is greater.

(2) Without prejudice to regulation 5(1), the Competent Authority shall take necessary measures to ensure the implementation of the “producer responsibility” principle and, on that basis, that a minimum collection rate is achieved annually.

(3) From 1 January 2016, the minimum collection rate shall be 45% calculated on the basis of the total weight of WEEE collected in accordance with regulations 5, 5A and 5B in a given year in Gibraltar, expressed as a percentage of the average weight of EEE placed on the market in Gibraltar in the three preceding years.

(4) The Competent Authority shall take necessary measures to ensure that the volume of WEEE collected increases during the period from 1 January 2016 to 1 January 2019, unless the collection rate laid down in subregulation (5) has already been achieved.

(5) From 1 January 2019, the minimum collection rate to be achieved annually shall be 65% of the average weight of EEE placed on the market in the three preceding years in Gibraltar or alternatively 85% of the WEEE generated in Gibraltar.

Proper treatment.

6.(1) The Competent Authority shall take necessary measures to ensure that all separately collected WEEE undergoes proper treatment.

(2) Proper treatment, other than preparing for reuse and recovery or recycling operations shall, as a minimum, include the removal of all fluids and a selective treatment in accordance with Schedule 2.

(3) The Competent Authority shall take necessary measures to ensure that—

- (a) producers or third parties acting on their behalf set up systems, individually or collectively, or both, to provide for the recovery of WEEE using best available techniques;
- (b) any establishment or undertaking carrying out collection or treatment operations stores and treats WEEE in compliance with the technical requirements set out in Schedule 3.

(4) The Competent Authority shall take necessary measures to encourage establishments and undertakings which carry out treatment operations to introduce certified environmental management systems in accordance with Regulation (EC) No 1221/2009 of the European

Parliament and of the Council of 25 November 2009 on the voluntary participation by organizations in a Community ecomanagement and audit scheme (EMAS).

(5) Without prejudice to subregulations (1), (2) and (3), the Competent Authority may set up minimum quality standards for the treatment of collected WEEE.

Permits.

6A. The Competent Authority shall take necessary measures to ensure that–

- (a) any establishment or undertaking carrying out treatment operations obtains a permit under section 192D of the Public Health Act;
- (b) exemptions from permit requirements, conditions for exemptions and registration are in compliance with sections 192DA and 192E of the Public Health Act; and
- (c) the permit or registration referred to in paragraphs (a) and (b) includes all the conditions that are necessary for compliance with the requirements of regulation 6 and for the achievement of recovery targets set out in regulation 7.

Shipment of WEEE.

6B.(1) The treatment operation may be undertaken outside of Gibraltar provided that the shipment of WEEE is in compliance with the relevant provisions of the Public Health Act, Regulation (EC) No 1013/2006 and Commission Regulation (EC) No 1418/2007.

(2) WEEE exported out of the European Union shall only count towards the fulfillment of obligations and targets set out in regulation 7 if, in compliance with Regulations (EC) No 1013/2006 and (EC) 1418/2007, the exporter can prove that the treatment took place in conditions that are equivalent to the requirements of regulations 6 and 6A.

Recovery.

7.(1) The Competent Authority shall take necessary measures to ensure that–

- (a) all WEEE separately collected in accordance with regulation 5 and sent for treatment in accordance with regulations 6, 6A and 6B meet the minimum targets set out in Schedule 2A;
- (b) for the purpose of calculating these targets, producers or third parties acting on their behalf keep records of the weight of WEEE, its components, materials or substances when leaving (output) the collection facility, entering (input) and

leaving (output) the treatment facilities and when entering (input) the recovery or recycling/preparing for reuse facility;

- (c) records on the weight of products and materials when leaving (output) the recovery or recycling or preparing for reuse facility are kept; and
- (d) the development of new recovery, recycling and treatment technologies are encouraged.

(2) The achievement of targets set out in Schedule 2A shall be calculated, for each category, by dividing the weight of the WEEE that enters the recovery, recycling or preparing for reuse facility, after proper treatment in accordance with regulation 6 with regard to recovery or recycling, by the weight of all separately collected WEEE for each category, expressed as a percentage.

(3) Preliminary activities, including sorting and storage prior to recovery, shall not count towards the achievements of targets set out in Schedule 2A.

Financing of WEEE.

8. The financing of all WEEE including all historical WEEE shall be by means of the levy provided for in Part V of these Regulations.

Information to consumers.

9.(1) The Competent Authority shall take necessary measures to ensure that users of electrical and electronic equipment in private households with the necessary information about—

- (a) the requirement not to dispose of WEEE as unsorted municipal waste and to collect such WEEE separately;
- (b) the return and collection systems available to them, encouraging the coordination of information on the available collection points irrespective of the economic operators which have set them up;
- (c) their role in contributing to reuse, recycling and other forms of recovery of WEEE;
- (d) the potential effects on the environment and human health as a result of the presence of hazardous substances in electrical and electronic equipment;
- (e) the meaning of the symbol shown in Schedule 4.

(2) With a view to minimising the disposal of WEEE as unsorted municipal waste and to facilitating its separate collection, producers shall appropriately mark, preferably in accordance with the European standard EN 50419:2022, electrical and electronic equipment put on the market after the 13 August, 2005 with the symbol shown in Schedule 4, the symbol shall be printed visibly, legibly and indelibly:

Provided that, in exceptional cases, where this is necessary because of the size or the function of the product, the symbol shall be printed on the packaging, on the instructions for use and on the warranty of the electrical and electronic equipment.

(3) The Competent Authority may require—

- (a) producers to show purchasers, at the time of sale of new products, the cost (which shall not exceed the best estimate of actual costs incurred) of collection, treatment, and disposal in an environmentally sound way;
- (b) that some or all information referred to in this regulation shall be provided by producers or distributors, or both, for example, in the instructions for use or at the point of sale and through public awareness campaigns.

Information for treatment facilities.

10. In order to facilitate the preparation for reuse and the correct and environmentally sound treatment of WEEE, including maintenance, upgrade, refurbishment and recycling, the Competent Authority shall take necessary measures to ensure that—

- (a) producers shall provide free of charge information about preparation for reuse and treatment for each type of new EEE placed for the first time on the Gibraltar market within one year after the equipment is placed on the market;
- (b) the information referred to in paragraph (a) hereof shall identify, as far as it is needed by centres which prepare for reuse and treatment and recycling facilities in order to comply with the provisions of these Regulations, the different EEE components and materials, as well as the location of dangerous substances and mixtures in EEE;
- (c) producers of EEE shall make available the information referred to in paragraphs (a) and (b) hereof to centres which prepare for reuse and treatment and recycling facilities in the form of manuals or by means of electronic media (such as CD-ROM, online services);
- (d) any producer of an electrical or electronic appliance put on the market after the 13 August 2005 shall ensure that it is clearly identifiable by a mark on the appliance,

preferably the European Standard EN 50419:2022, that shall specify that the latter was put on the market after the 13 August 2005 in order to enable the date upon which the appliance was put on the market to be determined unequivocally-

- (i) provided that, for photovoltaic panels, the obligation in this paragraph shall only apply to photovoltaic panels placed on the market from 13 August 2012;
- (ii) provided further that, for open-scope EEE, the obligation in this paragraph shall only apply to open-scope EEE placed on the market from 15 August 2018.

Information and reporting.

11.(1) The Competent Authority shall, in accordance with subregulation (2), maintain a register of producers, including producers supplying EEE by means of distance communication, which shall serve to monitor compliance with the requirements of these Regulations and the WEEE Directive.

(2) The Competent Authority shall take necessary measures to ensure that—

- (a) producers supplying EEE by means of distance communication to Gibraltar shall be registered in Gibraltar, or where they are not registered in Gibraltar, they shall be registered through their authorised representative appointed under regulation 11A;
- (b) each producer, or each authorised representative appointed under regulation 11A, is registered and has the possibility of entering online in the Gibraltar register, all relevant information reflecting that producer's activities in Gibraltar;
- (c) upon registering, each producer, or each authorised representative appointed under regulation 11A provides the information set out in Part A of Schedule 5 and undertakes to keep that information up to date;
- (d) each producer, or each authorised representative appointed under regulation 11A provides the information set out in Part B of Schedule 5;
- (e) the Gibraltar register provides links to other national registers on its website to facilitate registration of producers or authorised representatives;
- (f) it collects information, including substantiated estimates, on an annual basis, on the quantities and categories of EEE placed on the market in Gibraltar, collected

through all routes, prepared for reuse, recycled and recovered within Gibraltar and on separately collected WEEE exported, by weight.

Authorised Representatives.

11A.(1) The Competent Authority shall take the necessary measures to ensure that a producer established in Gibraltar is allowed, by way of exception to paragraphs (i) to (iii) to the definition of producer, to appoint a person established in Gibraltar as an authorised representative that is responsible for fulfilling the obligations of that producer under these Regulations in Gibraltar.

(2) *Omitted*

(3) Appointment of an authorised representative under this regulation shall be by written mandate.

Administrative cooperation and exchange of information.

11B.(1) The Competent Authority may cooperate with other authorities responsible for implementing provisions equivalent to the provisions contained in this Part, in particular–

- (a) to establish an adequate flow of information to ensure that producers comply with the provisions of these Regulations or the equivalent provisions; and
- (b) to exchange information with other authorities and the European Commission to facilitate proper implementation of these Regulations or the equivalent provisions.

(2) Cooperation under subregulation (1) shall include–

- (a) electronic means of communication in administrative cooperation and exchange of information in particular between the Gibraltar register and equivalent registers in other States; and
- (b) the granting of access to relevant documents and information including the results of any inspections shall be subject to applicable laws relating to data protection.

12. *Omitted.*

Inspection and monitoring.

13.(1) The Competent Authority shall carry out appropriate inspections and monitoring to verify the proper implementation of these Regulations.

- (2) Inspections carried out under subregulation (1) shall at least cover—
- (a) information reported in the framework of the register of producers;
 - (b) shipments, in particular exports of WEEE to or outside the European Union in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007; and
 - (c) the operation at treatment facilities in accordance with Part VA of the Public Health Act and Schedule 2.
- (3) The Competent Authority may charge the costs of appropriate analyses and inspections including storage cost of used EEE suspected to be WEEE to producers, to third parties acting on their behalf or other persons arranging the shipment of used EEE suspected to be WEEE.

Shipments.

13A. The Competent Authority shall take necessary measures to ensure that shipments of used EEE suspected to be WEEE are carried out in accordance with the minimum requirements in Schedule 5A and that such shipments are monitored accordingly.

PART III
ENFORCEMENT NOTICES

Enforcement Notices.

14.(1) Where these Regulations impose a duty on the Competent Authority and, in order for the Competent Authority to discharge that duty, the Competent Authority requires that a person take certain action (including providing such information as the Competent Authority requires), or to desist from taking certain action, the Competent Authority may issue an Enforcement Notice.

(2) An Enforcement Notice issued under subregulation (1) shall be in writing and shall set out the steps which the person to whom the notice is addressed is required to take and the time for compliance.

(3) A person who has been issued with an Enforcement Notice and fails to comply with that notice, or fails to comply within the time therein set out, is guilty of an offence and is liable —

- (a) on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum or both on summary conviction; or

- (b) imprisonment for a term not exceeding 5 years or a fine or both on conviction on indictment.

Liability of bodies corporate - general.

14A.(1) A corporate body shall be liable for an offence under these Regulations where that offence is committed for its benefit by a person, acting either individually or as part of an organ of the corporate body, who has a leading position within the corporate body.

(2) For the purposes of subregulation (1), a leading position shall be deemed to exist where such a person has—

- (a) a power of representation of the corporate body;
- (b) an authority to take decisions on behalf of the corporate body; or
- (c) an authority to exercise control within the corporate body.

(3) A corporate body shall be liable for an offence under these Regulations committed by a person referred to in subregulation (1) where lack of supervision or control by that person has made possible the commission of the offence for the benefit of the corporate body by a person under its authority.

(4) Where a corporate body is guilty of an offence under these Regulations and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any person referred to in subregulation (1), or any person who was purporting to act in any such capacity, that person, as well as the corporate body, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where the affairs of a corporate body are managed by its members, subregulation (4) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the corporate body.

(6) A fine imposed on an unincorporated association on its conviction for an offence shall be paid out of the funds of the association.

(7) Where an offence under these Regulations committed by a partnership is proved to have been committed with the consent or connivance of or to have been attributable to any neglect on the part of a partner he as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

**PART IV
BATTERIES AND WASTE BATTERIES**

Application of Part IV.

14B.(1) This Part applies to batteries placed on the market or put into service in Gibraltar, including those incorporated into appliances, light means of transport or other vehicles.

(2) The provisions of this Part shall apply in addition to, and without prejudice to, the provisions of the Batteries Regulation insofar as those provisions are given effect in Gibraltar law by these Regulations or by any other enactment.

(3) This Part does not apply to batteries incorporated into or specifically designed to be incorporated into—

- (a) equipment connected with the protection of essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes; or
- (b) equipment designed to be sent into space.

Interpretation of Part IV.

14C.(1) In this Part—

“the Batteries Regulation” has the meaning given in regulation 2(1);

“battery” means any device delivering electrical energy generated by direct conversion of chemical energy, having internal or external storage, and consisting of one or more non-rechargeable or rechargeable battery cells, modules or of packs of them, and includes a battery that has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing;

“conformity assessment” has the meaning given in Article 3(39) of the Batteries Regulation;

“conformity assessment body” means a legal person established in Gibraltar or in a Member State of the European Union that performs conformity assessment activities including calibration, testing, certification and inspection;

“customs officer” means an officer of His Majesty’s Customs Gibraltar as defined in section 2 of the Imports and Exports Act 1986;

“electric vehicle battery” has the meaning given in Article 3(14) of the Batteries Regulation;

“industrial battery” has the meaning given in Article 3(13) of the Batteries Regulation;

“LMT battery” means a light means of transport battery within the meaning of Article 3(11) of the Batteries Regulation;

“police officer” means an officer of the Royal Gibraltar Police as defined in section 2 of the Police Act 2006;

“portable battery” has the meaning given in Article 3(9) of the Batteries Regulation;

“portable battery of general use’ ” has the meaning given in Article 3(1)(10) of the Batteries Regulation;

“producer” has the meaning given in Article 3(47) of the Batteries Regulation;

“producer responsibility organization” has the meaning given in Article 3(49) of the Batteries Regulation;

“SLI battery” means a starting, lighting and ignition battery within the meaning of Article 3(12) of the Batteries Regulation;

“stationary battery energy storage system” has the meaning given in Article 3(15) of the Batteries Regulation;

“waste battery” has the meaning given in Article 3(50) of the Batteries Regulation.

(2) Any term used in this Part but not defined in these Regulations shall, unless the context requires otherwise, have the meaning given to it in Article 3 of the Batteries Regulation.

Competent Authorities and Related Provisions

Waste Batteries Competent Authority.

14D.(1) The Waste Batteries Competent Authority is hereby designated as the competent authority for the purposes of Chapter VIII of the Batteries Regulation and shall be responsible for—

- (a) monitoring and verifying fulfilment by producers and producer responsibility organisations of their obligations under the Batteries Regulation;
- (b) the registration of producers in accordance with regulation 14H;

- (c) the authorisation of producers and producer responsibility organisations in accordance with regulation 14I;
 - (d) the oversight of the implementation of extended producer responsibility obligations;
 - (e) the collection of data on batteries and waste batteries in accordance with regulation 14S;
 - (f) making information available to the public; and
 - (g) such other functions as are conferred on a competent authority by the Batteries Regulation.
- (2) The Waste Batteries Competent Authority may delegate any of its functions under this Part to such other body or person as the Minister may, by notice in the Gazette, prescribe, subject to such conditions as the Minister considers appropriate.
- (3) No personal liability shall attach to the Minister, or to any person to whom functions are delegated, in respect of anything done or omitted to be done in good faith in the performance or purported performance of functions under these Regulations.

Notifying Authority.

14E.(1) The Notifying Authority is hereby designated as the notifying authority for the purposes of Chapter V of the Batteries Regulation and shall be responsible for—

- (a) setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies;
 - (b) monitoring notified bodies, including compliance with Article 27 of the Batteries Regulation; and
 - (c) such other functions as are conferred on notifying authorities by the Batteries Regulation.
- (2) The Notifying Authority may decide that the assessment and monitoring referred to in subregulation (1) shall be carried out by a national accreditation body in accordance with Regulation (EC) No 765/2008.
- (3) The Notifying Authority may charge proportionate fees for the assessment and notification of conformity assessment bodies, and any fees charged shall be prescribed by notice published in the Gazette.

Market Surveillance Authority.

14F.(1) The Market Surveillance Authority is hereby designated as the market surveillance authority for the purposes of Chapter X of the Batteries Regulation.

(2) The Market Surveillance Authority shall have the functions conferred on market surveillance authorities by the Batteries Regulation, including—

- (a) carrying out evaluations regarding batteries that are suspected of presenting a risk or being non-compliant with the Batteries Regulation;
- (b) requiring economic operators to take corrective action;
- (c) taking provisional measures to prohibit, restrict, withdraw or recall non-compliant batteries from the market;
- (d) taking action in relation to batteries presenting a risk within the meaning of Article 81 of the Batteries Regulation;
- (e) taking action in relation to formal non-compliance within the meaning of Article 83 of the Batteries Regulation; and
- (f) cooperating with market surveillance authorities of Member States of the European Union.

(3) An authorised officer of the Market Surveillance Authority may, for the purposes of ensuring compliance with the Batteries Regulation—

- (a) enter any premises (other than premises used solely as a dwelling) at any reasonable time;
- (b) inspect any battery, product containing a battery, or document;
- (c) take samples of any battery;
- (d) require any person to provide information or produce documents; and
- (e) seize and detain any battery which the officer has reasonable grounds to believe is non-compliant with the Batteries Regulation.

(4) For the purposes of subregulation (3), "authorised officer" means—

- (a) a police officer
 - (b) a customs officer; and
 - (c) any person authorised in writing by the Market Surveillance Authority for the purposes of this regulation.
- (5) A person who—
- (a) intentionally obstructs an authorised officer in the exercise of any power conferred by subregulation (3);
 - (b) without reasonable excuse, fails to comply with any requirement imposed under subregulation (3)(d); or
 - (c) in purported compliance with any such requirement, provides information which the person knows to be false or misleading in a material respect,

shall be guilty of an offence and liable on summary conviction to a fine at level 4 on the standard scale.

Appeals against decisions of notified bodies.

14G.(1) An appeal shall lie to the Supreme Court against any decision of a notified body made in the exercise of its functions under the Batteries Regulation.

(2) An appeal under subregulation (1) shall be made within 28 days of the date on which the decision was communicated to the affected person or within such further period as the Court may allow.

- (3) On an appeal under this regulation, the Supreme Court may—
- (a) confirm the decision;
 - (b) quash the decision;
 - (c) vary the decision; or
 - (d) remit the matter to the notified body for reconsideration in accordance with the directions of the Court.

(4) In this regulation, a “notified body” means a conformity assessment body that has been notified in accordance with Chapter V of the Batteries Regulation.

*Producer Registration and Authorisation***Register of producers.**

14H.(1) The Waste Batteries Competent Authority shall establish and maintain a register of producers for the purposes of Article 55 of the Batteries Regulation.

(2) A producer shall not make batteries available on the market in Gibraltar unless the producer, or the producer's authorised representative for extended producer responsibility, is registered in the register established under subregulation (1).

(3) A producer shall submit an application for registration via an electronic data-processing system established by the Waste Batteries Competent Authority.

(4) An application for registration shall contain the information required by Article 55(3) of the Batteries Regulation.

(5) A producer who is registered under this regulation shall inform the Waste Batteries Competent Authority of any change to the information contained in the register within one month from the date of any such change.

(6) A producer who ceases to make batteries available on the market in Gibraltar shall inform the Waste Batteries Competent Authority, and the Waste Batteries Competent Authority shall amend the register accordingly.

(7) The Waste Batteries Competent Authority—

- (a) shall make information about the application process available on its website;
- (b) shall grant or refuse a registration within 12 weeks of receipt of a complete application;
- (c) may refuse a registration only where the applicant has failed to provide the information required by subregulation (4), and shall give reasons for any refusal; and
- (d) may impose proportionate registration fees, prescribed by notice in the Gazette, not exceeding its costs.

(8) The register, or a summary thereof, shall be available for inspection by the public.

(9) The Waste Batteries Competent Authority may withdraw a producer's registration if—

- (a) the producer has ceased to exist;
- (b) the registration was obtained by means of fraud or misrepresentation; or
- (c) the producer has failed to comply with the requirements of the Batteries Regulation or this Part.

Authorisation on fulfilment of extended producer responsibility.

14I.(1) A producer individually fulfilling, or a producer responsibility organisation collectively fulfilling, any extended producer responsibility obligations shall apply to the Waste Batteries Competent Authority for authorisation.

(2) The Waste Batteries Competent Authority shall grant authorisation within 12 weeks of receipt of a complete application if the requirements contained in Article 58(2) of the Batteries Regulation are met.

(3) The Waste Batteries Competent Authority may verify the arrangements put in place by the applicant, by way of an independent expert who shall issue a verification report.

(4) The producer or producer responsibility organisation shall notify the Waste Batteries Competent Authority without undue delay of—

- (a) any changes to the information contained in the authorisation;
- (b) any changes that concern the terms of the authorisation; or
- (c) any permanent cessation of operations.

(5) The self-control mechanism required by Article 8a(3)(d) of Directive 2008/98/EC shall be carried out at least every three years, and upon request by the Waste Batteries Competent Authority.

(6) A producer, in the case of individual fulfilment of extended producer responsibility obligations, and a producer responsibility organisation appointed in the case of collective fulfilment of such obligations, shall provide a financial guarantee covering the costs related to waste management operations due by the producer or producer responsibility organisation, including in the event of non-compliance with the extended producer responsibility obligations or of permanent cessation of operations or insolvency.

(7) A financial guarantee under subregulation (6) may take the form of a deposit, a bank guarantee, an insurance policy, or such other form as the Waste Batteries Competent Authority may by notice in the Gazette prescribe.

(8) The Waste Batteries Competent Authority may by notice in the Gazette prescribe additional requirements in relation to financial guarantees, including minimum amounts and conditions."

(9) The Waste Batteries Competent Authority may revoke an authorisation if—

- (a) the collection targets laid down in Article 59(3) or Article 60(3) of the Batteries Regulation are not met;
- (b) the producer or producer responsibility organisation no longer meets the requirements with regard to the organisation of the collection and treatment of waste batteries;
- (c) the producer or producer responsibility organisation has failed to report to the Waste Batteries Competent Authority as required; or
- (d) the producer or producer responsibility organisation has ceased operations.

(10) Before revoking an authorisation under subregulation (9), the Waste Batteries Competent Authority shall—

- (a) notify the producer or producer responsibility organisation of its intention to revoke the authorisation and the grounds therefor; and
- (b) give the producer or producer responsibility organisation a reasonable opportunity to make representations.

Collection And Treatment of Waste Batteries

Overarching objective.

14J. The Waste Batteries Competent Authority shall take necessary measures to maximise separate collection of waste batteries and minimise their disposal as mixed municipal waste, having regard to the environmental impact of transport.

Exemption from permit requirements.

14K.(1) A collection point for waste portable batteries or waste LMT batteries that is established solely for the purposes of giving effect to—

- (a) Article 59(2) of the Batteries Regulation (collection of waste portable batteries);
- (b) Article 60(2) of the Batteries Regulation (collection of waste LMT batteries); or
- (c) Article 62 of the Batteries Regulation (obligations of distributors),
- (d) regulation 14M(1) (participation of public waste management authorities); or
- (e) regulation 14M(2) (voluntary collection points),

shall be exempt from any requirement for a permit under Part VA (Waste) of the Public Health Act.

(2) The exemption in subregulation (1) shall not apply to any facility that carries out treatment of waste batteries within the meaning of Article 3(53) of the Batteries Regulation.

Collection targets.

14L.(1) Producers and where appointed, producer responsibility organisations, shall attain the minimum collection targets for waste portable batteries and waste LMT batteries set out in Articles 59(3) and 60(3) of the Batteries Regulation.

(2) The Waste Batteries Competent Authority shall monitor collection rates on at least a yearly basis to verify that producers or producer responsibility organisations have taken adequate measures to achieve the collection targets.

(3) Where a producer or producer responsibility organisation has not taken measures consistent with the achievement of the collection targets, the Waste Batteries Competent Authority shall require it to submit a draft corrective action plan within three months.

(4) The Waste Batteries Competent Authority may make observations on the draft plan within one month of receipt, and the producer or producer responsibility organisation shall within one month of receipt of any such observations finalise and implement the plan taking account of any such observations.

(5) The content of the corrective action plan and compliance with it shall be taken into account by the Waste Batteries Competent Authority when evaluating whether the conditions for registration under regulation 14H or authorisation under regulation 14I continue to be met.

Collection.

14M.(1) Waste batteries originating from private, non-commercial end-users may be discarded in separate collection points set up by the Competent Authority or such public authorities as may be designated by the Minister.

(2) A voluntary collection point for waste portable batteries or waste LMT batteries shall hand over collected waste batteries to the producers of the relevant category of batteries or to third parties acting on their behalf, including producer responsibility organisations, or to waste management operators, with a view to their treatment in accordance with Article 70 of the Batteries Regulation.

(3) In this regulation, 'voluntary collection point' has the meaning given in Article 3(1)(55) of the Batteries Regulation.

Compositional survey.

14N.(1) The Waste Batteries Competent Authority shall, as soon as reasonably practicable following the commencement of this regulation, and every five years thereafter, carry out a compositional survey of collected mixed municipal waste and waste electrical and electronic equipment streams for the preceding calendar year to determine the share of waste portable batteries and waste LMT batteries therein.

(2) On the basis of a survey carried out under subregulation (1), the Waste Batteries Competent Authority may require producers of portable batteries, producers of LMT batteries or, where appointed, the respective producer responsibility organisations, to take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 74(1) of the Batteries Regulation.

Treatment and recycling.

14O.(1) Collected waste batteries shall not be disposed of or be the subject of an energy recovery operation and shall be treated only in permitted facilities that comply, as a minimum, with Part A of Annex XII to the Batteries Regulation.

(2) Where batteries are collected while still incorporated in a waste appliance, waste light means of transport, or end-of-life vehicle, they shall be removed in accordance with the applicable requirements.

(3) A permitted facility that treats waste batteries shall ensure compliance with the recycling efficiency targets and material recovery targets set out in Parts B and C of Annex XII to the Batteries Regulation.

(4) Any recycler operating a permitted facility shall ensure that recycling achieves the recycling efficiency and material recovery targets referred to in subregulation (3).

(5) An operator of a treatment facility shall hand over waste batteries resulting from the treatment of end-of-life vehicles or waste electrical and electronic equipment to producers of the relevant category of batteries, or where appointed in accordance with Article 57(1) of the Batteries Regulation, producer responsibility organisations, or to a waste management operator, with a view to the treatment of such waste batteries in accordance with Article 70 of the Batteries Regulation.

(6) An operator of a treatment facility shall keep records of the handover transactions referred to in subregulation (5).

(7) A public authority collecting waste batteries under regulation 14M(1) shall ensure that such waste batteries are treated in accordance with Article 70 of the Batteries Regulation.

Financing of collection, treatment and recycling.

14P.(1) The Minister shall, within 12 months of the commencement of these Regulations, make regulations prescribing the operation of an extended producer responsibility scheme including—

- (a) the detailed requirements for registration and authorisation under regulations 14H and 14I;
- (b) the methodology for calculating financial contributions in accordance with Article 56(4) of the Batteries Regulation;
- (c) the form and content of reports to be submitted under regulation 14S;
- (d) the approval criteria and operational requirements for producer responsibility organisations; and
- (e) such other matters as are necessary or expedient to give full effect to this Part IV.

(2) The financing of the collection, treatment and recycling of waste batteries shall be in accordance with Article 56 of the Batteries Regulation.

(3) The waste contribution levy provided for in Part V of these Regulations shall continue to apply to batteries imported into Gibraltar until such time as the Minister, by notice in the Gazette, declares that the Regulations made under subregulation (1) establishing the extended producer responsibility scheme have commenced.

(4) The Waste Batteries Competent Authority shall ensure that any levy applied under subregulation (3) is consistent with the cost categories set out in Article 56(4) of the Batteries Regulation.

(5) Where the waste contribution levy and financial contributions under this Part overlap in respect of the same costs, the producer shall not be liable to both; and to the extent of any such overlap, the financial contribution payable under this Part shall be reduced by the amount of the waste contribution levy paid in respect of the same batteries.

(6) On and from the date on which the Minister makes a declaration under subregulation (3), the waste contribution levy shall cease to apply in respect of batteries to which this Part applies.

Shipment of waste batteries.

14Q.(1) Treatment of waste batteries may be undertaken outside Gibraltar, provided that the shipment of waste batteries or fractions thereof complies with the applicable requirements of the law relating to the transboundary movement of waste.

(2) Waste batteries or fractions thereof exported from Gibraltar shall only count towards the fulfilment of the obligations, efficiencies and targets laid down in Articles 70 and 71 of the Batteries Regulation if the exporter provides documentary evidence approved by the competent authority of the destination that the treatment took place under conditions equivalent to those required by the Batteries Regulation.

(3) The Waste Batteries Competent Authority may inspect shipments of used batteries suspected to be waste batteries for compliance with the minimum requirements set out in Annex XIV to the Batteries Regulation and may monitor such shipments accordingly.

Preparation for re-use or preparation for repurposing.

14R.(1) The holder of a waste LMT battery, waste industrial battery or waste electric vehicle battery that has been subject to preparation for re-use or preparation for repurposing shall, upon request by the Waste Batteries Competent Authority, demonstrate that the battery is no longer waste in accordance with Article 73(1) of the Batteries Regulation.

(2) The information referred to in Article 73(1)(a) of the Batteries Regulation shall be made available to end-users and third parties acting on their behalf, on equal terms and conditions, as part of the documentation accompanying the battery when it is placed on the market or put into service.

Reporting

Reporting requirements.

14S.(1) Producers of portable batteries and LMT batteries, or producer responsibility organisations appointed on their behalf, shall report to the Waste Batteries Competent Authority, for each calendar year, the information specified in Article 75(1) of the Batteries Regulation, including—

- (a) the amount of portable batteries and LMT batteries made available on the market for the first time in Gibraltar;
- (b) the amount of waste portable batteries and waste LMT batteries collected;
- (c) the collection rate reached;
- (d) the amount of collected waste batteries delivered to permitted facilities for treatment; and
- (e) the amount of portable batteries of general use made available on the market for the first time in Gibraltar;
- (f) the amount of collected waste portable batteries and waste LMT batteries exported for treatment, preparation for re-use or preparation for repurposing; and
- (g) the amount of collected waste portable batteries and waste LMT batteries delivered for preparation for re-use or preparation for repurposing.

(2) Producers of SLI batteries, industrial batteries and electric vehicle batteries, or producer responsibility organisations appointed on their behalf, shall report to the Waste Batteries Competent Authority, for each calendar year, the information specified in Article 75(2) of the Batteries Regulation.

(3) Recyclers shall report to the Waste Batteries Competent Authority, for each calendar year, the information specified in Article 75(5) of the Batteries Regulation regarding recycling efficiency and recovery of materials.

(4) Waste management operators carrying out treatment of waste batteries shall report to the Waste Batteries Competent Authority, for each calendar year, the information specified in Article 75(5) of the Batteries Regulation.

(5) Where waste management operators other than producers or producer responsibility organisations collect waste portable batteries or waste LMT batteries from distributors or other collection points, they shall report to the Waste Batteries Competent Authority for each

calendar year the amount of waste portable batteries and waste LMT batteries collected according to their chemistry.

(6) Reports under this regulation shall be submitted within six months of the end of the calendar year to which the report relates.

(7) The Waste Batteries Competent Authority shall establish electronic systems through which data shall be reported and shall specify the formats to be used.

(8) The Waste Batteries Competent Authority may request any additional information necessary to ensure that the data reported is reliable.

Information for end-users.

14T.(1) Producers and producer responsibility organisations shall make available to end-users and distributors of batteries the following information—

- (a) the potential effects on the environment and human health of the substances used in batteries;
- (b) the desirability of not disposing of waste batteries as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling;
- (c) the collection and recycling schemes available to them;
- (d) their role in contributing to the recycling of waste batteries;
- (e) the meaning of the symbol of the crossed-out wheeled bin and the chemical symbols Hg, Cd and Pb;
- (f) the necessary safety instructions for handling waste batteries, including risks associated with batteries containing lithium;
- (g) any instructions for the proper removal of portable batteries and LMT batteries from products; and
- (h) the role of end-users in contributing to waste prevention, including information on good practices and recommendations concerning the use of batteries aimed at extending their use phase and the possibilities of re-use, preparation for re-use, preparation for repurposing, repurposing and remanufacturing.

(2) Distributors that supply batteries to end-users shall provide in their retail premises, or on their website where sales are conducted online, the information referred to in subregulations (1) and (3), together with information on how end-users may return waste batteries within the categories of batteries which the distributor has, or had offered for sale as new batteries, free of charge to collection points.

(3) Producers shall make available to distributors and operators referred to in Articles 62, 65 and 66 of the Batteries Regulation, and to other waste management operators carrying out preparation for re-use, preparation for repurposing or treatment, information regarding the safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries.

(4) From such date as the Minister may by notice in the Gazette specify, producers shall make available electronically, free of charge and upon request, to waste management operators carrying out preparation for re-use, preparation for repurposing or treatment, the battery model specific information required by Article 74(3) of the Batteries Regulation.

(5) Producers of the relevant category of batteries or producer responsibility organisations shall conduct awareness campaigns and offer incentives to encourage end-users to discard waste batteries in a manner that is in line with the information made available in accordance with subregulation (1).

(6) The costs covered by the producer under Article 56(4) of the Batteries Regulation shall be shown separately to the end-user at the point of sale of a new battery.

Obligations of distributors.

14U.(1) A distributor shall take back waste batteries from end-users free of charge and without imposing an obligation on the end-user to buy or to have bought a new battery, regardless of chemical composition, brand or origin, in accordance with Article 62(1) of the Batteries Regulation.

(2) A distributor who supplies batteries to end-users by means of distance contracts shall, in addition to the obligations in subregulation (1), provide for a sufficient number of collection points in accordance with Article 62(4) of the Batteries Regulation.

(3) The obligation in subregulation (1) does not apply to waste products containing batteries and is limited to the categories of waste batteries which the distributor has or had as batteries in its offer and, for waste portable batteries, to the quantity that non-professional end-users normally discard.

(4) A distributor shall hand over waste batteries taken back under this regulation to a producer, producer responsibility organisation or waste management operator for treatment in accordance with Article 70 of the Batteries Regulation.

(5) A distributor who supplies batteries with delivery to end-users shall offer to take back waste batteries free of charge at the point of delivery or at a local collection point, and shall inform the end-user of the take-back arrangements when the battery is ordered.

(6) A provider of an online platform that allows consumers to conclude distance contracts with producers shall, before allowing the offering of batteries on the platform, obtain from the producer the information required by Article 62(6) of the Batteries Regulation.

(7) A person who fails to comply with any obligation imposed by this regulation, or by Article 62 of the Batteries Regulation, shall be guilty of an offence and liable on summary conviction to a fine at level 4 on the standard scale.

Obligations of end-users.

14V.(1) An end-user shall discard waste batteries separately from other waste streams, including from mixed municipal waste.

(2) An end-user shall discard waste batteries in designated separate collection points set up by, or in accordance with the specific arrangements concluded with, a producer or producer responsibility organisation in accordance with Articles 59, 60 and 61 of the Batteries Regulation.

Green public procurement.

14W.(1) A contracting authority or a utility, when procuring batteries or products containing batteries, shall take account of the environmental impacts of those batteries over their life cycle with a view to ensuring that such impacts are kept to a minimum.

(2) In this regulation-

- (a) “contracting authority” has the meaning given to it regulation 3 of the Procurement (Public Sector Contracts) Regulations 2016; and
- (b) “utility” has the meaning given to it in regulation 3 of the Procurement (Utilities Contracts) Regulations 2016.

(3) From 12 months after the entry into force of the first delegated act adopted under Article 85(3) of the Batteries Regulation establishing award criteria, a contracting authority or a utility shall apply those award criteria in fulfilling its obligations under regulation (1).

*Offences and Penalties***General offence.**

14X.(1) A person who contravenes any provision of the Batteries Regulation or of this Part for which no specific penalty is provided shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 4 on the standard scale.

Offence of placing non-compliant batteries on the market.

14Y.(1) A person who places on the market or puts into service a battery that does not comply with—

- (a) the sustainability requirements in Articles 6 to 10 of the Batteries Regulation;
- (b) the safety requirements in Article 12 of the Batteries Regulation;
- (c) the labelling and marking requirements in Article 13 of the Batteries Regulation;
or
- (d) the information requirements in Article 14 of the Batteries Regulation,

shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

Offence of failure to register.

14Z.(1) A producer who makes batteries available on the market in Gibraltar without being registered in accordance with regulation 14H shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

Offence of failure to obtain authorisation.

14ZA.(1) A producer or producer responsibility organisation that purports to fulfil extended producer responsibility obligations in Gibraltar without having obtained an authorisation in accordance with regulation 14I shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 5 on the standard scale.

Offence of failure to comply with collection obligations.

14ZB.(1) A producer or producer responsibility organisation that fails to fulfil its collection obligations under Articles 59, 60 or 61 of the Batteries Regulation shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 5 on the standard scale.

Offence of improper treatment or disposal of waste batteries.

14ZC.(1) A person who—

- (a) disposes of waste batteries contrary to regulation 14O(1);
- (b) carries out energy recovery operations on waste batteries contrary to regulation 14O(1); or
- (c) treats waste batteries other than in a permitted facility, shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 5 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

Offence of failure to comply with CE marking requirements.

14ZD.(1) A person who—

- (a) affixes the CE marking to a battery in violation of Article 20 of the Batteries Regulation;
- (b) fails to affix the CE marking to a battery where required by the Batteries Regulation; or
- (c) affixes a marking likely to mislead third parties as to the meaning or form of the CE marking,

shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 4 on the standard scale.

Offence of failure to draw up or maintain documentation.

14ZE.(1) A manufacturer or other economic operator who fails to—

- (a) draw up the EU declaration of conformity required by Article 18 of the Batteries Regulation;

- (b) draw up or maintain the technical documentation required by Annex VIII to the Batteries Regulation; or
- (c) keep the EU declaration of conformity or technical documentation at the disposal of national authorities for the period required by the Batteries Regulation,

shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 4 on the standard scale.

Offence of failure to comply with due diligence obligations.

14ZF.(1) An economic operator who fails to comply with the due diligence obligations in Articles 48 to 52 of the Batteries Regulation shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 5 on the standard scale.

Offence of failure to report or providing false information.

14ZG.(1) A person who—

- (a) fails to submit a report required by regulation 14S or by the Batteries Regulation;
- (b) submits a report that the person knows to be false or misleading in a material particular; or
- (c) fails to provide information when required to do so under this Part or the Batteries Regulation,

shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 4 on the standard scale.

Offence of failure to comply with battery passport requirements.

14ZH.(1) An economic operator who fails to—

- (a) ensure that a battery has an electronic battery passport where required by Article 77 of the Batteries Regulation;

(b) ensure that the information in the battery passport is accurate, complete and up to date; or

(c) ensure that the unique identifier is uploaded to the relevant registry,

shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 4 on the standard scale.

Penalties to be effective, proportionate and dissuasive.

14ZI.(1) Penalties imposed under this Part shall be effective, proportionate and dissuasive.

(2) Without prejudice to the penalties provided for in this Part, the court may, in addition to or instead of any other penalty—

(a) order the forfeiture and destruction of any battery in respect of which an offence has been committed;

(b) order the defendant to take such steps as the court may specify to remedy the consequences of the offence; or

(c) make such other order as the court considers appropriate.

Liability of bodies corporate.

14ZJ.(1) Where an offence under this Part committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or a person purporting to act in any such capacity, that person as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subregulation (1) shall apply to the acts and defaults of a member in connection with the member's functions of management as if the member were a director.

(3) Where an offence under this Part committed by a partnership is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, a partner, that partner as well as the partnership shall be guilty of the offence and liable to be proceeded against and punished accordingly.

Offence of failure to comply with removability and replaceability requirements.

14ZK.(1) A person who places on the market a product incorporating a portable battery or an LMT battery that does not comply with the removability and replaceability requirements in Article 11 of the Batteries Regulation shall be guilty of an offence.

(2) A person guilty of an offence under subregulation (1) shall be liable on summary conviction to a fine at level 4 on the standard scale.

Miscellaneous

Power to amend Schedules.

14ZL. The Minister may by notice in the Gazette amend Schedule 7 and Schedule 8 to these Regulations for the purpose of giving effect to the Batteries Regulation or any delegated or implementing acts adopted thereunder.

**PART V
WASTE CONTRIBUTION**

Waste contribution.

15.(1) A person who imports into Gibraltar electrical and electronic equipment to which these Regulations apply or batteries and accumulators to which Part IV applies, shall at the time of importation into Gibraltar be liable to the payment of a levy to pay for the cost of disposal in the manner provided for by the WEEE Directive, the Batteries Directive and these Regulations and that levy shall be referred to as the “waste contribution”.

(2) Where a person, at the time of importation, demonstrates to the satisfaction of the Collector of Customs that electrical and electronic equipment is transiting through Gibraltar, that person is not liable to pay waste contribution.

(3) Where a person who has imported electrical and electronic equipment into Gibraltar demonstrates to the satisfaction of the Collector of Customs that the equipment has been placed on the market outside Gibraltar, he shall be entitled to a refund of waste contribution paid in respect of that equipment.

(4) In this regulation, “placing on the market” has the meaning given to it in Part II.

Rate of waste contribution.

16.(1) The Minister shall by a Notice published in the Gazette set the rate of the waste contribution and that Notice may make provision for different rates to be applied to different categories of waste.

(2) In setting the level of waste contribution in respect of WEEE the Minister shall have regard—

- (a) to the actual costs of disposing of WEEE (including historical WEEE) in accordance with these Regulations and the WEEE Directive;
- (b) the actual costs of collection, treatment and recycling of waste batteries or and accumulators, irrespective of when they were placed on the market; and
- (c) the net costs arising from public information campaigns on the collection, treatment and recycling of waste batteries and accumulators.

(3) The Minister shall review the rate of the waste contribution at least once in each calendar year and in conducting that review the Minister shall have particular regard to subregulation (2) and where appropriate the rate of the waste contribution shall be varied.

Liability for waste contribution.

17. Liability for the waste contribution arises irrespective of whether the goods are liable to import duty.

Collector of Customs to collect waste contribution.

18. The Collector of Customs shall be responsible for the collection of the waste contribution at the rates prescribed under regulation 16.

Powers of customs officer.

19. Customs officers shall exercise the powers granted to them under the Imports and Exports Act 1986 in relation to the collection of the waste contribution as if the waste contribution were an import duty imposed under that Act.

Consolidated fund.

20. The waste contribution levied and collected shall be paid into the Consolidated Fund.

Amendment of Schedules.

21. The Minister may by notice in the Gazette amend the Schedules to these Regulations.

**PART VI
DECLARATIONS**

Declaration.

22.(1) A person who imports into Gibraltar electrical and electronic equipment, batteries or accumulators to which these Regulations apply must, at the time of importation, make a declaration in respect of the goods being imported, in the form set out in Schedule 6.

(2) A declaration under subregulation (1) is made when it is submitted to a customs officer.

(3) A declaration under subregulation (1) is in addition to, and does not substitute, any requirement imposed under any other enactment.

Offences.

23.(1) A person who fails to make a declaration when required to do so under these regulations commits an offence.

(2) A person who makes a declaration under regulation 22 that contains information which he knows to be false in respect of a material particular is guilty of an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Power of Collector of Customs.

24. The Collector of Customs may, in his discretion, stay or compound any proceedings for an offence under these regulations.

Schedule 1

Regulation 3

Part I**Categories of electrical and electronic equipment covered by these Regulations up to 14 August 2018**

1. Large household appliances
2. Small household appliances
3. IT and telecommunications equipment
4. Consumer equipment and photovoltaic panels
5. Lighting equipment
6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)
7. Toys, leisure and sports equipment
8. Medical devices (with the exception of all implanted and infected products)
9. Monitoring and control instruments
10. Automatic dispensers

Part II**List of products which shall be taken into account for the purpose of these Regulations and which fall under the categories of Part I****1.Large household appliances**

- 1.1 Large cooling appliances
- 1.2 Refrigerators
- 1.3 Freezers
- 1.4 Other large appliances used for refrigeration, conservation and storage of food
- 1.5 Washing machines
- 1.6 Clothes dryers
- 1.7 Dish washing machines
- 1.8 Cooking
- 1.9 Electric stoves
- 1.10 Electric hot plates
- 1.11 Microwaves
- 1.12 Other large appliances used for cooking and other processing of food
- 1.13 Electric heating appliances
- 1.14 Electric radiators
- 1.15 Other large appliances for heating rooms, beds, seating furniture
- 1.16 Electric fans
- 1.17 Air conditioner appliances
- 1.18 Other fanning, exhaust ventilation and conditioning equipment

2. Small household appliances

- 2.1 Vacuum cleaners
- 2.2 Carpet sweepers
- 2.3 Other appliances for cleaning
- 2.4 Appliances used for sewing, knitting, weaving and other processing for textiles
- 2.5 Irons and other appliances for ironing, mangling and other care of clothing
- 2.6 Toasters
- 2.7 Fryers
- 2.8 Grinders, coffee machines and equipment for opening or sealing containers or packages
- 2.9 Electric knives
- 2.10 Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances
- 2.11 Clocks, watches and equipment for the purpose of measuring, indicating or registering time
- 2.12 Scales

3. IT and telecommunications equipment

- 3.1 Centralised data processing
 - 3.1.1 Mainframes
 - 3.1.2 Minicomputers
 - 3.1.3 Printer units.
- 3.2 Personal computing:
 - 3.2.1 Personal computers (CPU, mouse, screen and keyboard included)
 - 3.2.2 Laptop computers (CPU, mouse, screen and keyboard included)
 - 3.2.3 Notebook computers
 - 3.2.4 Notepad computers
 - 3.2.5 Printers
 - 3.2.6 Copying equipment
 - 3.2.7 Electrical and electronic typewriters
 - 3.2.8 Pocket and desk calculators
 - 3.2.9 Other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means
 - 3.2.10 User terminals and systems
 - 3.2.11 Facsimile machine (fax)
 - 3.2.12 Telex
 - 3.2.13 Telephones
 - 3.2.14 Pay telephones
 - 3.2.15 Cordless telephones
 - 3.2.16 Cellular telephones
 - 3.2.17 Answering systems

- 3.2.18 Other products or equipment of transmitting sound, images or other information by telecommunications

4. Consumer equipment and photovoltaic panels

- 4.1 Radio sets
- 4.2 Television sets
- 4.3 Videocameras
- 4.4 Video recorders
- 4.5 Hi-fi recorders
- 4.6 Audio amplifiers
- 4.7 Musical instruments
- 4.8 And other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and image than by telecommunications
- 4.9 Photovoltaic panels

5. Lighting equipment

- 5.1 Luminaires for fluorescent lamps with the exception of luminaires in households
- 5.2 Straight fluorescent lamps
- 5.3 Compact fluorescent lamps
- 5.4 High intensity discharge lamps, including pressure sodium lamps and metal halide lamps
- 5.5 Low pressure sodium lamps
- 5.6 Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs

6. Electrical and electronic tools (with the exception of large-scale stationary industrial tools)

- 6.1 Drills
- 6.2 Saws
- 6.3 Sewing machines
- 6.4 Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials
- 6.5 Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses
- 6.6 Tools for welding, soldering or similar use
- 6.7 Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means
- 6.8 Tools for mowing or other gardening activities

7. Toys, leisure and sports equipment

- 7.1 Electric trains or car racing sets
- 7.2 Hand-held video game consoles
- 7.3 Video games
- 7.4 Computers for biking, diving, running, rowing, etc.
- 7.5 Sports equipment with electric or electronic components
- 7.6 Coin slot machines

8. Medical devices (with the exception of all implanted and infected products)

- 8.1 Radiotherapy equipment
- 8.2 Cardiology equipment
- 8.3 Dialysis equipment
- 8.4 Pulmonary ventilators
- 8.5 Nuclear medicine equipment
- 8.6 Laboratory equipment for *in-vitro* diagnosis
- 8.7 Analysers
- 8.8 Freezers
- 8.9 Fertilization tests
- 8.10 Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability

9. Monitoring and control instruments

- 9.1 Smoke detector
- 9.2 Heating regulators
- 9.3 Thermostats
- 9.4 Measuring, weighing or adjusting appliances for household or as laboratory equipment
- 9.5 Other monitoring and control instruments used in industrial installations (e.g. in control panels)

10. Automatic dispensers

- 10.1 Automatic dispensers for hot drinks
- 10.2 Automatic dispensers for hot or cold bottles or cans
- 10.3 Automatic dispensers for solid products
- 10.4 Automatic dispensers for money
- 10.5 All appliances which deliver automatically all kind of products

Schedule 1A

Regulation 3

Part I**Categories of EEE covered by these Regulations**

1. Temperature exchange equipment
2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm²
3. Lamps
4. Large equipment (any external dimension more than 50 cm) including, but not limited to:

Household appliances; IT and telecommunication equipment; consumer equipment; luminaires; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3.
5. Small equipment (no external dimension more than 50 cm) including, but not limited to:

Household appliances; consumer equipment; luminaires; equipment reproducing sound or images, musical equipment; electrical and electronic tools; toys, leisure and sports equipment; medical devices; monitoring and control instruments; automatic dispensers; equipment for the generation of electric currents. This category does not include equipment included in categories 1 to 3 and 6.
6. Small IT and telecommunication equipment (no external dimension more than 50 cm).

Part II**Non-exhaustive list of EEE which falls within the categories listed in Part I****1. Temperature exchange equipment.**

Refrigerators, Freezers, Equipment which automatically delivers cold products, Air conditioning equipment, Dehumidifying equipment, Heat pumps, Radiators containing oil and other temperature exchange equipment using fluids other than water for the temperature exchange.

2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm².

Screens, Televisions, LCD photo frames, Monitors, Laptops, Notebooks.

3. Lamps.

Straight fluorescent lamps, Compact fluorescent lamps, Fluorescent lamps, High intensity discharge lamps - including pressure sodium lamps and metal halide lamps, Low pressure sodium lamps, LED.

4. Large equipment.

Washing machines, Clothes dryers, Dish washing machines, Cookers, Electric stoves, Electric hot plates, Luminaires, Equipment reproducing sound or images, Musical equipment (excluding pipe organs installed in churches), Appliances for knitting and weaving, Large computer-mainframes, Large printing machines, Copying equipment, Large coin slot machines, Large medical devices, Large monitoring and control instruments, Large appliances which automatically deliver products and money, Photovoltaic panels.

5. Small equipment.

Vacuum cleaners, Carpet sweepers, Appliances for sewing, Luminaires, Microwaves, Ventilation equipment, Irons, Toasters, Electric knives, Electric kettles, Clocks and Watches, Electric shavers, Scales, Appliances for hair and body care, Calculators, Radio sets, Video cameras, Video recorders, Hi-fi equipment, Musical instruments, Equipment reproducing sound or images, Electrical and electronic toys, Sports equipment, Computers for biking, diving, running, rowing, etc., Smoke detectors, Heating regulators, Thermostats, Small Electrical and electronic tools, Small medical devices, Small Monitoring and control instruments, Small Appliances which automatically deliver products, Small equipment with integrated photovoltaic panels.

6. Small IT and telecommunication equipment (no external dimension more than 50 cm).

Mobile phones, GPS, Pocket calculators, Routers, Personal computers, Printers, Telephones.

SCHEDULE 2**Selective treatment for materials and components of waste electrical and electronic equipment**

Regulation 6(1)

1. As a minimum the following substances, mixtures and components have to be removed from any separately collected WEEE:

- polychlorinated biphenyls (PCB) containing capacitors in accordance with Council Directive 96/59/EC on the disposal of polychlorinated biphenyls and polychlorinated terphenyls (PCB/PCT);
- mercury containing components, such as switches or backlighting lamps;
- batteries;
- printed circuit boards of mobile phones generally, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres;
- toner cartridges, liquid and pasty, as well as colour toner;
- plastic containing brominated flame retardants;
- asbestos waste and components which contain asbestos;
- cathode ray tubes;
- chlorofluorocarbons (CFC), hydrochlorofluorocarbons (HCFC) or hydrofluorocarbons (HFC), hydrocarbons (HC);
- gas discharge lamps;
- liquid crystal displays (together with their casing where appropriate) of a surface greater than 100 square centimetres and all those backlighted with gas discharge lamps;
- external electric cables;
- components containing refractory ceramic fibres as described in Commission Directive 97/69/EC of 5 December 1997 adapting to technical progress for the 23rd time Council Directive 67/548/EEC on the approximation of the laws, regulations and

administrative provisions relating to the classification, packaging and labelling of dangerous substances;

- components containing radioactive substances with the exception of components that are below the exemption thresholds set in Annex VII of Council Directive 2013/59/EURATOM of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom; and
- electrolyte capacitors containing substances of concern (height > 25mm, diameter > 25 mm or proportionately similar volume).

These substances, mixtures and components shall be disposed of or recovered in compliance with Directive 2008/98/EC.

2. The following components of WEEE that is separately collected have to be treated as indicated:

- cathode ray tubes: the fluorescent coating has to be removed;
- equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits: the gases must be properly extracted and properly treated. Ozone-depleting gases must be treated in accordance with Regulation (EC) No 1005/2009;
- gas discharge lamps: the mercury shall be removed.

3. Taking into account environmental considerations and the desirability of preparation for reuse and recycling, paragraphs 1 and 2 shall be applied in such a way that environmentally-sound reuse and recycling of components or whole appliances is not hindered.

Schedule 2A**Minimum Recovery Targets**

Regulation 7(1)(a)

Part 1: Minimum targets applicable by category from 13 August 2012 until 14 August 2015 with reference to the categories listed in Annex I:

- (a) for WEEE falling within category 1 or 10 of Annex I,
 - 80% shall be recovered, and
 - 75% shall be recycled;
- (b) for WEEE falling within category 3 or 4 of Annex I,
 - 75% shall be recovered, and
 - 65% shall be recycled;
- (c) for WEEE falling within category 2, 5, 6, 7, 8 or 9 of Annex I,
 - 70 % shall be recovered, and
 - 50% shall be recycled;
- (d) for gas discharge lamps, 80% shall be recycled.

Part 2: Minimum targets applicable by category from 15 August 2015 until 14 August 2018 with reference to the categories listed in Annex I:

- (a) for WEEE falling within category 1 or 10 of Annex I,
 - 85% shall be recovered, and
 - 80% shall be prepared for re-use and recycled;
- (b) for WEEE falling within category 3 or 4 of Annex I,
 - 80% shall be recovered, and
 - 70% shall be prepared for re-use and recycled;
- (c) for WEEE falling within category 2, 5, 6, 7, 8 or 9 of Annex I,
 - 75% shall be recovered, and

— 55% shall be prepared for re-use and recycled;

(d) for gas discharge lamps, 80% shall be recycled.

Part 3: Minimum targets applicable by category from 15 August 2018 with reference to the categories listed in Annex III:

(a) for WEEE falling within category 1 or 4 of Annex III,

— 85% shall be recovered, and

— 80% shall be prepared for re-use and recycled;

(b) for WEEE falling within category 2 of Annex III,

— 80% shall be recovered, and

— 70% shall be prepared for re-use and recycled;

(c) for WEEE falling within category 5 or 6 of Annex III,

— 75% shall be recovered, and

— 55% shall be prepared for re-use and recycled;

(d) for WEEE falling within category 3 of Annex III, 80% shall be recycled.

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Schedule 3

Technical requirements

Regulation 6(1)(g)

1. Sites for storage (including temporary storage) of WEEE prior to their treatment (without prejudice to the requirements of Council Directive 1999/31/EC):

- impermeable surfaces for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser degreasers; and
- weatherproof covering for appropriate areas.

2. Sites for treatment of WEEE:

- scales to measure the weight of the treated waste;
- impermeable surfaces and waterproof covering for appropriate areas with the provision of spillage collection facilities and, where appropriate, decanters and cleanser-degreasers;
- appropriate storage for disassembled spare parts;
- appropriate containers for storage of batteries, PCBs/PCTs containing capacitors and other hazardous waste such as radioactive waste; and
- equipment for the treatment of water in compliance with health and environmental regulations.

Schedule 4

Symbol for the marking of electrical and electronic equipment, batteries and accumulators

Regulation 9, 14R

The symbol indicating separate collection for electrical and electronic equipment consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly.



Schedule 5**INFORMATION FOR REGISTRATION AND REPORTING REFERRED TO IN
REGULATION 11**

Regulation 11

PART A. Information to be submitted upon registration:

1. Name and address of the producer or of the authorised representative where appointed under regulation 11A (postal code and location, street name and number, country, telephone and fax number, e-mail, as well as a contact person). In the case of an authorised representative as defined in regulation 11A, also the contact details of the producer that is represented.
2. National identification code of the producer, including European tax number or national tax number of the producer.
3. Category of EEE set out in Parts I of Schedule 1 or 2, as appropriate.
4. Type of EEE (household or other than household equipment).
5. Brand name of EEE.
6. Information on how the producer meets its responsibilities: individual or collective scheme, including information on financial guarantee.
7. Selling technique used (e.g. distance selling).
8. Declaration stating that the information provided is true.

PART B. Information to be submitted for reporting:

1. National identification code of the producer.
2. Reporting period.
3. Category of EEE set out in Parts I of Schedule 1 or 2, as appropriate.
4. Quantity of EEE placed on the national market, by weight.
5. Quantity, by weight, of waste of EEE separately collected, recycled (including prepared for re-use), recovered and disposed of within Gibraltar or shipped within or outside the European Union.

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Note: information set out in paragraphs 4 and 5 must be given by category.

Schedule 5A

Regulation 13A

MINIMUM REQUIREMENTS FOR SHIPMENTS

1. In order to distinguish between EEE and WEEE, where the holder of the object claims that he intends to ship or is shipping used EEE and not WEEE, the Competent Authority shall require the holder to have available the following to substantiate this claim:

- (a) a copy of the invoice and contract relating to the sale and/or transfer of ownership of the EEE which states that the equipment is destined for direct re-use and that it is fully functional;
- (b) evidence of evaluation or testing in the form of a copy of the records (certificate of testing, proof of functionality) on every item within the consignment and a protocol containing all record information according to paragraph 3;
- (c) a declaration made by the holder who arranges the transport of the EEE that none of the material or equipment within the consignment is waste as defined by Article 3(1) of Directive 2008/98/EC; and
- (d) appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load.

2. By way of derogation, paragraphs 1(a), (b) and 3 do not apply where it is documented by conclusive proof that the shipment is taking place in the framework of a business-to-business transfer agreement and that:

- (a) the EEE is sent back to the producer or a third party acting on his behalf as defective for repair under warranty with the intention of re-use; or
- (b) the used EEE for professional use is sent to the producer or a third party acting on his behalf or a third-party facility in countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations applies, for refurbishment or repair under a valid contract with the intention of re-use; or
- (c) the defective used EEE for professional use, such as medical devices or their parts, is sent to the producer or a third party acting on his behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on his behalf.

3. In order to demonstrate that the items being shipped constitute used EEE rather than WEEE, the Competent Authority shall require the following steps for testing and record keeping for used EEE to be carried out:

Step 1: Testing—

- (a) Functionality shall be tested and the presence of hazardous substances shall be evaluated. The tests to be conducted depend on the kind of EEE. For most of the used EEE a functionality test of the key functions is sufficient.
- (b) Results of evaluation and testing shall be recorded.

Step 2: Record—

- (a) The record shall be fixed securely but not permanently on either the EEE itself (if not packed) or on the packaging so it can be read without unpacking the equipment.
- (b) The record shall contain the following information:
 - name of item (name of the equipment if listed in Part II of Schedules 1 or 1A, as appropriate, and category set out in Part I of Schedule 1 or 1A, as appropriate),
 - identification number of the item (type No) where applicable,
 - year of production (if available),
 - name and address of the company responsible for evidence of functionality,
 - result of tests as described in step 1 (including date of the functionality test),
 - kind of tests performed.

4. In addition to the documentation requested in paragraphs 1, 2 and 3, every load (e.g. shipping container, lorry) of used EEE shall be accompanied by:

- (a) a relevant transport document, e.g. CMR or waybill;
- (b) a declaration by the liable person on its responsibility.

5. In the absence of proof that an object is used EEE and not WEEE through the appropriate documentation required in paragraphs 1, 2, 3 and 4 and of appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load, which are the obligations of the holder who

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arranges the transport, the Competent Authority shall consider that an item is WEEE and presume that the load comprises an illegal shipment. In these circumstances the load will be dealt with in accordance with Articles 24 and 25 of Regulation (EC) No 1013/2006.

SCHEDULE 6

Regulation 22

Form

**ENVIRONMENT ACT 2005
ENVIRONMENT (WASTE) REGULATIONS 2007**



**DECLARATION OF IMPORTATION OF ELECTRICAL AND ELECTRONIC
EQUIPMENT (“EEE”)**

IMPORTANT NOTE:

You are required to fill in this form accurately and hand it to a customs officer at the time of importation of the EEE.

It is an offence to include information which is false in a material particular.

GROUP ITEMS	QUANTITY OF UNITS (number of individual items)	WEIGHT (KG)
1. Large household appliances		
2. Small household items		
3. IT and Telecommunications equipment		
4. Consumer Equipment and Photovoltaic panels		
5. Lighting Equipment		
6. Electrical and Electronic tools		
7. Toys, Leisure and Sports Equipment		
8. Medical Devices		
9. Monitoring and control instruments		
10. Automatic dispensers		
11. Batteries: (a) Portable batteries (b) LMT batteries (c) SLI batteries (d) Industrial batteries (e) Electric vehicle batteries		

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I/WE DECLARE THAT ALL THE INFORMATION AND PARTICULARS MENTIONED HEREIN ARE TRUE AND CORRECT.

PRINT NAME AND CONTACT DETAILS OF IMPORTER	SIGNATURE
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OFFICE USE ONLY

Signed:

Date:

SCHEDULE 7

Regulation 14L

COLLECTION RATES

PART A — COLLECTION TARGETS FOR WASTE PORTABLE BATTERIES

Producers of portable batteries or, where appointed in accordance with Article 57(1) of the Batteries Regulation, producer responsibility organisations, shall attain and maintain durably at least the following minimum collection targets for waste portable batteries:

- (a) 45% by 31 December 2023;
- (b) 63% by 31 December 2027;
- (c) 73% by 31 December 2030.

PART B — COLLECTION TARGETS FOR WASTE LMT BATTERIES

Producers of LMT batteries or, where appointed in accordance with Article 57(1) of the Batteries Regulation, producer responsibility organisations, shall attain and maintain durably at least the following minimum collection targets for waste LMT batteries:

- (a) 51% by 31 December 2028;
- (b) 61% by 31 December 2031.

PART C — CALCULATION OF COLLECTION RATES

The collection rate shall be calculated as the percentage obtained by dividing the weight of waste batteries collected in accordance with the Batteries Regulation in a given calendar year by the average weight of batteries made available on the market for the first time in the preceding three calendar years.

The collection rate shall be calculated separately for portable batteries and for LMT batteries in accordance with Annex XI to the Batteries Regulation.

SCHEDULE 8

Regulation 14H

PROCEDURAL REQUIREMENTS FOR REGISTRATION**PART A — APPLICATION PROCEDURE**

1. Registration of a producer of batteries shall take place with the Waste Batteries Competent Authority via an electronic data-processing system established for that purpose.
2. The Waste Batteries Competent Authority shall make available on its website:
 - (a) information about the application process;
 - (b) the electronic data-processing system for submitting applications; and
 - (c) guidance on the information required to be provided.
3. Once a producer is registered, the producer shall receive a registration number from the Waste Batteries Competent Authority.
4. The Waste Batteries Competent Authority shall grant or refuse a registration within 12 weeks of receipt of a complete application.

PART B — INFORMATION TO BE PROVIDED BY PRODUCERS

A producer of batteries shall provide to the Waste Batteries Competent Authority the following information:

- (a) name, and brand names if available, under which the producer operates, and the address of the producer including postal code, street and number, country, telephone number, web and email address;
- (b) national identification code of the producer, including any trade register number or equivalent official registration number and tax identification number;
- (c) the category or categories of batteries that the producer intends to make available on the market for the first time in Gibraltar, namely portable batteries, industrial batteries, LMT batteries, electric vehicle batteries, or SLI batteries, and their chemistry;

- (d) information on how the producer meets its responsibilities under Articles 56, 59, 60 and 61 of the Batteries Regulation, including-
 - (i) information in written form on the measures put in place to fulfil extended producer responsibility obligations and the separate collection obligations; and
 - (ii) where applicable, the name and contact details of any producer responsibility organisation appointed by the producer;
- (e) a declaration stating that the information provided is true.

PART C — CHANGE OF REGISTRATION DATA

1. A producer of batteries shall inform the Waste Batteries Competent Authority of any change in the information contained in the register within one month of such change.
2. A producer who ceases to make batteries available on the market in Gibraltar shall notify the Waste Batteries Competent Authority and shall be removed from the register.

PART D — FEES

The Waste Batteries Competent Authority may impose proportionate fees for registration, provided that such fees do not exceed the costs incurred by the Waste Batteries Competent Authority.