

# THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5288 GIBRALTAR Thursday 19<sup>th</sup> March 2026

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B. 07/26

## BILL

FOR

**AN ACT** to amend the Climate Change Act 2019 in order to align the interim target for 2030 and establish a negative emissions target in accordance with Regulation (EU) 2021/1119 (European Climate Law) and to establish additional effort sharing targets and related reports pursuant to EU Regulation 2018/842 as amended by EU Regulation 2023/857 (the Effort Sharing Regulation), and for connected purposes.

**ENACTED** by the Legislature of Gibraltar.

### Title.

1. This Act may be cited as the Climate Change (Amendment) Act 2026.

### Commencement.

2. This Act comes into operation on the day of publication.

### Amendment of the Climate Change Act 2019.

3.(1) The Climate Change Act 2019 is amended in accordance with the provisions of this Act.

(2) In section 2 –

(a) after the definition of “climate system” insert –

““effort sharing baseline” has the meaning given in section 25A(1);

“effort sharing emissions” has the meaning given in section 24A;”;

(b) for the definition of “Emission Reduction Targets” substitute -

““Emission Reduction Targets” means the emission reduction targets set in accordance with Part 3 of this Act, including the 2045 target, the negative emissions target, the interim target and the progress targets;”;

(c) after the definition of “EU” insert –

““EU Emissions Trading System” means the system for greenhouse gas emission allowing trading established by Directive 2003/87/EC of the European Parliament and of the Council, as amended from time to time or as implemented in Gibraltar;”;

(d) after the definition of “the Minister” insert –

““negative emissions target” has the meaning given in section 8A;”.

(3) In section 3 –

(a) at the end of subsection (5) insert “and achievement of the Emissions Reduction Targets.”;

(b) at the end of subsection (8) for “.” substitute “–”;

(c) at the end of subsection (8)(q) for “.” substitute “;”;

(d) after subsection (8)(q) insert –

“(r) consider the need for a just transition to achievement of the Emissions Reduction Target and ensure that persons and communities that may be negatively affected by climate control are supported.

#### **Limitation of Liability.**

3A. For the avoidance of doubt no remedy or relief by way of damages or compensation is available with respect to or arising out of any failure, of whatever kind, to comply with any provision of this Act or any obligation of duty created thereunder.”.

(4) In section 5 after “national” insert “and adaptation”.

(5) In the title of Part 2, for “NATIONAL LOW CARBON TRANSITION, AND MITIGATION PLAN” substitute “NATIONAL LOW CARBON TRANSITION, MITIGATION AND ADAPTATION PLAN”.

(6) In section 6 –

(a) in the title, after “**Mitigation**” insert “**and Adaptation**”;

(b) for subsection (1) substitute –

“6.(1) The Minister shall not less than once every period of 5 years, make a plan, which shall be known as a national low carbon transition, mitigation and adaptation plan (in this Act referred to as a “national mitigation and adaptation plan”).”;

- (c) in subsection (2) –
- (i) after “mitigation” insert “and adaptation”;
  - (ii) after paragraph (b) insert –
    - “(ba) specify the policy measures that in the opinion of the Government, would be required in order to reduce the vulnerability of Gibraltar to the negative effects of climate change and avail of positive effects of climate change that may occur.”;
  - (iii) for the entirety of paragraph (d) substitute –
    - “(d) specify the adaptation policy measures (in this Act referred to as the “sectoral adaptation measures”) in different sectors to be adopted by the ministers of the Government, referred to in subsection (3)(a) in relation to the matters for which each such minister of the Government has responsibility in order to –
      - (i) achieve the Emission Reduction Targets;
      - (ii) reduce the vulnerability of Gibraltar to the negative effects of climate change; and
      - (iii) avail of positive effects of climate change that may occur.”;
- (d) for the entirety of subsection (3) substitute –
- “(3) For the purpose of including, in the national mitigation and adaptation plan, the measures to be specified for the different sectors in accordance with subsection (2)(d) and (2)(e)-
    - (a) the Minister shall consult with such ministers of the Government as considered appropriate, who may submit to the Minister, the sectoral mitigation measures and the sectoral adaptation measures that each such minister of the Government proposes to adopt in relation to the matters for which each such minister of the Government has responsibility;
    - (b) a minister of the Government who has been consulted under subsection (3)(a) who proposes to submit the sectoral mitigation measures and sectoral adaptation measures to be adopted by him to the Minister must do so within the period specified by the Minister;
    - (c) the Minister shall, on receipt of the sectoral mitigation measures and sectoral adaptation measures submitted to him in accordance with subsection (3)(b), include the sectoral mitigation measures and sectoral

adaptation measures submitted by each minister of the Government in the national mitigation and adaptation plan, as well as any sectoral mitigation measures and/or sectoral adaptation measures prepared by the Minister;

- (d) a minister of the Government referred to in subsection (3)(b) shall, in relation to the sectoral mitigation measures and sectoral adaptation measures to be adopted by him and before submitting these to the Minister—
  - (i) consult any other minister of the Government as he may consider appropriate;
  - (ii) and consult with the Committee;
- (e) the Minister shall, when specifying the period referred to in subsection (3)(b), have regard to the period specified in subsection (1).”;
- (e) in subsection (4) –
  - (i) after “sectoral mitigation measures” insert “and sectoral adaptation measures”;
  - (ii) in paragraphs (d) and (h) after “national mitigation” insert “and adaptation”;
  - (iii) for paragraph (g) substitute –
    - “(g) the sectoral mitigation measures and sectoral adaptation measures included in the national mitigation and adaptation plan pursuant to subsection (2)(d) and 2(e) that are to be adopted by each minister of the Government in relation to the matters for which each such minister of the Government has responsibility;”;
  - (iv) in subsection (5) after “sectoral mitigation measures” insert “or sectoral adaptation measures”;
  - (v) in subsections (6), (7) and (8) after “national mitigation” insert “and adaptation”.
- (7) After section 8 insert –

***“The negative emissions target***

**The negative emissions target.**

8A. The Minister must ensure that after the year 2050 greenhouse gas emissions in Gibraltar are balanced or exceeded by the removal of greenhouse gases.”.

(8) In section 9(1) substitute “42%” for “55%”.

(9) After section 12 insert –

**“Effort sharing target.**

12A.(1) The Minister must ensure that Gibraltar's effort sharing emissions for 2030 shall be at least 40 per cent below the effort sharing baseline.

(2) the target in subsection (1) shall be known as the “effort sharing target” and is in addition to, and without prejudice to, any other target under this Act.”.

(10) In section 24 –

(a) at the end of paragraph (f) for “.” substitute “;” and after paragraph (f) insert–

“(g) nitrogen trifluoride.”.

(11) After section 24 insert –

**“Effort sharing sectors.**

24A.(1) In this Act, "effort sharing sectors" means the following sectors-

- (a) transport, excluding aviation and international maritime transport;
- (b) buildings, including residential and commercial heating and cooling;
- (c) small-scale industry not covered by the EU Emissions Trading System; and
- (d) waste.

(2) In this Act, "effort sharing emissions" means the total greenhouse gas emissions from effort sharing sectors, expressed in tonnes of carbon dioxide equivalent.

(3) The Minister may, by regulations, amend the definition of "effort sharing sectors" in subsection (1) for any purpose consistent with the objects of this Act.”.

(12) After section 25 insert –

**“The effort sharing baseline.**

25A.(1) For the purposes of calculating the effort sharing target in relation to effort sharing sectors, the baseline shall be the total effort sharing emissions for the year 2005, as determined in accordance with subsection (2) (“the effort sharing baseline”).

- (2) The effort sharing baseline shall be-
- (a) calculated by reference to data from the Gibraltar greenhouse gas inventory for that year, adjusted as necessary to reflect the sectoral scope of effort sharing sectors; or
  - (b) where such data is not available or is incomplete, determined by the Minister on the basis of the best available scientific and technical information.
- (3) In this section, "effort sharing sectors" and "effort sharing emissions" have the meanings given by section 24A.”.
- (13) After section 32 insert –
- “Report on progress towards the effort sharing target.**
- 32A. The Minister must prepare and publish a report in respect of each year in the period from the commencement of this section to 2030 containing —
- (a) an assessment of the progress towards achieving the effort sharing target by implementing identified proposals and policies;
  - (b) if the assessment is that the effort sharing target will not be met, then the additional measures to be implemented to reduce effort sharing emissions in effort sharing sectors;
  - (c) a timeline for the implementation of any such measures; and
  - (d) an assessment of the expected effort sharing emission reductions from those measures.”.
- (14) In section 33 –
- (a) for the title, for “Report on the interim target” substitute “Report on the interim target and the effort sharing target”;
  - (b) after subsection (2) insert –
    - “(2A) The report must state whether the effort sharing target has been met.”;
  - (c) in subsection (3) after “interim target” insert “or the effort sharing target”;
  - (d) in subsection (4) after “Gibraltar emissions” insert “, and the amount of effort sharing emissions for 2030”.

- (e) in subsection (5)(a) after “net emissions account” insert “and the amount of effort sharing emissions”;
  - (f) after subsection (5) insert –
    - “(ba) state the culminative amount of the effort sharing emissions from the commencement date of section 12A of this Act to 2030;”.
- (15) In section 36(1)(b) after “national mitigation” insert “and adaptation”.

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### **EXPLANATORY MEMORANDUM**

This Act amends the Climate Change Act 2019 in order to implement certain requirements of Regulation (EU) 2021/1119 (European Climate Law), which sets a binding greenhouse gas emission reduction target for the year 2030 and sets a trajectory for carbon neutrality by 2050 and negative emissions after that date.

This Act also amends the Climate Change Act 2019 to implement certain requirements of EU Regulation 2018/842 (the Effort Sharing Regulation) as amended by EU Regulation 2023/857, which sets binding annual greenhouse gas emission reduction targets in sectors not covered by the EU Emissions Trading System.

In accordance with the European Climate Law, section 6 which provides for the national mitigation plan has been amended to require the plan to include measures for adaptation to climate change. The Act also establishes a new negative emissions target in section 8A and the interim target in section 9 has been amended to require emission reductions of 55% in 2030 from the 1990 baseline.

In accordance with the Effort Sharing Regulation, this Act also amends the definitions in the principal Act by adding nitrogen trifluoride to the list of greenhouse gases (section 3) and inserting a new section 24A defining "effort sharing sectors" as transport (excluding aviation), buildings, small-scale industry, and waste (section 4).

Part 3 amends the baseline provisions by introducing a dual baseline system. A 2005 baseline for effort sharing sectors has been inserted, while retaining the existing 1990 baseline for economy-wide targets. A new effort sharing target providing for a 40% reduction in effort sharing emissions by 2030 compared to 2005 levels has been established in section 12A. Part 6 has been amended to enhance reporting requirements in relation to the effort sharing target.

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