

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5328 GIBRALTAR Thursday 16th July 2026

LEGAL NOTICE NO. 229 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

GIBRALTAR MERCHANT SHIPPING (MONITORING, REPORTING AND VERIFICATION OF EMISSIONS OF ADDITIONAL GREENHOUSE GASES AND EMISSIONS FROM ADDITIONAL SHIPS) (AMENDMENT) REGULATIONS 2026

In exercise of the powers conferred by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and all other enabling powers, and in order 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 on the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types, the Government has made the following Regulations.

PART 1 PRELIMINARY

Title and commencement.

1.(1) These Regulations may be cited as the Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Emissions of Additional Greenhouse Gases and Emissions from Additional Ships) (Amendment) Regulations 2026.

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

Interpretation.

2. In these Regulations –

“Implementation Date” shall have the meaning given in the European Union (Future Relationship) Act 2026.

PART 2 AMENDMENT OF REGULATION (EU) 2015/757

Amendment of Regulation (EU) 2015/757.

3. Commission Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC(b) is amended in accordance with the provisions of this Part.

Amendment of title and general amendment.

4.(1) The title is replaced with the following-

“Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of greenhouse gas emissions from maritime transport, and amending Directive 2009/16/EC”.

(2) Throughout the Regulation, except in Article 2, Article 5(2) and Article 21(5) and Annexes I and II, the term ‘CO₂’ is replaced by ‘greenhouse gas’ and any necessary grammatical changes made.

Amendment of Article 1.

5. Replace Article 1 with-

“This Regulation lays down rules for the accurate monitoring, reporting and verification of greenhouse gas emissions and of other relevant information from ships arriving at, within or departing from ports in Gibraltar, in order to promote the reduction of greenhouse gas emissions from maritime transport in a cost-effective manner.”

Amendment of Article 2.

6.(1) In Article 2, paragraph 1 is replaced with-

“1. This Regulation applies to ships of 5 000 gross tonnage and above in respect of the greenhouse gas emissions released during their voyages for transporting for commercial purposes cargo or passengers from such ships’ last port of call to a port of call in Gibraltar and from a port of call in Gibraltar to their next port of call, as well as within ports of call in Gibraltar.”

(2) In Article 2, after Paragraph 1 insert-

“1a. This Regulation shall also apply to general cargo ships below 5 000 gross tonnage but not below 400 gross tonnage in respect of the greenhouse gas emissions released during their voyages for transporting cargo for commercial purposes from their last port of call to a port of call in Gibraltar and from a port of call in Gibraltar to their next port of call, as well as within ports of call in Gibraltar, and to offshore ships below 5 000 gross tonnage but not below 400 gross tonnage in respect of the greenhouse gas emissions released during their voyages from their last port of call to a port of call in Gibraltar and from a port of call in Gibraltar to their next port of call, as well as within ports of call in Gibraltar.

1b. This Regulation shall apply to offshore ships of 5 000 gross tonnage and above in respect of the greenhouse gas emissions released during their voyages from their last port of call to a port of call in Gibraltar and from a port of call in Gibraltar to their next port of call, as well as within ports of call in Gibraltar.

1c. The greenhouse gases covered by this Regulation are:

- (a) carbon dioxide (CO₂);
- (b) with regard to emissions released from 2024 onwards, methane (CH₄); and
- (c) with regard to emissions released from 2024 onwards, nitrous oxide (N₂O).

Where this Regulation refers to total aggregated emissions of greenhouse gases or total aggregated greenhouse gas emitted, it shall be understood as referring to the total aggregated amounts of each gas separately.”.

Amendment of Article 3.

7.(1) In Article 3 points (a) to (d) are replaced with the following-

- “(a) “greenhouse gas emissions” means the release of the greenhouse gases covered by this Regulation in accordance with Article 2(1c), first subparagraph, by ships;
- “(b) “port of call” means the port where a ship stops to load or unload cargo or to embark or disembark passengers, excluding stops solely for the purposes of refuelling, obtaining supplies, relieving the crew, going into dry-dock or making repairs to the ship and/or its equipment, stops in port because the ship is in need of assistance or in distress, ship-to-ship transfers carried out outside ports, stops for the sole purpose of taking shelter from adverse weather or rendered necessary by search and rescue activities;
- “(c) “voyage” means any movement of a ship that originates from or terminates in a port of call;
- “(d) “company” means the shipowner or any other organisation or person, such as the manager or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the shipowner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed by the International Safety Management Code;”

(2) In Article 3, point (m) is replaced by the following-

- “(m) “reporting period” means the period from 1 January until 31 December of any given year; for voyages starting and ending in two different years, the respective data shall be accounted under the year concerned;”.

(3) in Article 3, after point (o) insert–

- “(p) ‘the Minister’ means the Minister with responsibility for shipping.”.

Amendment of Article 5.

8.(1) In Article 5, replace paragraph 2 with –

“2. The Minister may make Orders to amend Annexes I and II to this Regulation, in order to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation, and amendments to relevant European Union legislation, as well as to align those Annexes to international and European standards.”.

(2) In Article 5, after paragraph 2 insert-

“3. The Minister shall take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation, as referred to in paragraph 2. The methods for monitoring CH₄ and N₂O emissions shall be based on the same principles as the methods for monitoring CO₂ emissions as set out in Annex I to this Regulation, with any adjustments necessary to reflect the nature of the relevant greenhouse gas. The methods set out in Annex I to this Regulation and the rules set out in Annex II to this Regulation shall, where appropriate, be aligned to international and European standards.”.

Amendment of Article 6.

9.(1) In Article 6, replace point (b) of paragraph 3 with-

“(b) the name of the company and the address, telephone and email details of a contact person and the IMO unique company and registered owner identification number;”.

(2) In Article 6, replace paragraph 5 with-

“5. Companies shall use standardised monitoring plans based on templates, and they shall submit those plans using automated systems and data exchange formats. Those templates, including the technical rules for their uniform application, and the technical rules for their automatic submission, shall be in the form specified in Orders made by the Minister. The form of the Orders shall be in accordance with the examination procedure referred to in Article 24(2).”

(3) In Article 6, after paragraph 5 insert-

“6. Companies shall, for each of their ships falling within the scope of this Regulation, submit to the Minister a monitoring plan that has been assessed as being in conformity with this Regulation by the verifier and that reflects the inclusion of CH₄ and N₂O emissions within the scope of this Regulation.

7. Notwithstanding paragraph 6, for ships falling within the scope of this Regulation for the first time after 1 January 2024, companies shall submit a monitoring plan in conformity with the requirements of this Regulation to the Minister without undue delay and no later than three months after each ship's first call in a port in Gibraltar.
8. By 6 June 2025, the Minister shall approve the monitoring plans submitted by companies in accordance with Orders issued by the Minister pursuant to paragraph 10. For ships falling within the scope of this Regulation for the first time after 1 January 2024, the Minister shall approve the submitted monitoring plan within four months of the ship's first call in a port in Gibraltar, in accordance with Orders issued by the Minister pursuant to paragraph 10.
9. By 1 October 2023, the Minister may make Orders to amend Articles 6 to 10 as regards the rules contained in those Articles for monitoring plans, to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation.
10. The Minister may make Orders to amend or supplement this Regulation concerning rules for the approval of monitoring plans.”.

Amendment to Article 7.

10.(1) In Article 7, replace paragraph 4 with-

- “4. Modifications of the monitoring plan under paragraph 2, points (b), (c) and (d), of this Article shall be subject to assessment by the verifier in accordance with Article 13(1). Following the assessment, the verifier shall notify the company as to whether those modifications are in conformity. The company shall submit its modified monitoring plan to the Minister once it has received a notification from the verifier that the monitoring plan is in conformity.”.

(2) In Article 7, after paragraph 5 insert-

- “5a. The Minister shall approve modifications of the monitoring plan under paragraph 2, points (a) to (d), in accordance with Orders made by the Minister pursuant to paragraph 5b.
- 5b. The Minister may make Orders to amend or supplement this Regulation concerning rules for the approval of changes in the monitoring plans.”.

Amendment of Article 11.

11.(1) In Article 11, after paragraph 1 insert-

- “1a. From 2025, by 31 March of each year, companies shall, for each ship under their responsibility, submit to the Minister, and to the authorities of the flag States concerned for ships flying the flag of a Member State, an emissions report for the

entire reporting period of the previous year, which has been verified as satisfactory by a verifier in accordance with Article 13. The Minister may require companies to submit their emissions reports by a date earlier than 31 March, but not earlier than by 28 February.”.

(2) In Article 11, replace paragraph 2 with-

“2. Where there is a change of company, the previous company shall submit to the Minister, to the authorities of the flag States concerned for ships flying the flag of a Member State, to the new company, as close as practicable to the day of the completion of the change and no later than three months thereafter, a verified report covering the same elements as the emissions report referred to in paragraph 1, but limited to the period corresponding to the activities carried out under its responsibility.”.

(3) In Article 11, after paragraph 3 insert-

“4. By 1 October 2023, the Minister may make Orders to amend Articles 11 and 12 concerning the rules for reporting to take into account the inclusion of CH₄ and N₂O emissions, as well as the inclusion of greenhouse gas emissions from offshore ships, within the scope of this Regulation.”.

Amendment of Article 12.

12.(1) In Article 12, replace the title with-

“Format of the emissions report”.

(2) In Article 12, replace paragraph 1 with-

“1. The emissions report shall be submitted using automated systems and data exchange formats, including electronic templates.”.

Amendment of Article 13.

13. In Article 13, replace paragraph 2 with-

“2. The verifier shall assess the conformity of the emissions report and the report referred to in Article 11(2) with the requirements laid down in Articles 8 to 12 and Annexes I and II.”.

Amendment of Article 14.

14. In Article 14, replace paragraph 2(d) with-

(d) the calculations leading to the determination of the overall greenhouse gas emissions;”.

Amendment of Article 16.

15. In Article 16, replace paragraph 1 with-

- “1. Verifiers that assess the monitoring plans, the emissions reports, the reports referred to in Article 11(2) of this Regulation, and issue the verification reports referred to in Article 13(3) of this Regulation and documents of compliance referred to in Article 17(1) of this Regulation shall be accredited for activities within the scope of this Regulation by a national accreditation body pursuant to Regulation (EC) No 765/2008.”.

Insertion of Article 18A and 18B.

16.(1) After Article 18 insert—

“Article 18A

Compliance with monitoring and reporting requirements and inspections

1. Based on the information published in accordance with Article 21(1), the Minister shall take all the measures necessary to ensure compliance with the monitoring and reporting requirements set out in Articles 8 to 12 by ships flying its flag. The Minister shall have regard to the fact that a document of compliance has been issued for the ship concerned, in accordance with Article 17(4), as evidence of such compliance.
2. The Minister shall ensure that any inspection of a ship in a port in Gibraltar carried out in accordance with Directive 2009/16/EC includes checking that a valid document of compliance is carried on board.
3. For each ship in respect of which the information referred to in points (i) and (j) of Article 21(2), is not available at the time when it enters a port in Gibraltar, the Minister concerned may check that a valid document of compliance is carried on board.

Article 19

Penalties, information exchange and expulsion order

1. The Minister shall set up a system of penalties for failure to comply with the monitoring and reporting obligations set out in Articles 8 to 12 and shall take all the measures necessary to ensure that those penalties are imposed. The penalties provided for shall be effective, proportionate and dissuasive.
2. The Minister shall establish an effective exchange of information and effective cooperation between Gibraltar and other national authorities responsible for ensuring compliance with monitoring and reporting obligations or, where

applicable, their authorities entrusted with penalty procedures. Any penalty procedures in Gibraltar against a specified ship by any Member State shall be notified to the Commission, the European Maritime Safety Agency (EMSA), to the other Member States and to the flag State concerned.

3. Where, after two or more consecutive reporting periods, a ship which should have complied with the monitoring and reporting obligations has failed to do so and where other enforcement measures have failed to ensure compliance, the competent authority of the port of entry may, after giving the ship concerned an opportunity to submit its observations, issue an expulsion order against that ship, which shall be notified to the Captain of the Port of Gibraltar, the European Commission and the European Maritime Safety Agency. As a result of the issue of such an expulsion order, every port in Gibraltar may refuse entry to the ship concerned until the company fulfils its monitoring and reporting obligations in accordance with Article 11, as confirmed by the verifier. Fulfilment of those obligations shall be confirmed by the release of a valid document of compliance to the competent authority which issued the expulsion order. This paragraph shall apply to ships flying the flag of a country that is not a Member State without prejudice to applicable international rules.
- 3a. The flag State concerned for ships flying the flag of a Member State, where different to Gibraltar, or the third-country flag State, shall be notified of any expulsion order issued against a ship flying its flag.
- 3b. Where a ship falling within the scope of paragraph 3a of this Article fails to comply with the monitoring and reporting obligations for two or more consecutive reporting periods and other enforcement measures have failed to secure compliance, the competent authority of the flag State, where a ship flies the flag of Gibraltar, may, after giving the ship concerned an opportunity to submit its observations, issue an order of detention against that ship, which shall remain in force until the company fulfils its obligations.
- 3c. Refusal of entry to a port of call, as referred to in paragraph 3, shall not apply where a ship needs to enter a port for safety reasons, for securing an anchorage, or to resolve emergency situations.
4. The shipowner or operator of a ship or its representative in Gibraltar shall have the right to an effective remedy before a court or tribunal against an expulsion order and shall be properly informed thereof by the competent authority in Gibraltar of the port of entry. The Minister shall establish and maintain appropriate procedures for this purpose.

Amendment of Article 21.

17. In Article 21, replace paragraph 2(a) with-

“(a) the identity of the ship (name, company, IMO identification number and port of registry or home port);”.

PART 3
**AMENDMENT OF THE GIBRALTAR MERCHANT SHIPPING (MONITORING,
REPORTING AND VERIFICATION OF CARBON DIOXIDE) (EU EXIT)
(AMENDMENT) REGULATIONS 2020**

Amendment of the Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide) (EU Exit) (Amendment) Regulations 2020.

18. The Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide) (EU Exit) (Amendment) Regulations 2020 are amended in accordance with the provisions of this Part.

Amendment of title.

19. The title of “Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide) (EU Exit) (Amendment) Regulations 2020” shall be amended to “Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Emissions of Additional Greenhouse Gases and Emissions from Additional Ships) (EU Exit) Regulations 2020.”.

Amendment of regulation 3.

20. After regulation 3(1) insert-

“(1A) These Regulations shall also apply to general cargo ships below 5000 gross tonnage but not below 400 gross tonnage and offshore ships below 5000 gross tonnage and above, to which the EU Regulation applies.”.

Amendment of regulation 6.

21. In regulation 6(2)(a) replace “Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide) (EU Exit) (Amendment) Regulations 2020” with “Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Emissions of Additional Greenhouse Gases and Emissions from Additional Ships) (EU Exit) Regulations 2020.”.

Dated: 16th July 2026.

G ARIAS VASQUEZ,
Minister with responsibility for the Port and Shipping.

EXPLANATORY MEMORANDUM

These Regulations amend Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015, to the extent applicable in Gibraltar, in order to create equivalent domestic provision to Regulation (EU) 2023/957 of the European Parliament and of the Council of 10 May 2023, insofar as it relates to the monitoring, reporting and verification of emissions of additional greenhouse gases and emissions from additional ship types. The Regulations also make consequential amendments to the Gibraltar Merchant Shipping (Monitoring, Reporting and Verification of Carbon Dioxide) (EU Exit) Regulations 2020.