

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5289 GIBRALTAR Thursday 19th March 2026

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LEGAL NOTICE NO. 47 OF 2026

## ENVIRONMENT ACT 2005

### OZONE DEPLETING SUBSTANCES (QUALIFICATIONS) (AMENDMENT) REGULATIONS 2026

In exercise of the powers conferred upon it under section 18 of the Environment Act 2005, for the purposes of giving effect to Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases and Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer, the Government has made the following Regulations—

#### PART 1 GENERAL PROVISIONS

##### **Title.**

1. These Rules may be cited as the Ozone Depleting Substances (Qualifications) (Amendment) Regulations 2026.

##### **Commencement.**

2. These Regulations come into operation on the day to be appointed by the Minister in the Gazette.

##### **Interpretation.**

3. In these Regulations—

"the Principal Regulations" means the Ozone Depleting Substances (Qualifications) Regulations 2014;

"the F-Gas Regulation" means Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases;

"the 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.

"Excess" has the meaning given to that term in regulation 15(2).

##### **Amendment of the Ozone Depleting Substances (Qualifications) Regulations 2014.**

4.(1) The Principal Regulations are amended in accordance with the provisions of these Regulations.

(2) In regulation 2-

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

(b) after the definition of Minister insert –

““natural refrigerant” means a refrigerant that occurs naturally in the environment, including ammonia, carbon dioxide, hydrocarbons and water,”;

(c) for the definition of “Ozone Regulation” substitute “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”;

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

““refresher course” means a course of training designed to update the knowledge and skills of a person holding a certificate or training attestation under these Regulations;

“training attestation” means a document evidencing that a natural person has successfully completed a training programme covering the minimum requirements specified by the Minister.”.

(3) For the entirety of regulation 3 substitute -

**“Meaning of “competent.”**

3.(1) For the purposes of these Regulations-

(a) a person is competent to carry out relevant work whilst performing a task specified in column 1 of Part 1 of the Schedule in respect of the equipment specified in the corresponding entry in column 2 of that Part if that person holds a certificate issued in accordance with a certification programme established under regulation 6B, including where such work involves natural refrigerants or other alternatives to fluorinated greenhouse gases;

(b) a person is competent to carry out relevant work whilst performing a task specified in column 1 of Part 2 of the Schedule in respect of the equipment specified in the corresponding entry in column 2 of that Part if that person holds at least a training attestation issued in accordance with a training programme established under regulation 6C;

- (c) a person is competent to carry out any other relevant work to which paragraphs (a) and (b) do not apply if that person has obtained an in-house qualification in respect of that other relevant work; or
- (d) a person is competent to carry out work with methyl bromide if that person has obtained the minimum qualifications as set out by the Minister by notice in the Gazette.

(1A) A person who holds a certificate or training attestation issued in accordance with these Regulations shall participate in refresher courses or complete an evaluation process at least every 7 years in order to maintain competence.

(1B) The Minister shall, by notice in the Gazette, specify the requirements for refresher courses, which shall include-

- (a) updates to applicable regulations and technical standards;
- (b) emission prevention techniques;
- (c) recovery of fluorinated greenhouse gases;
- (d) safe handling of equipment containing flammable or toxic gases or operating under high-pressure or involving other relevant risks;
- (e) safe handling of equipment containing natural refrigerants;
- (f) measures for improving or maintaining the energy efficiency of equipment during installation or maintenance or servicing.

(2) Such notice in the Gazette shall state the extent to which these Regulations apply.”.

(4) For the entirety of regulation 4, substitute-

**“Meaning of “relevant work”.**

4. In these Regulations, "relevant work" means any work which involves-

- (a) recovering, recycling, reclaiming or destroying controlled substances;
- (b) preventing or minimising the leakage of controlled substances other than work with methyl bromide;
- (c) installation, maintenance or servicing, repair or decommissioning of the following stationary equipment-
  - (i) refrigeration equipment;
  - (ii) air-conditioning equipment;

- (iii) heat pumps;
- (iv) fire protection equipment;
- (v) organic Rankine cycles;
- (vi) electrical switchgear;
- (d) installation, maintenance or servicing, repair or decommissioning of the following mobile equipment-
  - (i) refrigeration units of refrigerated trucks and refrigerated trailers;
  - (ii) refrigeration units of refrigerated light-duty vehicles, intermodal containers, including reefers, and train wagons;
- (e) leak checks of the equipment referred to in paragraphs (c) and (d);
- (f) recovery of fluorinated greenhouse gases as provided for in Article 8 of the F-Gas Regulation;
- (g) maintenance or servicing, or repair of air-conditioning equipment in motor vehicles, and recovering of fluorinated greenhouse gases from such equipment;
- (h) maintenance or servicing, repair and leak checks of air-conditioning equipment and heat pumps in heavy duty vehicles, vans, non-road mobile machinery used in agriculture, mining and construction operations, trains, metros, trams and aircraft;
- (i) work involving relevant alternatives to fluorinated greenhouse gases, including natural refrigerants, where such work is connected to any of the activities in paragraphs (c) to (h).”.

(5) In regulation 6(5), for paragraph (a) substitute –

“(a) “relevant job” means-

- (i) relevant work involving a task specified in column 1 of Part 2 of the Schedule in respect of the equipment specified in the corresponding entry in column 2 of that Part for which a training attestation is required; or
- (ii) relevant work not involving any task specified in column 1 of Part 1 or Part 2 of the Schedule;”.

(6) After regulation 6A, insert-

**“Certification programmes - establishment and adaptation.**

- 6B.(1) Within 1 year following the commencement of this regulation, the Minister shall establish or adapt certification programmes, including evaluation processes, for natural persons carrying out the activities referred to in Part 1 of the Schedule.
- (2) The Minister shall ensure that training on practical skills and theoretical knowledge is available for natural persons carrying out the activities referred to in regulation 4.
- (3) The certification programmes and training on practical skills and theoretical knowledge shall cover the following-
- (a) applicable regulations and technical standards;
  - (b) emission prevention;
  - (c) recovery of fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II of the F-Gas Regulation;
  - (d) safe handling of equipment of the type and size covered by the certificate;
  - (e) safe handling of equipment containing flammable or toxic gases or operating under high-pressure or involving other relevant risks;
  - (f) measures for improving or maintaining the energy efficiency of equipment during installation, or maintenance or servicing;
  - (g) information on relevant technologies to replace or reduce the use of fluorinated greenhouse gases and their safe handling, including natural refrigerants.
- (4) Certificates under the certification programmes referred to in subsection (1) shall be subject to the condition that the applicant has successfully completed an evaluation process as referred to in that subsection.

**Training attestations.**

- 6C.(1) The Minister shall ensure that training programmes for obtaining training attestations are available for natural persons carrying out the activities referred to in Part 2 of the Schedule.
- (2) A person who holds only a training attestation shall not carry out activities for which a full certificate is required under regulation 3(1)(a) and Part 1 of the Schedule.

**Mutual recognition of certificates and training attestations.**

6D.(1) Certificates and training attestations issued in a Member State or the United Kingdom in accordance with Article 10 of the F-Gas Regulation shall be valid in Gibraltar.

(2) Where the obligations under these Regulations relating to the provision of certification and training would impose disproportionate burdens on Gibraltar because of the small size of its population and the consequent lack of demand for such certification and training, compliance may be achieved through the recognition of certificates issued in other States.”.

(7) For the entirety of the Schedule in the Principal Regulations substitute-

**“SCHEDULE**

Regulations 3(a) and 6(5)

**TABLE OF RELEVANT WORK**

**PART 1 - ACTIVITIES REQUIRING FULL CERTIFICATION**

Activities for which natural persons must hold a certificate issued in accordance with these Regulations.

<b>Column 1 - Tasks</b>	<b>Column 2 - Equipment</b>
Installation, maintenance or servicing, repair and leak checks	Stationary refrigeration equipment Stationary air-conditioning equipment Stationary heat pump equipment Stationary fire protection equipment Organic Rankine cycles Stationary electrical switchgear Commercial and domestic refrigerators and freezers which are stationary at all times when in operation Portable refrigeration, air-conditioning and heat pump equipment
Installation, maintenance or servicing, repair and leak checks of mobile equipment	Refrigeration units of refrigerated trucks and refrigerated trailers Refrigeration units of refrigerated light-duty vehicles Refrigeration units of intermodal containers, including reefers Refrigeration units of train wagons

Decommissioning	<p>Refrigeration, air-conditioning and heat pump equipment which is stationary at all times when in operation and which can only be dismantled at the place at which the equipment is used</p> <p>Refrigeration units of refrigerated trucks and refrigerated trailers</p> <p>Refrigeration units of refrigerated light-duty vehicles</p> <p>Refrigeration units of intermodal containers, including reefers</p> <p>Refrigeration units of train wagons</p>
Recovery of fluorinated greenhouse gases and ozone-depleting substances	<p>The cooling circuits of stationary refrigeration, stationary air-conditioning and stationary heat pump equipment</p> <p>The cooling circuits of refrigeration units of refrigerated trucks and refrigerated trailers</p> <p>Equipment containing fluorinated greenhouse gas-based solvents</p> <p>Fire protection equipment</p> <p>Electrical switchgear</p>

**PART 2 - ACTIVITIES REQUIRING TRAINING ATTESTATION ONLY**

Activities for which natural persons must hold at least a training attestation issued in accordance with these Regulations.

<b>Column 1 - Tasks</b>	<b>Column 2 - Equipment</b>
Maintenance or servicing, repair and recovery of fluorinated greenhouse gases	Air-conditioning equipment in motor vehicles falling within the scope of Directive 2006/40/EC
Recovery of fluorinated greenhouse gases	<p>The cooling circuits of refrigeration units of refrigerated light-duty vehicles</p> <p>The cooling circuits of intermodal containers, including reefers</p> <p>The cooling circuits of train wagons</p> <p>Air-conditioning equipment in road vehicles not falling within the scope of Directive 2006/40/EC</p>
Maintenance or servicing, repair and leak checks	<p>Air-conditioning equipment and heat pumps in heavy duty vehicles</p> <p>Air-conditioning equipment and heat pumps in vans</p> <p>Air-conditioning equipment and heat pumps in non-road mobile machinery used in agriculture, mining and construction operations</p>

	Air-conditioning equipment and heat pumps in trains, metros and trams
	Air-conditioning equipment and heat pumps in aircraft
Maintenance or decommissioning	Fire protection systems and fire extinguishers (where not otherwise requiring full certification)

### **PART 3 – INTERPRETATION**

#### 1. In this Schedule-

- (a) "Directive 2006/40/EC" means Directive 2006/40/EC of the European Parliament and of the Council of 17 May 2006 relating to emissions from air-conditioning systems in motor vehicles;
- (b) "heavy duty vehicle" means a motor vehicle with a mass exceeding 3.5 tonnes that is designed and constructed primarily to carry goods or passengers;
- (c) "intermodal container" means a container designed for the transport of cargo by two or more modes of transport;
- (d) "light-duty vehicle" means a motor vehicle with a mass of 3.5 tonnes or less that is designed and constructed primarily to carry goods;
- (e) "non-road mobile machinery" means any mobile machine, transportable equipment or vehicle with or without bodywork that is not intended for carrying passengers or goods on roads, and which is equipped with an internal combustion engine or electric motor;
- (f) "organic Rankine cycle" means a cycle containing condensable substances converting heat from a heat source into power for the generation of electric or mechanical energy;
- (g) "reefer" means a refrigerated intermodal container;
- (h) "refrigerated trailer" means a vehicle that is designed and constructed to be towed by a road vehicle or a tractor, primarily to carry goods and that is equipped with a refrigeration unit;
- (i) "refrigerated truck" means a motor vehicle with a mass exceeding 3.5 tonnes that is designed and constructed primarily to carry goods and that is equipped with a refrigeration unit.

#### 2. References in this Schedule to installation, maintenance or servicing, repair, leak checks, recovery or decommissioning include activities involving-

- (a) fluorinated greenhouse gases listed in Annex I and Section 1 of Annex II of the F-Gas Regulation;
- (b) ozone-depleting substances listed in Annex I of the Ozone Regulation; and
- (c) natural refrigerants and other alternatives to fluorinated greenhouse gases, where such work is connected to any of the activities in Part 1 or Part 2 of this Schedule.”.

**Transitional provisions.**

5.(1) Any certificate or training attestation issued in accordance with Regulation (EU) No 517/2014 or the Principal Regulations as in force immediately before the commencement of these Regulations shall remain valid, in accordance with the conditions under which it was originally issued, until such time as the holder is required to participate in refresher courses or complete an evaluation process in accordance with regulation 3(1A) of the Principal Regulations (as amended by these Regulations).

(2) Any person who holds a certificate or training attestation under subsection (1) shall participate in refresher courses or complete evaluation processes for the first time no later than 12 March 2029.

(3) After undertaking the refresher course or evaluation processes under sub-regulation (2), a certified person shall participate in refresher courses or complete an evaluation process at least every 7 years.

Dated: 19<sup>th</sup> March 2026.

PROF J CORTES,  
Minister with responsibility for the Environment,  
for the Government.

### EXPLANATORY MEMORANDUM

These Regulations amend the Ozone Depleting Substances (Qualifications) Regulations 2014 to bring Gibraltar law into alignment with Regulation (EU) 2024/573 on fluorinated greenhouse gases (the "F-Gas Regulation"), which repealed Regulation (EU) No 517/2014.

The Regulations update all references to Regulation (EU) No 517/2014 to refer to the F-Gas Regulation. They also expand the scope of "relevant work" to include new equipment categories required by Article 5(2)-(3) and Article 8 of the F-Gas Regulation, including organic Rankine cycles, refrigerated light-duty vehicles, intermodal containers, train wagons, and aircraft.

A new regulation 3(1A) requires certificate and attestation holders to participate in refresher courses or complete an evaluation process at least every 7 years, as required by Article 10(9) of the F-Gas Regulation. In addition, the scope of certification is extended to include work involving natural refrigerants and other alternatives to fluorinated greenhouse gases, as required by Article 10(1) of the F-Gas Regulation.

The Regulations also require the Minister to establish or adapt certification programmes within 1 year following the entry into force of the Regulations, and provide for training attestations for certain mobile equipment activities, as required by Article 10(2) of the F-Gas Regulation.

The Regulations permit Gibraltar to rely on recognition of certificates from other States where establishing its own certification programmes would be disproportionate, as permitted by Article 10(13) of the F-Gas Regulation.

In addition, provisions have been included to require existing certificate holders to complete refresher training for the first time no later than 12 March 2029, and thereafter every 7 years.