

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5326 GIBRALTAR Tuesday 14th July 2026

LEGAL NOTICE NO. 193 OF 2026

MERCHANT SHIPPING ACT

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

MERCHANT SHIPPING (PORT STATE CONTROL) (AMENDMENT) REGULATIONS 2026

In exercise of the powers conferred on it 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 the Minister with responsibility for the Port, on behalf of the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Merchant Shipping (Port State Control) (Amendment) Regulations 2026.

Commencement.

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

Interpretation.

3. In these Regulations “Implementation Date” has the meaning given in section 3(1) of the European Union (Future Relationship) Act 2026.

Amendment of the Merchant Shipping (Port State Control) Regulations 2011.

4. The Merchant Shipping (Port State Control) Regulations 2011 are amended in accordance with the provisions of these Regulations.

Amendment of Regulation 2.

5. In regulation 2 after the definition of “framework and procedures for the Voluntary IMO Member State Audit Scheme” insert-

““FuelEU Document of Compliance” means the document issued to a company in respect of a ship under regulation 26 of the Gibraltar Merchant Shipping (Renewable and Low-Carbon Fuels in Maritime Transport) Regulations 2026, confirming that the ship has no outstanding compliance deficit or that any applicable FuelEU penalty has been paid;”.

Amendment of Schedule 4.

6. After the entry relating to the International Energy Efficiency Certificate, insert—

“58A. FuelEU Document of Compliance issued in accordance with the Gibraltar Merchant Shipping (Renewable and Low-Carbon Fuels in Maritime Transport) Regulations 2026 or an equivalent document issued by an EU Member State or an EEA State under Regulation (EU) 2023/1805.”

Transitional provision.

7.(1) No enforcement action shall be taken under regulation 26 of the Gibraltar Merchant Shipping (Renewable and Low-Carbon Fuels in Maritime Transport) Regulations 2026 solely by reason of the failure to carry a FuelEU Document of Compliance until the first verification period following the coming into operation of those Regulations has concluded.

(2) During the transitional period referred to in paragraph (1), port state control inspectors may issue an observation or a recommendation in respect of any ship that does not carry a FuelEU Document of Compliance or an equivalent document.

Dated: 14th July 2026.

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

EXPLANATORY MEMORANDUM

These Regulations amend the Merchant Shipping (Port State Control) Regulations 2011 to add the FuelEU Document of Compliance to the certificates and documents to be verified during a port State inspection carried out in accordance with Directive 2009/16/EC, giving effect to Article 25(2) and Article 28 of Regulation (EU) 2023/1805. The verification is confined to confirming that a valid FuelEU Document of Compliance (or an equivalent document issued by an EU Member State or an EEA State) is carried on board. The substantive inspection, verification, detention, expulsion and refusal-of-access powers in connection with the FuelEU

regime are contained in the Gibraltar Merchant Shipping (Renewable and Low-Carbon Fuels in Maritime Transport) Regulations 2026, and are not conferred by these Regulations. This preserves the established scope of the port State control framework under Directive 2009/16/EC and the Paris Memorandum of Understanding on Port State Control.

