

ENVIRONMENTAL LEGISLATION

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1. DECREE 278/2011, OF 27 DECEMBER, REGULATING FACILITIES CARRYING OUT POTENTIALLY POLLUTING ACTIVITIES

The Decree 278/2011 is applicable to all facilities carrying out potentially polluting activities located in the Autonomous Community of the Basque Country, regulating their construction, assembly, exploitation, transfer or substantial modification, according to the Annex I of the Royal Decree 100/2011, of 28 January, which updates the Potentially Polluting Activities Catalog and establishes the main provisions for its application. The administrative authorization will be granted for a maximum period of eight years, after which it will automatically renew for successive periods. Those facilities that have an environmental management system certified by EMAS may adapt to the Royal Decree until January 30th, 2015. The applicable rules on penalties are the ones contained in the legislation on air quality and protection of the atmosphere, or in the General Law on Environment Protection of the Basque Country.

2. DECREE 5/2012, OF 17 JANUARY, REGULATING THE INTEGRATED ENVIRONMENTAL AUTHORIZATION AND AMENDING THE DECREE 356/2010, OF 3 AUGUST, WHICH REGULATES THE UNIFIED ENVIRONMENTAL AUTHORIZATION

Published in the Official Gazette of the Andalusian Regional Government (BOJA n.º 18, of 27 January, 2012), the Decree 5/2012 regulates the submission of public or private facilities to the Integrated Environmental Authorization, located in the Autonomous Community of Andalusia, and develops some or part of the activities described in the Annex I of this Decree, regarding their construction, exploitation or transfer, as well as their substantial or partial modification.

The Integrated Environmental Authorization will aim to prevent, reduce and control the atmosphere, water and soil pollution; the efficient use of the energy, raw materials and

landscape; to integrate into a single administrative resolution the pronouncements, decisions and authorizations regulated by the Law 16/2002, of 1 July, on Integrated Pollution Prevention and Control, including the municipal waste authorization.

The entire procedure will have a maximum duration of ten months; the silence will be interpreted as a refusal. The Integrated Environmental Authorization will be granted for a maximum period of eight years and will be effective from the date of its notification.

3. DECREE 6/2012, OF 17 JANUARY, APPROVING THE REGULATION ON PROTECTION AGAINST NOISE POLLUTION IN ANDALUSIA, AND AMENDING THE DECREE 357/2010, OF 3 AUGUST, WHICH APPROVES THE REGULATION ON THE PROTECTION OF THE QUALITY OF THE NIGHT SKY FROM LIGHT POLLUTION AND ESTABLISHES ENERGY-SAVING AND ENERGY EFFICIENCY MEASURES

This Decree applies to any infrastructure, facility, machinery or construction project, public or private, carried out in the Autonomous Community of Andalusia that produces or may produce acoustic pollution, caused by noise or vibration, except military activities, domestic activities producing noise pollution within the limits established in municipal regulations and in the workplace.

The City Halls shall determine the acoustic sensitivity areas and drawn noise strategic maps, depending on predominant soil use, current or future. As regards public entertainment and recreation establishments, will not be allowed sound pressure levels higher than 90 dBA, except when is placed, at the entrance, a warning that the noise levels can cause permanent damages in hearing function.

4. ROYAL DECREE 455/2012, OF 5 MARCH, ESTABLISHING MEASURES AIMED TO REDUCE THE AMOUNT OF PETROL VAPOUR EMITTED TO THE ATMOSPHERE DURING THE REFUELLING OF MOTOR VEHICLES AT SERVICE STATIONS

The Royal Decree 455/2012 establishes the obligation of service stations to provide a system to reduce the amount of petrol vapour emitted to the atmosphere during the refuelling of vehicles, as well as the corresponding verification and monitoring procedures. The Royal Decree will be applied to new or existing service stations, whenever their actual or intended throughput is greater than 500 m³ /year, or their actual or intended throughput is greater than 100 m³ /year and it is situated under permanent living quarters or working areas.

However, these rules shall not apply to service stations exclusively used in association with the construction and delivery of new motor vehicles. This way, all service stations that have installed the Stage II petrol vapour recovery system shall inform about that the consumers and the Autonomous Community's competent Body, indicating the exact type of the installed system.

The monitoring of each petrol vapour capture efficiency system will be carried out by an authorized Inspection Body at least once a year. The penalty system is the applicable under the Industry Law 21/1992, of 16 July (Title V) and under the Law 34/2007, of 15 November, on Air Quality and Protection of the Atmosphere.

5. DECREE 73/2012, OF 20 MARCH, APPROVING THE ANDALUSIAN REGULATION ON WASTE

The Decree entered into force after a month of its publication in the Official Gazette of the Andalusian Regional Government (BOJA n.º 81, 26 April 2012). It establishes the legal regime applicable to the waste production, possession and management, generated in the

Autonomous Community of Andalusia, as well as the waste generation and its reuse, recycling and other forms of waste recovery. It means that the waste deposition in landfill will be only accepted when there are no other viable options. Instead, this Decree does not apply to the emissions to the atmosphere, to uncontaminated excavated soils, to decommissioned explosives and radioactive waste, etc.

As regards waste management, are subject to administrative authorization, granted by the competent Regional Government Ministry: the plants responsible for waste recovering and disposing; the entities carrying out waste treatment operations; the shipment of waste from or to other EU country; and the deposition in landfill of waste not submitted previously to a recovery operation.

6. ROYAL DECREE-LAW 17/2012, OF 4 MAY, ON URGENT ACTIONS ON ENVIRONMENTAL MATTERS

This Royal Decree-Law has approved the environmental urgent actions to be taken in Spain, in order to simplify and streamline the former procedures. The legal actions are directed to standardize the rules applicable to underground waters and the Natural Heritage and Biodiversity, as well as waste and contaminated soils.

In the field of water management, this Royal Decree-Law establishes actions designed to achieve a more appropriate use of water, employing a more effective and coordinated management scheme for the bodies of groundwater and their proper maintenance. The Royal Decree-Law also reinforces the sanctioning powers of the Ministry of Agriculture, Nature and Food Quality, which ranges between ten thousand and one million Euros.

As regards the protection of the natural heritage, the Royal Decree-Law 17/2012 modifies the Law on Natural Heritage and Biodiversity, in order to unify in a single legal instrument all the protection and planning mechanisms, avoiding, this way, their overlap. It also modifies the Law on Waste and Contaminated Soils, simplifying and reducing the formal procedures (such as the waste shipment notifications), as to improve the recycling habits

and the application of the mandatory deposit and return system (SDDR). The collective systems on extended producer responsibility are subject to obtain an administrative authorization granted by the Autonomous Community in which the company has its registered office. This authorization has validity in all the Spanish territory. The sanctioning powers of Local Bodies will only be exercised regarding the waste collected and managed in their territory.

The Royal Decree-Law modifies, as well, the Spanish Securities Market Law, as to adapt it to the new European CO2 emission trade system. The first auction took place in 2012; Spain auctioned more than 10 million emission rights.

7. DECREE 141/2012, OF 21 JUNE, APPROVING THE FRAMEWORK REGULATION OF THE PUBLIC SERVICE OF SANITATION AND WASTEWATER TREATMENT OF GALICIA

This Decree, entered into force the 26th of July 2012, aims to regulate the Public Service of Sanitation and Wastewater Treatment of Galicia, regardless the competent Administration and the used management system. This way, are obliged to obtain a waste license to discharge into the public system of Sanitation and Wastewater Treatment non-domestic users whose activity is included in the corresponding headings of the CNAE-2009, those non-domestic users whose discharge is higher than 2,000 cubic meters annually, as well as those users with a volume of waste less than 2,000 cubic meters annually, all of them producing a special pollution, according to the terms of the Galician Water Law 9/2010.

Each user must take appropriate actions to prevent accidental discharges of waste that could be potentially dangerous to people's health or the safety of Sanitation and Wastewater Treatment installations.

As regards the system of infringements and sanctions applicable to discharges into the public service of Sanitation and Wastewater Treatment, and the precautionary measures, the Decree refers directly to the Galician Water Law 9/2010, of 4 November. The assessment

of the damage caused to hydraulic works will be carried out by authorized managing body, determined upon the operating costs and, where appropriate, the replacement of those hydraulic works.

8. DECREE 112/2012, OF 26 JUNE, ON THE PRODUCTION AND MANAGEMENT OF CONSTRUCTION AND DEMOLITION WASTE REGULATION

The Decree entered into force the 4th of September 2012, aiming to establish the legal regime applicable to the production and management of the construction and demolition waste in the Autonomous Community of the Basque Country, not applicable to waste resulting from prospecting, extraction, treatment and storage of mineral resources, as well as quarrying.

The Decree compels the City Halls to demand from the applicants to provide a bond to ensure the appropriate management of the construction and demolition waste, as a condition to obtain the urban licenses. On the other hand, the applicants who have the intention to execute the construction or demolition works shall submit to the owner a detailed plan, describing the fulfillment of the legal obligations regarding the construction and demolition works during the execution of the works.

9. REGULATION (EU) N.º 649/2012, OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, OF 4 JULY 2012, CONCERNING THE EXPORT AND IMPORT OF HAZARDOUS CHEMICALS

This EU Regulation is applicable to certain hazardous chemicals subject to the international prior informed consent (PIC) procedure, to certain dangerous chemicals that are banned or severely restricted within the EU or a Member State, and to exported chemical products, in terms of their classification, labelling and packaging.

In short, the operating methods implemented by this EU Regulation consists than when an exporter / importer is willing to export / import for the first time a chemical regulated by this EU Regulation, he will have to send a specific notification to the designated national authority of that Member State, within 35 days before the date of export.

10. DIRECTIVE 2012/19/EU, OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, OF 4 JULY 2012, ON WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE)

Entered into force the 13th of August 2012, this EU Directive lays down measures to protect the environment and human health, by preventing or reducing the adverse impacts of the generation and management of waste from electrical and electronic equipment (WEEE) and by reducing overall impacts of resource use and improving the efficiency of such use.

By the other hand, this Directive shall not apply to equipment necessary for the protection of the essential interests of the security of Member States (arms, munitions and war material intended for specifically military purposes); equipment which is specifically designed and installed as part of another type of equipment that is excluded from or does not fall within the scope of this Directive, which can fulfill its function only if it is part of that equipment; filament bulbs; and others.

Member States shall ensure that producers or third parties acting on their behalf set up systems to provide for the recovery of WEEE using best available techniques, and shall remit each three years to the Commission a report regarding the due compliance of the EU Directive on national level.

Member States shall prohibit the removal of separately collected WEEE that have not been yet treated, and shall ensure that the collection and transport of WEEE collected separately are carried out in optimal conditions to aloud the reuse, recycling and confinement of dangerous substances.

11. DECREE 213/2012, OF 16TH OCTOBER, ON THE AUTONOMOUS' COMMUNITY OF THE BASQUE COUNTRY NOISE POLLUTION

This Decree establishes the legal rules to prevent, reduce and monitor the noise pollution, as to prevent and reduce the damage and discomfort which may be generated to human health, goods or the environment, as well as the establishing of mechanisms capable to improve the acoustic environmental quality in the Autonomous Community of the Basque Country. The Decree also regulates the legal requirements planned to protect new buildings.

Are subject to this Decree the road, rail and port infrastructures submitted to regional or provincial competition; the activities and works subject to licensing, authorization, prior communication or statement of responsibility; the urban roads and public works.

On the contrary, are excluded from its application the military activities; the pollution produced in a workplace; the road, railway, port and airport infrastructures submitted to State competition; and the domestic works and neighborhood behaviors.

All the City Halls of more than 10,000 inhabitants shall elaborate a noise map, to be able to evaluate the noise levels detected in their territory, identifying the relevant acoustic sources. The authorities in charge to elaborate noise maps will have to approve the Plans of Action within the period of one year from the adoption of each noise map