

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**
No. 3844 of 12 April, 2011

LEGAL NOTICE NO. 53 OF 2011.

INTERPRETATION AND GENERAL CLAUSES ACT
WASTE (INCINERATION) ACT 2003 (AMENDMENT)
REGULATIONS 2011

In exercise of the powers conferred upon it by section 23(g) (ii) of the Interpretation and General Clauses Act, and all other enabling powers, and for the purpose of transposing into the law of Gibraltar Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, the Government has made the following Regulations:

Title and commencement.

1. These Regulations may be cited as the Waste (Incineration) Act 2003 (Amendment) Regulations 2011 and come into operation on the day of publication.

Amendment of principal Act.

2. The Waste (Incineration) Act 2003 (hereinafter “the principal Act”) is amended in accordance with these Regulations.

Amendment of section 3.

3. For section 3(2) of the principal Act substitute—

“(2) The properties referred to in subsection (1) are those in Annex III of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, as set out in Schedule 3.”.

Substitution of Schedule 3.

4. For Schedule 3 to the principal Act substitute the following schedule—

“SCHEDULE 3

Section 3

PROPERTIES OF WASTE WHICH RENDER IT HAZARDOUS

- H1 “Explosive”: substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
- H2 “Oxidizing”: substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
- H3-A “Highly flammable”:
- liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or
 - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or
 - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or
 - gaseous substances and preparations which are flammable in air at normal pressure, or
 - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
- H3-B “Flammable”: liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.
- H4 “Irritant”: non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.

- H5 “Harmful”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health risks.
- H6 “Toxic”: substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
- H7 “Carcinogenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence.
- H8 “Corrosive”: substances and preparations which may destroy living tissue on contact.
- H9 “Infectious”: substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
- H10 “Toxic for reproduction”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
- H11 “Mutagenic”: substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
- H12 Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.
- H13(*) “Sensitising”: substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitisation such that on further exposure to the substance or preparation, characteristic adverse effects are produced.
- H14 “Ecotoxic”: substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.
(*) As far as testing methods are available.

H15 Waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.

Notes

1. Attribution of the hazardous properties 'toxic' (and 'very toxic'), 'harmful', 'corrosive', 'irritant', 'carcinogenic', 'toxic to reproduction', 'mutagenic' and 'eco-toxic' is made on the basis of the criteria laid down by Annex VI, to Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (1).
2. Where relevant the limit values listed in Annex II and III to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (2) shall apply.

Test methods

The methods to be used are described in Annex V to Directive 67/548/EEC and in other relevant CEN-notes.”.

Dated 12th April, 2011.

P R CARUANA,
Chief Minister,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Waste (Incineration) Act 2003 and transpose into the law of Gibraltar Article 41(b) of Directive 2009/98/EC.