

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5289 GIBRALTAR Thursday 19th March 2026

B. 09/26

BILL

FOR

AN ACT to amend the Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014 to give effect in the law of Gibraltar to Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer and to Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases and for connected purposes.

ENACTED by the Legislature of Gibraltar.

Title.

1. This Act may be cited as the Environmental Protection (Controls on Ozone-Depleting Substances) (Amendment) Act 2026.

Commencement.

2. This Act comes into operation on a date to be appointed by the Minister by notice in the Gazette.

Amendment of the Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014.

3.(1) The Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014 is amended in accordance with the provisions of this Act.

(2) In the long title—

- (a) for “REGULATION (EC) NO 1005/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 16 SEPTEMBER 2009 ON SUBSTANCES THAT DEplete THE OZONE LAYER AS AMENDED BY COMMISSION REGULATION (EU) NO 744/2010 OF 18 AUGUST 2010 WITH REGARD TO THE CRITICAL USES OF HALONS” substitute “REGULATION (EU) 2024/590 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 FEBRUARY 2024 ON SUBSTANCES THAT DEplete THE OZONE LAYER”; and

- (b) for “REGULATION (EU) NO 517/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 16 APRIL 2014 ON FLUORINATED GREENHOUSE GASES AND REPEALING REGULATION (EC) NO 842/2006” substitute “REGULATION (EU) 2024/573 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 7 FEBRUARY 2024 ON FLUORINATED GREENHOUSE GASES”.

(3) In section 2(1) –

- (a) after the definition of “authorised person” insert-

““appropriately qualified natural person” means a natural person who holds a certificate or training attestation issued in accordance with the Ozone Depleting Substances (Qualifications) Regulations 2014;

“building owner” includes any person who owns, controls or is responsible for a building or part of a building;

“contractor” includes any person who carries out or arranges for the carrying out of renovation, refurbishing or demolition activities;”;

- (b) after the definition of “EU Regulations” insert –

““electronic licensing system” means the electronic licensing system for ozone-depleting substances operated by the EU Commission pursuant to Article 16 of the Ozone Regulation;”

- (c) for the definition of “F-Gas Regulation” substitute-

““F-Gas Regulation” means Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, as the same may be amended from time to time;”;

- (d) after the definition of “F-Gas Regulation” insert-

““foam panel” means a structure made of layers containing a foam and a rigid material, such as wood or metal, bound to one or both sides;

“laminated board” means a foam board that is covered by a thin layer of a non-rigid material, such as plastic;”;

- (e) for the definition of “Ozone Regulation” substitute-

““Ozone Regulation” means Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer, as the same may be amended from time to time;”;

(4) After section 4(3) insert–

“(4) A building owner or contractor who fails to comply with section 11A of this Act commits an offence.

(5) Subject to the provisions of this Act and in particular section 12A, a person who imports, exports, places on the market, subsequently supplies or makes available to another person within Gibraltar for payment or free of charge, or uses, a non-refillable container for ozone-depleting substances or fluorinated greenhouse gases, in contravention of Article 15 of the Ozone Regulation or Article 11(3) of the F-Gas Regulation, commits an offence.

(6) A person that places on the market or makes available controlled substances via an online platform in contravention of the EU Regulations commits an offence.”.

(5) For section 5 in its entirety, substitute –

“Penalties.

5.(1) A person guilty of an offence under this Act is liable-

- (a) on summary conviction, to a fine not exceeding the statutory maximum on the standard scale; or
- (b) on conviction on indictment, to a fine.

(2) Where an offence under this Act involves the unlawful production, import, export, placing on the market or use of goods containing controlled substances or the functioning of which requires controlled substances, the court shall, in determining the appropriate fine, have regard to the following-

- (a) the nature and gravity of the infringement;
- (b) the human population or the environment affected by the infringement;
- (c) any previous infringements of this Act or the EU Regulations by the person convicted of the offence;
- (d) the financial situation of the person convicted of the offence;
- (e) the requirement that the fine shall be at least five times the market value of the goods containing controlled substances or the functioning of which requires controlled substances, concerned;
- (f) where such infringements are repeated within a five-year period, the fine shall be at least eight times the market value of the goods concerned.

(3) In addition to any fine imposed under subsection (1), the court may order-

- (a) confiscation or seizure of any illegally obtained controlled substances, or goods containing controlled substances or the functioning of which requires controlled substances;
- (b) withdrawal or removal from the market of any illegally placed controlled substances, or goods;
- (c) in the event of a serious infringement or repeated infringements, a temporary prohibition on the convicted person from using, producing, importing, exporting or placing on the market controlled substances or goods containing controlled substances or the functioning of which requires controlled substances, for such period as the court considers appropriate.”.

(6) After section 7(3) insert-

“(4) In cases of imports, the person holding a licence pursuant to the Ozone Regulation or registered in accordance with section 8A of this Act shall be the importer.

(5) An enforcing agency shall verify, in particular, whether in cases of imports of controlled substances the importer has a valid licence or registration as required under this Act before releasing the goods containing the controlled substances for circulation.

(6) When carrying out physical customs controls on goods containing controlled substances, the enforcing agency shall verify-

- (a) that the goods presented correspond to those described in the licence;
- (b) that the goods are appropriately labelled in accordance with Article 15(5) of the Ozone Regulation or Article 12 of the F-Gas Regulation before those goods are released for free circulation.

(7) The re-export of goods containing controlled substances that do not comply with this Act or the EU Regulations shall be prohibited.”.

(7) After section 8 insert –

“Licensing and registration requirements.

8A.(1) No person shall import or export goods containing controlled substances or the functioning of which requires controlled substances, unless that person-

- (a) holds a valid licence issued pursuant to Article 16 of the Ozone Regulation; or
 - (b) is registered under a licensing scheme established by the Minister by regulations made under this section.
- (2) No person shall carry out any activity requiring registration pursuant to Article 20 of the F-Gas Regulation unless the person is registered under a scheme established by the Minister by regulations under this section.
- (3) The Minister may by regulations establish schemes for registration and licensing in Gibraltar which give effect to the requirements of Article 16 of the Ozone Regulation and Article 20 of the F-Gas Regulation.
- (4) Regulations made under this section may-
- (a) prescribe the form and manner of applications for registration or licences;
 - (b) prescribe fees payable in connection with registration or licences;
 - (c) provide for the suspension or revocation of registrations or licences;
 - (d) require the keeping and production of records;
 - (e) make provision for the interconnection of any Gibraltar system with the electronic licensing system and/or the F Gas Portal (as defined in the F Gas Regulation).”.
- (8) After section 11 insert –
- “Recovery obligations - building owners and contractors.**
- 11A.(1) Building owners and contractors shall ensure that, during renovation, refurbishing or demolition activities implying the removal of foam panels that contain foams with controlled substances, emissions are avoided to the extent possible by handling the foams or the substances contained therein in a way that ensures the destruction of those substances.
- (2) In the case of recovery of those substances, the recovery shall be carried out only by an appropriately qualified natural person.
- (3) Building owners and contractors shall ensure that, during renovation, refurbishing or demolition activities implying the removal of foams in laminated boards installed in cavities or built-up structures that contain controlled substances, emissions are avoided to the extent possible by handling the foams or the substances contained therein in a way that ensures the destruction of those substances.

- (4) Where removal of the foams referred to in subsection (3) is not technically feasible, the building owner or contractor shall draw up documentation providing evidence on the infeasibility of the removal in the specific case.
- (5) Documentation drawn up under subsection (4) shall be kept for 5 years and shall be made available, upon request, to the enforcing authority.

Extended producer responsibility.

11B.(1) By 31 December 2027, the Minister shall ensure that the financing obligations for waste electrical and electronic equipment referred to in regulations 8 and 14O of the Environment (Waste) Regulations 2007 include the financing of the recovery, and the recycling, reclamation or destruction, of fluorinated greenhouse gases listed in Annexes I and II of the F-Gas Regulation from the products and equipment containing those gases which –

- (a) constitute waste electrical and electronic equipment within the meaning of the Environment (Waste) Regulations 2007; and;
 - (b) have been placed on the market from 11 March 2024.
- (2) For the purposes of subsection (1), the Minister may by regulations make provision for the implementation of extended producer responsibility schemes, including-
- (a) requiring producers, importers and distributors to finance the recovery of fluorinated greenhouse gases;
 - (b) prescribing the manner in which such financing is to be calculated and collected;
 - (c) establishing registers of producers and importers for the purposes of this section.”.

(9) After section 12 insert –

“Non-refillable containers.

12A.(1)A person does not commit an offence under section 4(5) of this Act if –

- (a) the import, export, placing on the market, subsequent supply or making available to another person within Gibraltar for payment or free of charge, or use of non-refillable containers for controlled substances, empty, or fully or partially filled, is for essential laboratory and analytical uses as referred to in Article 8 of the Ozone Regulation; or

- (b) such non-refillable container is stored or transported for subsequent disposal only.
 - (2) For the purposes of this section, "non-refillable containers" means-
 - (a) containers which cannot be refilled without being adapted for that purpose; and
 - (b) containers which could be refilled but are imported or placed on the market without provision having been made for their return for refilling.
 - (3) It shall be prohibited to re-export non-refillable containers that are prohibited pursuant to section 4(5) of this Act.
 - (4) A person placing on the market any controlled substances in refillable containers shall, at the time of placing on the market, prepare a declaration of conformity including evidence confirming the arrangements in place for the return of the container for the purpose of refilling.”
- (10) After section 13 insert –

“Reporting obligations.

- 13A.(1)By 31 March 2027 and every year thereafter, a person to whom Article 24 of the Ozone Regulation applies shall report to the enforcing authority the data specified in Annex VI of the Ozone Regulation for each ozone-depleting substance for the previous calendar year.
- (2) By 31 March 2027 and every year thereafter, a person to whom Article 26 of the F-Gas Regulation applies shall report to the enforcing authority the data specified in Annex IX of the F-Gas Regulation for each fluorinated greenhouse gas for the previous calendar year.
 - (3) The enforcing authority shall take appropriate measures to protect the confidentiality of the information submitted in accordance with this section.
 - (4) The Minister may by regulations specify the format and means of the reporting referred to in this section.”.

- (11) After section 14 insert –

“Regulation-Making Powers.

- 15.(1) The Minister may make regulations generally for the purposes of giving full effect to this Act, the Ozone Regulation and the F-Gas Regulation.
- (2) Without limiting subsection (1), regulations may-

- (a) prescribe forms for the purposes of this Act;
- (b) prescribe fees payable for licences, registrations, certificates and other matters under this Act;
- (c) amend the Schedules of this Act to give effect to amendments to the EU Regulations.”.

(12) For the table in Schedule 2, substitute-

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Provision of the Ozone Regulation	Subject matter
Article 4(1)	Prohibitions related to ozone-depleting substances
Article 4(2)	Import and export prohibitions
Article 5(1)	Prohibitions related to products and equipment
Article 5(2)	Import and export of products and equipment
Article 6	Feedstock requirements
Article 7	Process agents requirements
Article 8	Essential laboratory and analytical uses
Article 9	Critical uses of halons
Article 10	Emergency use of methyl bromide
Article 11(2)	Decommissioning of fire protection systems
Article 11(3)	Decommissioning of products and equipment
Article 12	Destruction and reclamation requirements
Article 13	Import restrictions
Article 14	Export restrictions
Article 15(1)-(4)	Conditions for exemptions - non-refillable containers and labelling
Article 16	Licensing system requirements
Article 17	Trade controls
Article 19	Trade with non-Protocol States
Article 20(1)-(8)	Recovery and destruction of used ozone-depleting substances
Article 21	Release of ozone-depleting substances and leak checks

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(13) For the table in Schedule 3, substitute-

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Provision of the F-Gas Regulation	Subject matter
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Environmental Protection (Controls on Ozone-Depleting Substances)(Amendment) Bill
2026 [B. 09/26]

Article 4(1), (2), (3), (4), (5), (6), (7)	Prevention of emissions of fluorinated greenhouse gases
Article 5(1), (2), (3), (6), (7)	Leak checks
Article 6(1), (2), (3), (4)	Leakage detection systems
Article 7(1), (2), (3), (4), (5)	Record keeping
Article 8(1)-(13)	Recovery
Article 10	Certification and training
Article 11(1), (3), (5), (6), (7)	Restrictions on placing on the market and sale
Article 12(1)-(17)	Labelling and product and equipment information
Article 13(1)-(9)	Control of use
Article 14	Production limits
Article 16	Reduction of the quantity of hydrofluorocarbons placed on the market
Article 17	Allocation of quotas
Article 18	Conditions for registration and receiving quota allocations
Article 19	Pre-charging of equipment with hydrofluorocarbons
Article 21	Transfer of quotas and authorisation
Article 22	Imports and exports
Article 23	Trade controls
Article 25	Trade with non-Protocol States

”.

(13) Delete the entirety of Schedule 4.

EXPLANATORY MEMORANDUM

This Act amends the Environmental Protection (Controls on Ozone-Depleting Substances) Act 2014 to give effect in Gibraltar to Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer (the "Ozone Regulation") and Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases (the "F-Gas Regulation"), which repeal and replace the previous EU instruments implemented by the 2014 Act. The amendments update the statutory definitions, references, and regulatory framework to align with the new EU Regulations.

The Act introduces new provisions imposing recovery obligations on building owners and contractors during renovation, refurbishing, or demolition works involving foam panels or laminated boards containing ozone-depleting substances or fluorinated greenhouse gases, requiring emissions to be avoided and any recovery to be carried out by an appropriately qualified person.

The Act also mandates the establishment of extended producer responsibility schemes by 31 December 2027, requiring producers and importers of electrical and electronic equipment containing fluorinated greenhouse gases to finance the recovery, recycling, reclamation, or destruction of those substances. Enhanced penalty provisions require courts to have regard to the market value of unlawfully traded substances when determining fines, with minimum thresholds of five times (or eight times for repeated infringements) the market value of the goods concerned, reflecting the deterrent objectives of the EU Regulations.

Additional amendments establish licensing and registration requirements for persons engaged in the import, export, or use of controlled substances, with provision for connection to the EU electronic licensing system. New reporting obligations require annual submissions of data on ozone-depleting substances and fluorinated greenhouse gases to the enforcing authority.