

FIRST SUPPLEMENT TO THE GIBRALTAR GAZETTE

No.

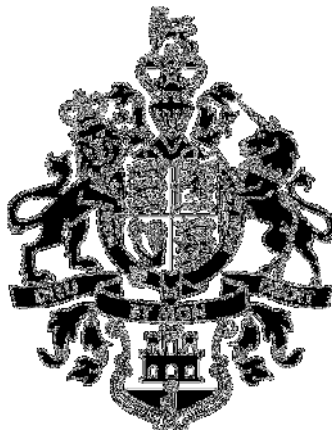
GIBRALTAR

2026



I ASSENT,

GOVERNOR.



GIBRALTAR

No. 15 of 2026

AN ACT to provide for the restoration of ecosystems in Gibraltar; to establish binding restoration targets; to require the preparation and implementation of a National Restoration Plan; 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 and for connected purposes.

ENACTED by the Legislature of Gibraltar.

**PART I
PRELIMINARY**

Short Title.

1. This Act may be cited as the Nature Restoration Act 2026.

Commencement.

2. This Act comes into operation on such date as the Minister may appoint by notice published in the Gazette and different days may be appointed for different provisions or different purposes.

Interpretation.

- 3.(1) In this Act, unless the context otherwise requires—

“British Gibraltar territorial waters” or “BGTW” has the meaning given to that expression in Section 2(1) of the Nature Protection Act;

“decline of pollinator populations” means a decrease in abundance or diversity, or both, of pollinators;

“degraded ecosystem” means an ecosystem in which the quality or extent of habitats or the population and conservation status of species have significantly declined from a reference condition;

“EU Regulation” means Regulation (EU) 2024/1991 of the European Parliament and of the Council of June 24 2024 on nature restoration and amending Council Regulation (EU) 2022/869 and Commission Regulation (EC) 865/2006 as amended from time to time;

“ecosystem” means a dynamic complex of plant, animal, fungi and micro-organism communities and their non-living environment interacting as a functional unit, and includes habitat types, habitats of species and species populations;

“favourable conservation status for a habitat” means favourable conservation status within the meaning of Article 1, point (e), of Directive 92/43/EEC;

“favourable conservation status for a species” means favourable conservation status within the meaning of Article 1, point (i), of Directive 92/43/EEC;

“favourable reference area” has the meaning given in Article 3 of the EU Regulation;

“forest ecosystem” means an ecosystem dominated by trees, including semi-natural and planted forests;

“good condition” as regards an area of a habitat type, a state where the key characteristics of the habitat type, in particular its structure, functions and typical species or typical species composition reflect the high level of ecological integrity, stability and resilience necessary to ensure its long-term maintenance and thus contribute to reaching or maintaining favourable conservation status for a habitat, where the habitat type concerned is listed in Annex I to Directive 92/43/EEC, and, in marine ecosystems, contribute to achieving or maintaining good environmental status;

“good environmental status” means good environmental status as defined in Article 3, point (5), of Directive 2008/56/EC;

“habitat of a species” means habitat of a species as defined in Article 1, point (f), of Directive 92/43/EEC;

“habitat type” means a terrestrial, freshwater, coastal or marine area distinguished by its geographic, abiotic and biotic features, whether entirely natural or semi-natural;

“marine ecosystem” means an ecosystem that is permanently or periodically covered by salt water, including coastal and offshore areas, as defined in the EU Regulation;

“Minister” means the Minister with responsibility for the Environment;

“National Restoration Plan” and the “Plan” mean a plan prepared and published under section 9;

“native tree species” means a tree species occurring within its natural range, past or present, and dispersal potential, i.e. within the range it occupies naturally or could occupy without direct or indirect introduction or care by humans;

“pollinator” means a wild insect that carries pollen from the anther of a plant to the stigma of a plant, thus allowing fertilisation;

“restoration” means the process of actively or passively assisting the recovery of an ecosystem in order to improve its structure and functions, with the aim of conserving or enhancing biodiversity and ecosystem resilience, through improving an area of a habitat type to good condition, re-establishing favourable reference area, and improving a habitat of a species to sufficient quality and quantity in accordance with Articles 4 and 5 of the EU Regulation, and meeting the targets and fulfilling the obligations under Articles 8 to 12 of the EU Regulation, including reaching satisfactory levels for the indicators referred to in those Articles;

“restoration measure” means any active or passive intervention aimed at improving the condition or extent of a habitat type or restoring a population of a species;

“sufficient quality” in relation to a habitat means the quality of a habitat of a species which allows the ecological requirements of a species to be met at any stage of its biological

cycle so that it is maintaining itself on a long-term basis as a viable component of its habitat in its natural range, contributing to reaching or maintaining favourable conservation status for a species listed in Annex II, IV or V to Directive 92/43/EEC and securing populations of wild bird species covered by Directive 2009/147/EC and, in addition, in marine ecosystems, contributing to achieving or maintaining good environmental status;

“terrestrial ecosystem” means an ecosystem that is not aquatic or marine;

“urban ecosystem” means an ecosystem within cities, towns and suburbs, including urban centres, urban clusters and, where appropriate, areas adjacent to urban centres or urban clusters, including at least all areas within 1 kilometre measured from the outer limits of those urban centres or urban clusters, and located in the same city or the same town and suburb as those urban centres or urban clusters;

“urban green space” means the total area of trees, bushes, shrubs, permanent herbaceous vegetation, lichens and mosses, ponds and watercourses found within cities, towns and suburbs, calculated on the basis of data provided by the Copernicus Land Monitoring Service under the Copernicus component of the Union Space Programme, established by Regulation (EU) 2021/696, and, if available, other appropriate supplementary data provided by the Government;

“urban tree canopy cover” means the total area of tree cover within cities, towns and suburbs, calculated on the basis of the Tree Cover Density data provided by the Copernicus Land Monitoring Service under the Copernicus component of the Union Space Programme, established by Regulation (EU) 2021/696, and, if available, other appropriate supplementary data provided by the Government.

(2) Unless the context otherwise requires, expressions in this Act, and which are also used in the EU Regulations shall have the meaning they bear in the EU Regulations.

PART II RESTORATION

Objectives and duties

Objectives.

4. The objectives of this Act are —

- (a) to halt and reverse the degradation of ecosystems;
- (b) to restore, protect and enhance biodiversity and ecosystem resilience;
- (c) to contribute to climate change mitigation and adaptation;
- (d) to secure the long-term provision of ecosystem services;

- (e) the protection, restoration and sustainable management of species and habitats; and
- (f) the achievement of the other targets and obligations set by or under the EU Regulation.

Duty to restore ecosystems.

5.(1) The Minister must take all reasonable steps to ensure that restoration measures are put in place for ecosystems within Gibraltar that are identified as being in need of restoration in accordance with the provisions of this Act.

(2) Restoration measures must be designed to achieve good condition in the long term.

(3) In exercising functions under this Act, the Minister must ensure that restoration measures do not result in a significant deterioration of the condition of any ecosystem.

Proportionality and practicability.

6.(1) The duties and targets imposed by or under this Act are to be implemented in accordance with the standards, objectives and outcomes set out by the EU Regulation to the extent practicable, having regard to—

- (a) Gibraltar’s geographical size and physical circumstances;
- (b) the limited extent, and interdependence of its ecosystems;
- (c) the predominantly urban character of Gibraltar; and
- (d) the availability of scientific, technical and financial resources.

(2) Subsection (1) does not permit the Minister to disapply or disregard—

- (a) the objectives in section 5; or
- (b) the restoration targets in section 8.

(3) Where full compliance with a restoration target is not achieved, the Minister must demonstrate that all reasonable measures were considered.

Restoration targets

Identification of ecosystems in need of restoration.

7. The Minister shall identify ecosystems within Gibraltar that are in need of restoration in accordance with the EU Regulation, and shall publish by Order in the Gazette any area so identified.

Restoration targets and obligations.

8. The Minister must ensure that effective and area-based restoration measures are in place for ecosystems within Gibraltar in need of restoration so that—

- (a) by 31 December 2030, at least 20% of such ecosystems are subject to restoration measures;
- (b) by 31 December 2050, restoration measures are in place for all such ecosystems.

**PART III
NATIONAL RESTORATION PLAN AND TARGETS**

National Restoration Plan

Preparation of National Restoration Plan.

9.(1) The Minister shall prepare and publish a National Restoration Plan by 1 September 2026.

(2) The Plan must include all elements specified in Article 15 of the EU Regulation, adapted to the circumstances of Gibraltar to the extent permitted by section 6 of this Act, including but not limited to—

- (a) quantification of areas and ecosystems in need of restoration;
 - (b) details on the restoration measures to be implemented;
 - (c) justification for any derogations applied as a result of Gibraltar’s circumstances;
 - (d) indicators, milestones and timeframes;
 - (e) benefits for climate change mitigation and adaptation;
 - (f) identification of sources of funding;
 - (g) details on how the needs of local communities and stakeholders have been considered;
 - (h) such other matters as are required in Article 15 of the EU Regulation.
- (3) In preparation of the Plan, the Minister shall consult with –
- (a) the public;
 - (b) relevant landowners and land users;

- (c) the Climate Change Committee established under the Climate Change Act 2019;
- (d) relevant research and educational institutions;
- (e) the Nature Conservancy Council established under the Nature Protection Act; and
- (f) any other stakeholders the Minister considers relevant.

Review and revision of the Plan.

10.(1) The Minister shall, by 30 June 2028, and by 30 June 2031 and subsequently, at least every six years, prepare and publish a report containing the following-

- (a) the progress in implementing the National Restoration Plan, in putting in place the restoration measures and progress in meeting the targets and fulfilling the obligations set out in this Act;
- (b) information on the location of the areas where habitat types or habitats of species have significantly deteriorated;
- (c) a description of the effectiveness of measures taken under this Act in ensuring that any deterioration of habitat types and habitats of species is not significant at the level of each biogeographical region in their territory;
- (d) the results of the monitoring carried out in accordance with this Act;
- (e) the location and extent of the areas subject to restoration measures referred to in this Act, including a geographically referenced map of those areas;
- (f) anything else required by Article 21 of the EU Regulation or that the Minister considers appropriate.

(2) A report prepared under this section shall be published within 3 months of it being prepared.

Ecosystem Targets

Ecosystems within Scope.

11. This Act applies only to the following ecosystem categories-

- (a) terrestrial, coastal and freshwater habitats;
- (b) marine and coastal systems within BGTW;
- (c) urban ecosystems;

- (d) pollinators;
- (e) forest ecosystems.

Terrestrial, coastal and freshwater habitats.

12.(1) The Minister shall put in place the restoration measures that are necessary to improve to good condition areas of habitat types present in Gibraltar to which Annex I of the EU Regulation applies and which are not in good condition, as quantified in the National Restoration Plan, such that restoration measures are in place-

- (a) by 2030 on at least 30% of the total area of those habitat types;
- (b) by 2040 at least 60% of the total area of those habitat types;
- (c) by 2050 at least 90% of the total area of those habitat types;

(2) The Minister shall put in place restoration measures that are necessary to re-establish habitat types listed in Annex I of the EU Regulation in areas where those habitats do not occur, with the aim of reaching the favourable reference area for those habitat types, such that measures are in place in areas representing –

- (a) at least 30% of the additional surface needed by 2030;
- (b) at least 60% of the additional surface needed by 2040;
- (c) 100% of the additional surface needed by 2050, or such lower percentage (not below 90%) as may be justified in the National Restoration Plan.

(3) The Minister shall put in place measures to ensure that areas subject to restoration measures under subsections (1) and (2) show continuous improvement until-

- (a) good condition is reached for habitat types; or
- (b) sufficient quality is reached for habitats of species.

(4) Subject to any derogation and exclusions permitted by the EU Regulation, the Minister shall put in place measures to prevent significant deterioration of-

- (a) a habitat type or area that is in good condition; and
- (b) areas necessary to meet the restoration targets.

- (5) The Minister shall ensure that the condition of habitat types is known-
- (a) by 2030, for at least 90% of the area distributed over all habitat types listed in Annex I to the EU Regulation;
 - (b) by 2040, for all areas of habitat types listed in Annex I.
- (6) The Minister shall ensure that there is an increase of the area in good condition for habitat types listed in Annex I until-
- (a) at least 90% is in good condition; and
 - (b) the favourable reference area for each habitat type is reached.

Marine and Coastal Ecosystems within BGTW.

13.(1) The Minister shall prescribe, by Notice, the marine habitat types present in BGTW that correspond to types listed in Annex II to the EU Regulation.

(2) The Minister must put in place restoration measures necessary to improve to good condition areas of marine habitat types specified under subsection (1) which are not in good condition, as quantified in the National Restoration Plan, such that restoration measures are in place-

- (a) by 2030 on at least 30% of the total area of groups 1 to 6 of those marine habitat types;
- (b) by 2040 on at least 60% of the area of each of groups 1 to 6;
- (c) by 2050 on at least 90% of the area of each of groups 1 to 6;
- (d) by 2050 on such percentage of group 7 marine habitat types as is identified in accordance with Article 14(3) of the EU Regulation.

and ensure that restoration measures are in place so that the targets in section 12(1)(a) to (c) are also met for those marine habitat types by 2030, 2040 and 2050 respectively.

(3) The Minister must put in place restoration measures necessary to re-establish marine habitat types in groups 1 to 6 in areas where they do not occur, with the aim of reaching the favourable reference area, on areas representing-

- (a) at least 30% of the additional surface needed by 2030;
- (b) at least 60% of the additional surface needed by 2040;

- (c) 100% of the additional surface needed by 2050, or such lower percentage (not below 90%) as may be justified in the National Restoration Plan.
- (4) The Minister must put in place measures to ensure that areas subject to restoration measures under subsections (2) and (3) show continuous improvement until good condition or sufficient quality is reached.
- (5) Subject to any derogation and exclusions permitted by the EU Regulation, the Minister shall put in place measures to prevent significant deterioration of-
 - (a) a marine area which is in good condition; and
 - (b) marine areas where habitats occur and are necessary to meet the restoration targets.
- (6) The Minister must ensure that the condition of marine habitat types is known-
 - (a) by 2030, for at least 50% of the area distributed over all marine habitat types in groups 1 to 6;
 - (b) by 2040, for all areas of marine habitat types in groups 1 to 6;
 - (c) by 2040, for at least 50% of the area distributed over marine habitat types in group 7;
 - (d) by 2050, for all areas of marine habitat types in group 7.
- (7) The Minister must ensure that there is an increase of the area in good condition for marine habitat types until at least 90% is in good condition (or the percentage set for group 7) and until the favourable reference area for each habitat type is reached.

Urban ecosystems.

14.(1) By 31 December 2030, the Minister must ensure no net loss in the total national area of urban green space and urban tree canopy cover compared to 2024.

(2) From 1 January 2031, the Minister must ensure the total national area of urban green space and urban tree canopy cover, measured at six-year intervals, is increasing until satisfactory levels specified in the National Restoration Plan are reached.

Pollinators.

15.(1) The Minister shall adopt measures to improve pollinator diversity and to reverse the decline of pollinator populations by 31 December 2030 and thereafter ensure an increasing trend until satisfactory levels are reached.

(2) The Minister must establish and periodically update a science-based monitoring method for pollinator diversity and populations, and must publish the results at intervals not exceeding three years.

Forest ecosystems.

16.(1) The Minister shall ensure an increasing trend at national level of the common forest bird index, as specified in Annex VI to the EU Regulation, measured from 18 August 2024 until 31 December 2030 and every six years thereafter, until satisfactory levels set in the National Restoration Plan are reached.

(2) The Minister shall ensure an increasing trend at national level of at least six out of the following seven indicators for forest ecosystems, as specified in Annex VI to the EU Regulation, measured from 31 December 2030 and every six years thereafter, in at least six forest biodiversity indicators, which shall include indicators relating to-

- (a) standing deadwood;
- (b) lying deadwood;
- (c) forest connectivity;
- (d) uneven-aged structure;
- (e) soil organic carbon;
- (f) tree species diversity; and
- (g) share of forests dominated by native tree species.

(3) The Minister shall select the indicators under subsection (2) on the basis of their ability to demonstrate the enhancement of biodiversity of forest ecosystems within Gibraltar.

(4) Non-fulfilment of obligations under subsections (1) and (2) is justified if caused by-

- (a) large-scale force majeure, including natural disasters, in particular unplanned and uncontrolled wildfire; or
- (b) unavoidable habitat transformations directly caused by climate change.

Trees.

17.(1) The Minister shall take reasonable steps to promote the planting of additional trees in Gibraltar, consistent with ecological principles, and may by notice set targets for tree planting, having regard to any goals for additional tree planting by 2030 contained in the National Restoration Plan.

- (2) The Minister shall ensure that any tree planting under this section-
- (a) respects ecological principles, including species diversity and age-structure diversity;
 - (b) prioritises native tree species;
 - (c) permits non-native species only in very specific cases where such species are adapted to local soil, climatic and ecological context and foster resilience to climate change;
 - (d) is based on sustainable afforestation, reforestation and tree planting principles;
 - (e) increases ecological connectivity;
 - (f) forms part of increasing urban green space where appropriate.

Derogations and exceptions.

18. Compliance with the obligations referred to in sections 12 to 17 above and the effect of them on any of the above targets shall be subject to all the derogations, exclusions, justifications for non-fulfilment, exceptions or qualifications and overriding public interest considerations contained in the EU Regulation.

Monitoring and enforcement

Monitoring.

19.(1) The Minister must monitor the categories of data required under Article 20 of the EU Regulation in accordance with the EU Regulation.

(2) Monitoring under subsection (1) must be scientifically robust and proportionate to Gibraltar's ecosystems.

(3) The Minister may by regulations specify methodologies, indicators, sites, and other technical requirements for monitoring under this section.

Enforcement and offences.

20.(1) The Minister may by regulations—

- (a) appoint inspectors and other authorised officers and confer on them powers of entry, inspection, sampling, seizure and information-gathering for purposes connected with this Act;

- (b) create offences for contraventions of prescribed requirements, conditions, prohibitions or notices, and provide for defences;
- (c) provide for administrative and civil sanctions including compliance notices, restoration notices and variable monetary penalties or compensation proportionate to the objectives of this Act;
- (d) make provision for the publication of enforcement action.

(2) Regulations under subsection (1)(b) may provide that an offence is triable summarily and is punishable by a fine not exceeding level 5 on the standard scale, or on indictment by a fine.

Guidance and technical standards.

21.(1) The Minister may issue guidance on the operation of this Act including technical standards, methodologies and best practice.

(2) A person exercising functions under this Act must have regard to any guidance issued under subsection (1).

Fees and charges.

22. The Minister may by regulations prescribe fees and charges in connection with applications, assessments, monitoring and other services under this Act.

Regulations.

23.(1) In addition to the power to make regulations contained in section 22, the Minister may make such other regulations as he deems appropriate for the purposes of giving effect to this Act.

- (2) Regulations may, in particular, make provision for—
 - (a) restoration and planning procedures;
 - (b) identification of ecosystems in need of restoration;
 - (c) monitoring methodologies;
 - (d) reporting requirements;
 - (e) designation of restoration areas;
 - (f) imposing duties on public authorities and operators;

- (g) identifying which parts of the matters listed in the Annexes to the EU Regulation are applicable to Gibraltar or how they may be adapted to Gibraltar;
 - (h) the appointment of such officers or such other persons to assist him in carrying out his duties and other functions under this Act.
- (3) Regulations may make such consequential or incidental amendments to any enactments as are strictly necessary to give full effect to this Act.

Passed by the Gibraltar Parliament on the 31st day of March 2026.

P A Borge McCarthy,
Clerk to the Parliament.