

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5326 GIBRALTAR Tuesday 14th July 2026

LEGAL NOTICE NO. 191 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

GIBRALTAR MERCHANT SHIPPING (SAFETY, ETC) ACT (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 on the use of renewable and low-carbon fuels in maritime transport, makes the following Regulations:

Title.

1. These Regulations may be cited as the Gibraltar Merchant Shipping (Safety, etc.) Act (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 Treaty on Gibraltar and the European Union Act 2026.

Amendment of the Gibraltar Merchant Shipping (Safety, etc.) Act 1993.

4. The Gibraltar Merchant Shipping (Safety, etc.) Act 1993 is amended in accordance with the provisions of these Regulations.

Insertion of new Section 98A.

5. After section 98 insert-

“Financial Penalties for Greenhouse Gas Intensity Non-Compliance.

- 98A.(1) The Minister may, by regulations, make provision for the imposition of financial penalties (“FuelEU penalties”) on companies in respect of ships which fail to comply with requirements relating to the greenhouse gas intensity of the energy used on board, or requirements relating to the use of onshore power supply

or zero-emission technologies at berth, as may be prescribed by or under such regulations.

- (2) Regulations under subsection (1) may provide for—
- (a) the calculation of FuelEU penalties by reference to formulae or methodology prescribed in or under those regulations, including by reference to the compliance balance of a ship, the actual greenhouse gas intensity of the energy used on board, and such penalty rates as may be specified;
 - (b) the progressive increase of penalties where a ship has a compliance deficit for two or more consecutive reporting periods;
 - (c) the imposition of penalties for failure to connect to onshore power supply or to use zero-emission technologies at berth, as required by such regulations;
 - (d) the designation of the administering authority, the Maritime Administrator, the Gibraltar Port Authority, or another body as the authority responsible for the imposition, collection and enforcement of FuelEU penalties, and for such other administrative functions as may be prescribed ;
 - (e) the establishment and maintenance of a database for the recording of compliance data, verification activities and penalties;
 - (f) the issuance of documents of compliance and the consequences of failure to carry such documents, including the power to detain or refuse access to the Port of Gibraltar to non-compliant ships;
 - (g) the allocation and use of revenues derived from FuelEU penalties for purposes connected with the promotion of renewable and low-carbon fuels in the maritime sector and the reduction of greenhouse gas emissions from ships;
 - (h) the recognition of documents of compliance and equivalent certificates issued by EU Member States, EEA States, or other jurisdictions;
 - (i) such incidental, supplemental, consequential and transitional provision as the Minister considers necessary or expedient.
- (3) A FuelEU penalty imposed under regulations made under subsection (1) shall be recoverable as a civil debt due to the Government.
- (4) Without prejudice to the generality of subsection (1), regulations under that subsection may—

- (a) apply, with or without modification, any provision of this Act or any regulations made under this Act;
- (b) create offences for failure to comply with any requirement of the regulations, punishable on summary conviction by a fine not exceeding level 5 on the standard scale, or on conviction on indictment by a fine;
- (c) make provision for the detention of a ship in the Port of Gibraltar where a company has failed to pay a FuelEU penalty or where the ship does not carry a valid document of compliance;
- (d) make different provision for different cases, circumstances, or descriptions of ship.

(5) In this section—

“administering authority” means the Gibraltar Port Authority, or such other body as may be designated by regulations made under subsection (1);

“company” means the shipowner or any other organisation or person that has assumed responsibility for the operation of the ship from the shipowner and that, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code;

“compliance balance” has the meaning given in regulations made under subsection (1);

“FuelEU penalty” has the meaning given in regulations made under subsection (1);

“greenhouse gas” means carbon dioxide, methane and nitrous oxide;

“greenhouse gas intensity” means the amount of greenhouse gas emissions, expressed in grams of CO₂ equivalent per megajoule (gCO₂eq/MJ), attributable to the energy used on board a ship, calculated on a well-to-wake basis;

“Maritime Administrator” means the Gibraltar Maritime Administrator;

“onshore power supply” means the provision of electricity from the shore to a ship at berth;

“zero-emission technology” means a technology that does not produce direct tank-to-wake greenhouse gas emissions during operation.”.

Amendment of Section 118.

6. After subsection (2) insert-

“(3) Without prejudice to the generality of this section, regulations under this Act may make provision for giving effect to, or otherwise in connection with, any requirement of Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC, or any equivalent international standard or agreement relating to the greenhouse gas intensity of energy used on board ships, as the Minister considers appropriate.”.

Dated: 14th July 2026.

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

EXPLANATORY MEMORANDUM

The Gibraltar Merchant Shipping (Safety, etc.) Act (Amendment) Regulations 2026, make provision for the domestic implementation the substantive requirements of Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC. The Regulations amend the primary legislation to provide express enabling powers for the FuelEU penalty regime. The new section 98A provides a comprehensive enabling power authorising the Minister to make regulations for the imposition, calculation, collection and enforcement of FuelEU penalties, and for the allocation of penalty revenues to purposes connected with the promotion of renewable and low-carbon fuels in the maritime sector.

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