

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5323 GIBRALTAR Thursday 9th July 2026

LEGAL NOTICE NO. 159 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

ENVIRONMENT ACT 2005

ENVIRONMENT (WASTE) (AMENDMENT) REGULATIONS 2026

In exercise of the powers conferred under section 13 of the Treaty on Gibraltar and the European Union Act 2026 and under section 18 of the Environment Act 2005, to make provision for the purposes of the implementation of Article 219(4) of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar, the Government has made the following Regulations—

PART 1 GENERAL PROVISIONS

Title.

1. These Rules may be cited as the Environment (Waste) (Amendment) Regulations 2026.

Commencement.

2. These Regulations come into operation on the Implementation Date.

Interpretation.

3. In these Regulations—

"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 as amended from time to time;

"the Implementation Date" has the meaning given in section 3 of the Treaty on Gibraltar and the European Union Act 2026;

"the Principal Regulations" means the Environment (Waste) Regulations 2007;

"the WEEE Regulation" means Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) as amended from time to time.

Purpose.

4. The purpose of these Regulations is to amend the Principal Regulations to create equivalent domestic provisions for —

- (a) the WEEE Regulation in the laws of Gibraltar, including but not limited to —
 - (i) amend provisions relating to the marking of electrical and electronic equipment to reflect the updated European standard EN 50419:2022; and
 - (ii) amend provisions relating to the identification and dating of EEE placed on the market to reflect updated requirements for photovoltaic panels and open-scope EEE and to give effect to Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE),
- (b) the Batteries Regulation in the laws of Gibraltar, including but not limited to —
 - (i) designate competent authorities, a notifying authority, and a market surveillance authority for the purposes of the Batteries Regulation;
 - (ii) establish offences and penalties for infringements of the Batteries Regulation;
 - (iii) provide for producer registration, authorisation, and related administrative and procedural matters; and
 - (iv) repeal or amend provisions of the Environment (Waste) Regulations 2007 that are superseded by the Batteries Regulation.

PART 2
THE WEEE REGULATION

Amendment to Part II of the Principal Regulations.

5.(1) In regulation 2A(1), after the definition of “non-road mobile machinery” insert-

““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);”.

(2) In regulation 9(2), for “preferably in accordance with the European standard EN 50419” substitute “preferably in accordance with the European standard EN 50419:2022”.

(3) For regulation 10(d) substitute—

“(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.”.

PART 3 THE BATTERIES REGULATION

Amendment to Part 1 of the Principal Regulations.

6.(1) The Principal Regulations are amended in accordance with the provisions of these Regulations.

(2) In regulation 2(1)-

(a) the definition of "the Batteries Directive" is deleted;

(b) after the definition of “the Batteries Directive” (before its deletion) insert –

““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;”

(c) after the definition of "the Competent Authority", insert –

““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;”

- (d) after the definition of “producer” insert-

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

- (e) after the definition of “recycling” insert-

““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;

(3) In regulation 2(2), for “the WEEE Directive or the Batteries Directive” substitute “the WEEE Directive or the Batteries Regulation”.

- (4) For the entirety of Part IV (regulations 14B to 14V inclusive) substitute-

“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 organisation" 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."

(5) In Schedule 6 for "11. Batteries (all types)" substitute—

"11. Batteries:

- (a) Portable batteries
- (b) LMT batteries
- (c) SLI batteries
- (d) Industrial batteries
- (e) Electric vehicle batteries".

(6) For Schedules 7 and 8 substitute—

"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."

Savings and transitional provisions.

7.(1) Any proceedings commenced before the commencement of these Regulations in respect of an offence under the Principal Regulations as in force before that commencement may be continued as if these Regulations had not come into operation.

(2) Any offence committed before the commencement of these Regulations shall continue to be punishable in accordance with the provisions in force at the time the offence was committed.

(3) An application for registration made before the commencement of these Regulations that has not been determined shall be treated as an application under regulation 14H, and the applicant may be required to provide any additional information required by that regulation.

(4) A producer who, immediately before the commencement of these Regulations, was registered under regulation 14T of the Principal Regulations as in force before that commencement shall be treated as registered under regulation 14H of the Principal Regulations as substituted by these Regulations.

(5) A producer treated as registered under subregulation (4) shall, within 12 months of the commencement of these Regulations, provide to the Waste Batteries Competent Authority any additional information required by regulation 14H(4) that was not previously provided.

(6) The Waste Batteries Competent Authority may withdraw the registration of any producer who fails to provide information in accordance with subregulation (5).

Dated: 9th July 2026.

PROF J CORTES,
Minister with responsibility for the Environment,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Environment (Waste) Regulations 2007 to create equivalent domestic provisions for Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries (the Batteries Regulation) and Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 which amends Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

The principal amendments are as follows:

Part 2 (regulation 5) amends Part II of the Principal Regulations to create domestic provisions equivalent to Directive (EU) 2024/884 (the WEEE Directive). It inserts a new definition of "open-scope EEE" in regulation 2A(1), updates the marking standard reference in regulation 9(2) from EN 50419 to EN 50419:2022, and amends regulation 10(d) so that the date-marking obligation applies to photovoltaic panels placed on the market from 13 August 2012 and to open-scope EEE placed on the market from 15 August 2018.

Part 3 (regulation 6) amends the Principal Regulations to create domestic provisions equivalent to Regulation (EU) 2023/1542 (the Batteries Regulation). Regulation 6(2) amends Part I of the Principal Regulations to insert new definitions, including the Batteries Regulation, the Market Surveillance Authority, the Notifying Authority, the Waste Batteries Competent Authority, and "putting into service."

Regulation 6(4) substitutes a new Part IV of the Principal Regulations dealing with batteries and waste batteries. The new Part IV designates the Waste Batteries Competent Authority, the Notifying Authority and the Market Surveillance Authority; establishes producer registration and authorisation procedures; sets out requirements for the collection, treatment, recycling and shipment of waste batteries; provides for reporting obligations and information to end-users; imposes obligations on distributors and end-users; and creates offences and penalties for infringements of the Batteries Regulation.

Regulations 6(5) and 6(6) amend Schedules 6, 7 and 8 to the Principal Regulations to reflect the battery categories and collection targets under the Batteries Regulation and to set out procedural requirements for producer registration.

Regulation 7 contains savings and transitional provisions to ensure continuity for existing registrations and pending applications.