

Subsidiary Legislation made under s.64, and s.13 of the Treaty on Gibraltar and the European Union Act 2026.

Climate Change (Methane) Regulations 2026

LN.2026/067

Commencement **15.7.2026**

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REPORTING REQUIREMENTS FOR VENTING AND FLARING EVENTS

In exercise of the powers conferred under section 64 of the Climate Change Act 2019, and section 13 of the Treaty on Gibraltar and the European Union Act 2026 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 and to make provision for the better carrying out of the purposes and provisions of the Climate Change Act 2019, including the Government's duty under section 3(4)(d) thereof to promote technologies, practices and processes that control, reduce or prevent Gibraltar emissions in the energy sector, and having regard to the fact that methane is a greenhouse gas within the meaning of section 24(1)(b) of that Act, the Minister with responsibility for the Environment, for the Government, has made the following Regulations—

PART 1 GENERAL PROVISIONS

Title.

1. These Regulations may be cited as the Climate Change (Methane) Regulations 2026.

Commencement.

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

Interpretation.

- 3.(1) In these Regulations—

"Act" means the Climate Change Act 2019;

"advanced detection technology" means detection technology that allows for remote detection of methane emissions, such as satellites, drones, aircraft or fixed sensors;

"ancillary services" means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities or natural gas storage facilities, including load balancing, blending and injection of inert gas, excluding facilities reserved exclusively for transmission system operators carrying out their functions;

"asset" means a business or operating unit, which can be composed of several facilities or sites, including operated assets and non-operated assets;

"authorised officer" means a person appointed under regulation 23;

"Competent Authority" means the authority designated under regulation 5;

"component" means any part or element of equipment used in oil or natural gas installations or infrastructure that has the potential to emit methane;

"contravention" has the meaning given in regulation 25 and includes—

- (a) attempting to commit a contravention;
- (b) aiding, abetting, counselling or procuring a person to commit a contravention;
- (c) inducing, or attempting to induce, a person, whether by threats, promises or otherwise, to commit a contravention;
- (d) being directly or indirectly knowingly concerned in, or a party to, a contravention; and
- (e) conspiring with others to commit a contravention;

"destruction and removal efficiency" means the mass percentage of methane that is destroyed or removed after combustion has ceased relative to the quantity of methane entering the flare stack;

"distribution" means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, excluding supply;

"emergency" means a temporary, unexpected, infrequent situation in which methane emissions are unavoidable and necessary to prevent an imminent and substantial adverse impact on human safety, health or the environment, and excludes situations arising from or related to—

- (a) failure by the operator to install appropriate equipment of sufficient capacity for the expected or actual rate and pressure of production;
- (b) failure of the operator to limit production where the production rate exceeds the capacity of the related equipment or gathering system, except where the excess production is due to a downstream emergency, malfunction or unscheduled repair, and lasts for no longer than eight hours from the time of notification of the downstream capacity issue;
- (c) scheduled maintenance;
- (d) operator negligence; or

- (e) repeated failures, namely four or more failures within the preceding 30 days, of the same piece of equipment;

"flare stack" means a device equipped with a pilot burner used for flaring;

"flaring" means the disposal of methane by controlled combustion, in a device designed for that purpose;

"importer" means a person who in the course of a commercial activity, places crude oil, natural gas or coal originating from a third country on the Union market, including any natural or legal person established in the Union appointed to carry out acts and formalities required under Chapter 5 of the Methane Regulations;

"Implementation Date" has the meaning given in section 3(1) of the Treaty on Gibraltar and the European Union Act 2026;

"LDAR programme" means a leak detection and repair programme;

"LDAR survey" means a leak detection and repair survey to identify and detect sources of methane leaks and other unintentional methane emissions, and to repair or replace the relevant components;

"LNG facility" means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of liquefied natural gas including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, excluding any part of LNG terminals used for storage;

"malfunction" means a sudden, unavoidable failure or breakdown of equipment beyond the reasonable control of the operator which substantially disrupts operations but does not constitute an equipment failure or breakdown caused entirely or in part by poor maintenance or negligent operation, or by another preventable cause;

"methane emissions" means all direct emissions of methane from any component, whether they result from venting, incomplete combustion from flaring, or from leaks;

"Methane Regulation" means Regulation (EU) 2024/1787 of the European Parliament and of the Council of 13 June 2024 on the reduction of methane emissions in the energy sector and amending Regulation (EU) 2019/942, as it has effect in Gibraltar and as amended from time to time;

"Minister" means the Minister with responsibility for the Environment;

"non-operated asset" means an asset which is not under the operational control of the operator;

"OGMP 2.0" means the Oil and Gas Methane Partnership 2.0 framework;

"operated asset" means an asset which is under the operational control of the operator;

"operator" means any person who operates or controls an asset, or, where provided for under any enactment, to whom decisive economic power over the technical functioning of an asset has been delegated;

"routine flaring" means flaring during the normal production of oil or fossil gas, in the absence of adequate facilities or amenable geology to re-inject methane, utilise it on-site or dispatch it to a market, and excludes flaring caused by an emergency or a malfunction;

"shutdown" means a situation where a site or part of its components no longer operates under normal operating conditions and is shut down, and where complete or partial pressure reduction is required before repair or maintenance works can be initiated;

"site" means a collection of components with some relation to one another as a subdivision of an asset;

"transmission" means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, excluding supply;

"type 1 LDAR survey" means a leak detection and repair survey carried out in accordance with the requirements set out in regulation 13 for type 1 LDAR surveys;

"type 2 LDAR survey" means a leak detection and repair survey carried out in accordance with the requirements set out in regulation 13 for type 2 LDAR surveys;

"undertaking" means a natural or legal person who carries out at least one of the following activities: oil or fossil exploration and production, fossil gas gathering and processing, or gas transmission, distribution and underground storage, including with regard to LNG;

"verification" means the activities carried out by a verifier to assess the conformity with the Methane Regulation of the reports transmitted by the operators and undertakings pursuant to these Regulations;

"verifier" means –

- (a) a legal person who carries out verification activities and who is, at the time a verification statement is issued, accredited by a national accreditation body pursuant to Regulation (EC) No 765/2008; or
- (b) a natural person authorised to carry out verification activities by a national authority that is different from the national accreditation body appointed pursuant to Article 4(1) of Regulation (EC) No 765/2008;

"venting" means the direct release of uncombusted methane into the atmosphere.

(2) A word or expression used in these Regulations which is also used in the Methane Regulation shall, unless the context otherwise requires, have the same meaning in these Regulations as it has in the Methane Regulation.

PART 2

APPLICATION OF THE METHANE REGULATION

Application.

4.(1) These Regulations shall apply to –

- (a) oil and fossil gas exploration and production;
- (b) fossil gas gathering and processing; and
- (c) natural gas transmission and distribution, excluding metering systems at final consumption points and the parts of service lines between the distribution network and the metering system located on the property of final customers, as well as underground storage and operations in LNG facilities.

(2) These Regulations shall apply to any importer, operator, undertaking or other person who carries out activities falling within subregulation (1) in or from Gibraltar.

(3) A reference in these Regulations to an operator shall, where the context permits, include a reference to an undertaking.

(4) For the avoidance of doubt, these Regulations do not apply to—

- (a) any well, including any exploration well, production well, inactive well, temporarily plugged well or permanently plugged and abandoned well; or

- (b) active underground coal mines, surface coal mines, closed underground coal mines or abandoned underground coal mines,

and accordingly, the provisions of the Methane Regulation relating to those matters, including any provision that presupposes the existence of oil or gas wells or coal mines, do not have effect in Gibraltar by virtue of these Regulations.

Competent Authority.

5.(1) The Minister shall be the Competent Authority in Gibraltar for the purposes of the Methane Regulation and these Regulations.

(2) The Competent Authority shall ensure that certification, accreditation schemes or equivalent qualification schemes, including suitable training programmes, are available to LDAR service providers and to operators with respect to the carrying out of LDAR surveys.

(3) The Competent Authority may delegate any of its functions under these Regulations to any of its officers or employees or to any other person or body approved by the Minister.

(4) The Minister may, by notice published in the Gibraltar Gazette, designate a different body or person as the competent authority for the purposes of these Regulations, and any reference to the competent authority in these Regulations shall be construed accordingly.

(5) No personal liability shall attach to any officer of the Competent Authority, or to any authorised officer, in respect of anything done or omitted to be done in good faith in the performance or purported performance of functions under these Regulations.

(6) A person making information available to the Competent Authority in accordance with these Regulations shall not, in so doing, be considered to be infringing any restriction on disclosure of information imposed by contract or law and shall not be liable for making the information so available.

Powers.

6.(1) For the purposes of the performance of its functions under these Regulations, the Competent Authority shall have all the powers granted to it under the Act and under these Regulations.

(2) For the purpose of fulfilling its duties under the Methane Regulation and these Regulations, the Competent Authority shall have the following supervisory and investigatory powers—

- (a) to require operators to submit monitoring and emissions reports in accordance with Part 3;
- (b) to require operators to submit LDAR programmes and reports in accordance with Part 4;
- (c) to require operators to provide information on venting and flaring events in accordance with Part 5;
- (d) to require operators, verifiers and the senior management of operators to provide relevant information and documents;
- (e) to suspend operations for a maximum of ten consecutive working days on any single occasion where there are reasonable grounds for suspecting that an operator has failed to comply with an obligation under these Regulations;
- (f) to prohibit operations where there are reasonable grounds for suspecting that an operator continues to fail to comply with an obligation under these Regulations;
- (g) to make public the fact that an operator fails to comply with the Methane Regulation or these Regulations, and to require that operator to publish that information;
- (h) to prohibit an operator from carrying out operations for a period not exceeding one year where an operator has repeatedly and severely infringed these Regulations;
- (i) to require an operator to take remedial action within a specified period; and
- (j) to carry out on-site inspections or investigations at sites other than the private residences of natural persons, and for that purpose to enter premises in order to access documents and other data in any form, where a reasonable suspicion exists that documents and other data related to the subject matter of the inspection or investigation may be relevant to prove a contravention of these Regulations or the Methane Regulation.

Directions by the Competent Authority.

7.(1) The Competent Authority may give one or more of the directions specified in subregulation (2) where the Competent Authority considers it necessary to do so in order to—

- (a) perform its functions under these Regulations or the Methane Regulation;

- (b) prevent any person from contravening or continuing to contravene a provision of these Regulations or the Methane Regulation; or
 - (c) protect the environment or human health.
- (2) The following directions may be given under subregulation (1)—
 - (a) a direction to do or not to do anything that the Competent Authority may require in the exercise of its powers under regulation 6;
 - (b) a direction to cease any activity that contravenes a provision of these Regulations or the Methane Regulation;
 - (c) a direction not to carry on a business, whether on the person's own behalf or on another's behalf, in a specified manner or otherwise than in a specified manner;
 - (d) a direction not to engage in any practice that contravenes a provision of these Regulations or the Methane Regulation;
 - (e) a direction to take specified remedial action within a specified period; or
 - (f) a direction to submit specified information or documents within a specified period.
- (3) A direction under this regulation shall—
 - (a) be in writing; and
 - (b) specify the date from which it shall have effect and the period for which it shall have effect, which shall not exceed twelve months.
- (4) A person may apply to the Supreme Court for an order setting aside or varying a direction under this regulation and the Supreme Court may, if it considers it appropriate to do so, grant such order.
- (5) A person who fails to comply with a direction given under this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding twelve months, or to both.

PART 3

MITIGATION, MONITORING, REPORTING AND VERIFICATION

Obligation to mitigate.

8. An operator shall take all appropriate mitigation measures to prevent and minimise methane emissions in its operations.

Monitoring and reporting obligations.

9.(1) An operator shall submit a report to the Competent Authority containing the quantification of source-level methane emissions estimated using at least generic emission factors for all sources.

(2) The report referred to in subregulation (1) shall be submitted—

(a) for existing sites, by 5 August 2025; and

(b) for new sites, within six months from the date of start of operations.

(3) An operator shall submit a report to the Competent Authority containing quantification of source-level methane emissions—

(a) for operated assets, by 5 February 2026; and

(b) for non-operated assets, by 5th February 2027, where those assets have not been reported under paragraph (a).

(4) Where direct measurement is not possible, reporting under subregulation (3) shall involve the use of specific emission factors based on source-level quantification or sampling.

Site-level and source-level quantification.

10.(1) An operator shall submit a report to the Competent Authority containing quantification of source-level methane emissions, complemented by measurements of site-level methane emissions, thereby allowing assessment of and comparison with the source-level estimates aggregated by site—

(a) for operated assets, by 5th February 2027 and by 31st May every year thereafter; and

(b) for non-operated assets, by 5th August 2028 and by 31st May every year thereafter, where those assets have not been reported under paragraph (a).

(2) The reports referred to in regulations 8 and 9 shall cover the last available calendar year period and shall include at least the following information—

(a) type and location of the emission sources;

- (b) detailed data for each type of emission source, reported in tonnes of methane and in tonnes of CO₂ equivalent, using global warming potentials as defined in the Sixth Assessment Report of the Intergovernmental Panel on Climate Change;
 - (c) detailed information on the quantification methodologies;
 - (d) all methane emissions for operated assets;
 - (e) share of ownership and methane emissions from non-operated assets multiplied by the share of ownership;
 - (f) a list of the entities with operational control of the non-operated assets; and
 - (g) any other information required by the Methane Regulations.
- (3) An operator shall compare source-level quantification of methane emissions and site-level measurement of methane emissions.
- (4) If there are statistically significant discrepancies between the source-level quantification and the site-level measurement of methane emissions, an operator shall—
- (a) notify without delay the Competent Authority before the end of the reporting period; and
 - (b) carry out a reconciliation process as soon as possible and inform the Competent Authority about the results of the reconciliation process, including any evidence and supporting documents as necessary, no later than the next reporting period.
- (5) The reconciliation process shall address possible reasons for the discrepancies, including at least the accuracy and appropriateness of the technologies and the methods used for source-level quantification and site-level measurement of methane emissions, or any data uncertainties in the results due to the selected methods, technologies or extrapolation of results.
- (6) Based on the results of the reconciliation process, an operator shall implement subsequent adjustments in numerical terms in source-level quantification or site-level measurements, where appropriate.
- (7) If the Competent Authority considers that the information provided by the operator pursuant to sub-regulation (4)(b) does not adequately explain the reasons for the discrepancies, the Competent Authority may request the operator to provide additional information or to take additional action.

(8) The measurements and quantifications referred to in this Part shall be carried out in accordance with the standards and technical prescriptions established under Article 32 of the Methane Regulation.

(9) Until the date of application of such standards or technical prescriptions, operators shall follow state-of-the-art industry practices and use the best technologies available for the measurement and quantification of methane emissions.

Verification of reports.

11.(1) Before submitting a report to the Competent Authority under regulation 9(1), an operator shall ensure that the report is assessed by a verifier and includes a verification statement issued in accordance with Article 8 of the Methane Regulation.

(2) The verifier shall meet the independence requirements set out in Article 9 of the Methane Regulation.

(3) The verifier shall assess whether—

- (a) the report has been drawn up in accordance with the requirements of the Methane Regulation and these Regulations;
- (b) the information and data reported are complete, consistent and credible; and
- (c) the quantification methodologies are in accordance with the requirements of the Methane Regulation.

Confidential information.

12. Where information contained in a report is confidential in accordance with the Protection of Trade Secrets Regulations 2018, the operator concerned shall indicate in the report the type of information that is withheld and the reasons therefor.

PART 4
LEAK DETECTION AND REPAIR

LDAR programmes.

13.(1) An operator shall submit an LDAR programme to the Competent Authority—

- (a) for existing sites, by 5 May 2025; and
- (b) for new sites, within six months from the date of start of operations.

(2) The LDAR programme shall include-

- (a) a detailed description of the LDAR surveys and activities, including specific timelines to be carried out in accordance with these Regulations;
- (b) the information set out in Part 2 of Annex I to the Methane Regulation; and
- (c) the relevant standards and technical prescriptions established under Article 32 of the Methane Regulation.

(3) If any changes to the LDAR programme are made, an operator shall submit an updated LDAR programme to the Competent Authority as soon as possible.

(4) Until the date of application of the standards or technical prescriptions established under Article 32 of the Methane Regulation, operators shall follow state-of-the-art industry practices and the best technologies that are commercially available for LDAR surveys.

(5) Operators shall provide the Competent Authority and verifiers with information on the standards, including international standards, or methodologies used.

(6) The Competent Authority may require an operator to amend the LDAR programme taking into account the requirements of these Regulations and the Methane Regulation.

LDAR surveys.

14.(1) An operator shall initiate the first type 2 LDAR survey of all components under its responsibility in accordance with the LDAR programme as soon as possible.

(2) An operator shall carry out the first type 2 LDAR survey—

- (a) for existing sites, by 5 August 2025; and
- (b) for new sites, within nine months from the date of start of operations.

(3) Subject to subregulation (12), after carrying out the first type 2 LDAR survey, an operator shall carry out type 1 and type 2 LDAR surveys with the frequencies set out in Part 1 of Annex I to the Methane Regulation.

(4) Without prejudice to the obligation to carry out type 2 LDAR surveys in accordance with this regulation, when a type 1 LDAR survey is required, an operator may choose to carry out a type 2 LDAR survey instead of a type 1 LDAR survey.

(5) As part of the LDAR surveys, an operator may use advanced detection technologies, provided that—

- (a) the Competent Authority approves their use in the context of the LDAR programme;
- (b) the measurement is undertaken at the level of each individual potential emission source; and
- (c) the advanced detection technologies comply with the requirements set out in subregulation (7) and Part 2 of Annex I to the Methane Regulation.

(6) LDAR surveys shall be carried out with detection devices that allow the identification of leaks as follows—

- (a) at a level as close as possible to each individual potential emission source, in the case of aboveground components and components above the sea level;
- (b) at the interface between ground and atmosphere as a first step and, where a leak is detected, as close as possible to the emission source as a second step, in the case of underground components; and
- (c) applying the best detection techniques that are commercially available, in the case of offshore components below the sea level or below the seabed.

(7) An operator shall repair or replace all components found to be emitting methane at or above the following levels at standard temperature and pressure—

- (a) for type 1 LDAR surveys: 7,000 parts per million in volume of methane or 17 grams per hour of methane; and
- (b) for type 2 LDAR surveys—
 - (i) 500 parts per million in volume of methane or 1 gram per hour of methane for aboveground components and for offshore components above the sea level;
 - (ii) 1,000 parts per million in volume of methane or 5 grams per hour of methane for the second step of LDAR surveys of underground components; and
 - (iii) 7,000 parts per million in volume of methane or 17 grams per hour for offshore components below the sea level or below the seabed.

(8) Every year, an operator shall submit all repair and monitoring schedules and a report summarising the results of all LDAR surveys completed during the previous year to the Competent Authority.

(9) The Competent Authority may require an operator to amend the report or the repair and monitoring schedules taking into account the requirements of these Regulations and the Methane Regulation.

(10) Notwithstanding the survey frequencies set out in regulation 13(3), an operator shall survey components that were found to be emitting—

- (a) at levels of methane equal to or higher than the thresholds set out in sub-regulation (7) at standard temperature and pressure during a previous LDAR survey, immediately after the repair carried out pursuant to regulation 14 and no later than forty-five days thereafter, to ensure that the repair was successful; and
- (b) at levels of methane lower than the thresholds set out in sub-regulation (7) at standard temperature and pressure, no later than three months from the date on which the emissions were detected, to check at least once whether the size of methane loss has changed and whether a repair is necessary.

(11) An operator may delegate any of the tasks set out in this Part to another person. Such delegation shall not affect the responsibility of the operator for compliance with these Regulations and shall not impact the effectiveness of supervision by the Competent Authority.

(12) By way of derogation from sub-regulation (3), where an operator that produces or processes oil or natural gas provides evidence, on the basis of measurements from the five preceding years which have been reported by the operator in accordance with regulation 8 or 9 and assessed by a verifier, that less than 1 per cent of all its components and sub-components in each site are leaking and that the aggregated methane emissions associated with those leaks represent less than 0.08 per cent of the total volume of gas or 0.015 per cent of the total mass of oil processed or extracted, different LDAR survey frequencies for components at sites where no leaks were identified may be applied, subject to the approval of the Competent Authority and provided that—

- (a) for all components at processing locations, type 1 LDAR surveys are carried out at least every twelve months;
- (b) for at least twenty-five per cent of all components at processing locations, type 2 LDAR surveys are carried out every twelve months, with all components being checked at least every forty-eight months;

- (c) for all components at production locations, type 1 LDAR surveys are carried out at least every thirty-six months; and
- (d) for all components at production locations, type 2 LDAR surveys are carried out at least every sixty months.

Repair and replacement of components.

15.(1) The repair or replacement of components found to be emitting methane at or above the levels specified in regulation 14(7) shall take place immediately after detection.

(2) If the repair cannot be carried out immediately after detection, it shall be attempted as soon as possible and no later than five days after detection and shall be completed within thirty days after detection.

(3) Where an operator can demonstrate that the repair or replacement would not be successful or possible within five days for a first attempt, or where the operator expects that a complete repair would not be possible within thirty days due to safety, administrative or technical considerations, the operator shall—

- (a) notify the Competent Authority; and
- (b) provide the Competent Authority with evidence thereof together with repair and monitoring schedules no later than twelve days from the date of detection.

(4) The repair and monitoring schedules shall –

- (a) include all the necessary evidence justifying any delay; and
- (b) contain at least the elements set out in Annex II to the Methane Regulation.

(5) The Competent Authority may require an operator to amend the repair and monitoring schedules taking into account the requirements of these Regulations and the Methane Regulation.

(6) In any event, the repair or replacement shall be carried out as soon as possible.

(7) Operators shall prioritise repairs of larger leaks.

(8) Repairs or replacements shall use the best technologies that are commercially available and that provide long-term protection against future leaks.

(9) Safety, administrative and technical considerations, as referred to in subregulation (3), shall be limited to—

- (a) the safety of personnel and other persons in proximity to the detected leak;
- (b) any adverse environmental impact if the operator can demonstrate that that impact would be greater than the environmental benefits;
- (c) accessibility of a component, including scheduled maintenance, permitting process requirements or required administrative authorisation;
- (d) unavailability of replacement parts necessary for the repair of the component or of replacement components; and
- (e) significant deterioration of the gas supply situation likely to lead to a crisis level.

(10) Where one or more of the conditions set out in subregulation (9) apply and a shutdown is required before the repair or replacement can be undertaken, an operator shall—

- (a) minimise the leak within twenty-four hours of detection; and
- (b) repair the leak by the end of the next scheduled shutdown or within a year, whichever is sooner.

(11) An operator shall, without delay, provide all the necessary evidence justifying its decision to delay repair to the Competent Authority.

(12) A decision to delay repair due to safety, administrative and technical considerations shall be subject to approval by the Competent Authority.

Records.

16.(1) An operator shall establish without delay, keep updated and make fully available to the Competent Authority a record of all decisions to delay repair pursuant to regulation 14, including all necessary evidence justifying each decision and the corresponding repair and monitoring schedules.

(2) An operator shall record all identified leaks, irrespective of their size, and shall regularly survey them and ensure that they are repaired in accordance with regulation 15.

(3) An operator shall keep the record referred to in subregulation (2) for at least ten years and shall provide that information to the Competent Authority upon request.

PART 5
VENTING AND FLARING

Prohibition on venting.

17.(1) Venting shall be prohibited except in the circumstances provided for in this Part.

(2) An operator shall not vent methane except in the case of an emergency or malfunction, or where venting is unavoidable and strictly necessary and subject to the reporting obligations set out in regulation 20.

Prohibition on routine flaring.

18. Routine flaring shall be prohibited.

Permitted venting and flaring.

19.(1) Venting or flaring shall be allowed only in case of an emergency or malfunction.

(2) Notwithstanding subregulation (1), venting or flaring shall be allowed where unavoidable and strictly necessary and subject to the reporting obligations set out in regulation 20.

(3) Venting and flaring shall be deemed to be unavoidable and strictly necessary in the specific situations set out in Article 15(3) of the Methane Regulation, where venting or flaring, as applicable, cannot be completely eliminated or is necessary for safety reasons.

(4) Where venting is allowed pursuant to subregulations (1) to (3), an operator shall vent only where flaring is not technically feasible due to lack of flammability or inability to sustain a flame, risks endangering safety of operations or personnel or where it would have a worse environmental impact in terms of emissions.

(5) In such a situation, as part of the reporting obligations set out in regulation 20, an operator shall notify and provide evidence to the Competent Authority of the necessity to use venting instead of flaring.

(6) Equipment that vents shall be replaced by non-emitting alternatives where those are commercially available and meet the standards or technical prescriptions for components designed to vent established under Article 32 of the Methane Regulation.

(7) In addition to the conditions set out in subregulations (1) to (3), flaring shall be allowed only where either re-injection, utilisation on-site, storage for later use or dispatch of methane to a market are not feasible for reasons other than economic considerations.

(8) In such a situation, as part of the reporting obligations set out in regulation 20, an operator shall demonstrate to the Competent Authority the necessity to use flaring instead of either re-injection, utilisation on-site, storage for later use or dispatch of methane to a market.

(9) Where a site is built, replaced or refurbished in whole, an operator shall install and use only commercially available zero-emitting pneumatic devices, compressors, atmospheric pressure storage tanks, sampling and measuring devices and dry gas seals.

(10) Where a site is replaced or refurbished in part, an operator shall install and use in that part only commercially available zero-emitting pneumatic devices, compressors, atmospheric pressure storage tanks, sampling and measuring devices and dry gas seals.

(11) An operator shall comply with this regulation without delay and, in any case—

(a) for existing sites, not later than 5th February 2026; and

(b) for new sites, not later than twelve months from the date of start of operations.

(12) Where an operator is unable to comply with this regulation due to exceptional delay caused by the need to obtain a permit or any other administrative authorisation or the unavailability of venting or flaring equipment, the operator shall provide the Competent Authority with a detailed implementation schedule.

(13) That schedule shall include sufficient evidence of the fulfilment of the conditions laid down in subregulation (12).

(14) The Competent Authority may require modifications to that schedule.

Flaring efficiency requirements.

20.(1) Where a site is built, replaced or refurbished in whole or in part, or where new flare stacks or other combustion devices are installed, an operator shall install only flare stacks or combustion devices with an auto-igniter or continuous pilot burner and with a destruction and removal efficiency by design level of at least 99 per cent.

(2) An operator shall ensure that all flare stacks or other combustion devices comply with the requirements of subregulation (1) by 5th February 2026.

(3) An operator shall inspect flare stacks or other combustion devices every fifteen days in accordance with Annex IV to the Methane Regulation, except where they are not used on a regular basis.

(4) Where flare stacks or other combustion devices are not used on a regular basis, an operator shall inspect them before each use.

(5) As an alternative to regular inspections, subject to the approval of the Competent Authority, an operator may use remote or automated monitoring systems.

(6) Where irregularities are detected, an operator shall investigate the cause of the irregularity and remedy it within six hours or, in the case of severe weather events or other extreme conditions, within six hours after the conditions return to normal.

(7) Where auto-igniters or continuous pilot burners are used, an operator shall use flame supervision equipment to constantly monitor the main flare flame or the pilot flame to ensure that venting does not occur due to a flame-out condition.

Reporting of venting and flaring events.

21.(1) An operator shall notify the Competent Authority of venting events and flaring events—

- (a) caused by an emergency or a malfunction; or
- (b) lasting a total of eight hours or more within a twenty-four hour period from a single event.

(2) The notification referred to in subregulation (1) shall be made without delay after the event and at the latest within forty-eight hours from the start of the event or the moment the operator became aware of it.

(3) The notification shall include the information set out in the Schedule.

(4) By way of derogation from subregulation (1), controlled flaring that occurs during shutdowns shall be reported in the annual report.

(5) An operator shall submit to the Competent Authority annual reports on all venting events and flaring events referred to in subregulation (1) and in regulations 16 to 18, in accordance with the Schedule and as part of the relevant report referred to in regulation 9 or 10.

Requirements applying to importers.

22.(1) An importer shall, by 31st May in each year, provide the information set out in Annex IX to the Methane Regulation to the Competent Authority.

(2) Where an importer fails to provide that information, in whole or in part, the importer shall provide sound justification to the Competent Authority for such failure and shall set out the actions that the importer has undertaken to obtain that information.

(3) From 1st January 2027, an importer shall demonstrate, and report in accordance with sub-regulation (1), to the Competent Authority that contracts concluded or renewed on or after 4th August 2024 for the supply of crude oil, natural gas or coal produced outside the Union cover only crude oil, natural gas or coal that is subject to monitoring, reporting and verification measures applied at the level of the producer that are equivalent to those set out in the Methane Regulation.

(4) For contracts concluded before 4th August 2024 for the supply of crude oil, natural gas or coal produced outside the Union, an importer shall undertake all reasonable efforts to require that crude oil, natural gas or coal is subject to monitoring, reporting and verification measures applied at the level of the producer that are equivalent to those set out in the Methane Regulation.

(5) From 1st January 2027, an importer shall annually inform the Competent Authority of the results of the efforts referred to in sub-regulation (4), as part of the information to be provided pursuant to sub-regulation (1) and, in the case of failure, shall provide sound justification to the Competent Authority for such failure and set out the actions undertaken as part of those efforts.

(6) For the purposes of sub-regulations (3) and (4), monitoring, reporting and verification measures shall be considered equivalent to those set out in the Methane Regulation in the circumstances set out in Article 28(5) of the Methane Regulation.

(7) An importer shall be exempt from the obligations set out in sub-regulations (3) and (4) where the importer imports crude oil, natural gas or coal from a third country for which equivalence has been established by the European Commission in accordance with Article 28(6) of the Methane Regulation.

(8) By 5th August 2028, and by 31st May every year thereafter, for supply contracts concluded or renewed on or after 4th August 2024, an importer shall report to the Competent Authority the methane intensity of the production of crude oil, natural gas and coal placed by the importer on the market, calculated in accordance with the methodology set out pursuant to Article 29(4) of the Methane Regulation.

(9) By 5th August 2030, and by 31st May every year thereafter, an importer placing crude oil, natural gas and coal on the market under supply contracts concluded or renewed after 5th August 2030 shall demonstrate to the Competent Authority that the methane intensity of the production of crude oil, natural gas and coal placed by the importer on the market is below the

maximum methane intensity values established in accordance with Article 29(6) of the Methane Regulation.

(10) The Competent Authority shall protect the confidentiality of the information received from importers under this regulation, in accordance with the Protection of Trade Secrets Regulations 2018.

PART 6 ENFORCEMENT AND INSPECTIONS

Authorised officers

Appointment of authorised officers.

23.(1) The Competent Authority may, in writing—

- (a) appoint such persons as it considers necessary to be authorised officers for the purpose of monitoring compliance with the Methane Regulation and these Regulations; and
- (b) at any time, revoke any such appointment.

(2) An appointment under subregulation (1)(a) may be for a specified or an unspecified period.

(3) Every authorised officer shall—

- (a) be furnished by the Competent Authority with a certificate of their appointment as an authorised officer; and
- (b) when exercising a power under these Regulations, produce the certificate together with some form of personal identification if requested to do so by a person affected by the exercise of that power.

Powers of authorised officers.

24.(1) An authorised officer may, for the purpose of monitoring compliance with the Methane Regulation and these Regulations, do all or any of the following—

- (a) subject to subregulation (2), at all reasonable times enter any place at which there are reasonable grounds to believe that relevant records are kept or relevant activities are carried out;

- (b) search and inspect the place referred to in paragraph (a) and any relevant records at that place;
 - (c) secure for later inspection any place, or any part of a place, at which relevant records are kept or at which the officer has reasonable grounds for believing relevant records are kept;
 - (d) require any person to whom these Regulations or the Methane Regulation apply to produce to the officer relevant records, and where the relevant records are in a non-legible form, to reproduce them in a legible form or to give to the officer such information as the officer reasonably requires in relation to entries in the relevant records;
 - (e) inspect and take copies of relevant records inspected or produced under this regulation, including, in the case of records in a non-legible form, a copy in a permanent legible form;
 - (f) remove and retain any of the relevant records for such period as may be reasonable to facilitate further examination;
 - (g) require a person to give to the officer information, including by way of a written report, that the officer reasonably requires in relation to activities covered by the Methane Regulation or these Regulations, and to produce to the officer any relevant records that the person has or has access to;
 - (h) require a person by whom, or on whose behalf, data equipment is or has been used, or any person who has charge of or is otherwise concerned with the operation of such equipment, to give the officer all reasonable assistance in relation thereto;
 - (i) require a person to explain entries in any relevant records;
 - (j) take samples of any substance or material found at the place for the purpose of analysis; and
 - (k) summon, at any reasonable time, a person to give to the authorised officer such information as the officer may reasonably require and to answer questions and make a declaration as to the truth of the answers to those questions.
- (2) An authorised officer shall not, except with the consent of the occupier, enter a private dwelling other than a part of the dwelling used as a place of work, unless the officer has obtained a warrant from a Justice of the Peace.

(3) In this regulation, "relevant records" means records relating to the activities of persons to whom these Regulations or the Methane Regulation apply.

Warrants.

25.(1) Where an authorised officer, in the exercise of their powers under regulation 24—

- (a) is prevented from entering any place that is not a private dwelling; or
- (b) believes that there are relevant records in a private dwelling, the authorised officer or the Competent Authority may apply to a Justice of the Peace for a warrant authorising entry to that place or private dwelling.

(2) If on an application under subregulation (1) a Justice of the Peace is satisfied, on the information of the applicant, that the authorised officer has been prevented from entering any place, or has reasonable grounds for believing that there are relevant records in a private dwelling, then the Justice of the Peace may issue a warrant authorising the authorised officer to enter, if need be by force, the place or private dwelling and to exercise any of the powers referred to in regulation 24.

(3) A warrant issued under subregulation (2) shall remain valid for a period of four weeks from the date of issue.

Inspections.

26.(1) The Competent Authority shall carry out routine and non-routine inspections to ensure compliance with the Methane Regulation and these Regulations.

(2) Where an inspection has identified a serious breach of these Regulations, the Competent Authority shall issue a notice of remedial actions to be undertaken by the operator, undertaking or importer setting out clear deadlines for those actions.

(3) Alternatively, the Competent Authority may decide to instruct the operator to submit to the Competent Authority for approval a set of remedial actions to address the serious breaches which have been identified within one month from the date of conclusion of the inspection.

(4) The first routine inspection shall be completed by 5th May 2026.

(5) After the first routine inspection, the Competent Authority shall draw up programmes for routine inspections based on a risk assessment.

(6) The Competent Authority may decide on the scope and frequency of routine inspections, based on an appraisal of the risks associated with each site, such as environmental risk, human safety and health risks, as well as any identified breaches of these Regulations.

(7) The period between inspections shall not exceed three years.

(8) Where an inspection has identified a serious breach of these Regulations, the subsequent inspection shall take place within ten months.

(9) The Competent Authority shall carry out non-routine inspections to—

- (a) investigate substantiated complaints and occurrences of non-compliance as soon as possible and no later than ten months after the Competent Authority has become aware of such complaints or non-compliance;
- (b) ensure, where deemed relevant, that leak repairs or replacements of components were carried out in accordance with Part 4;
- (c) ensure, where a derogation has been granted under regulation 14(12), compliance with the conditions of that derogation;
- (d) verify, where deemed relevant, compliance by undertakings and importers with the Methane Regulation and these Regulations.

(10) Following each inspection, the Competent Authority shall prepare a report stating the legal basis for the inspection, the procedural steps followed, the relevant findings and recommendations for further actions by the operator, undertaking or importer, including the deadlines for their implementation.

(11) The report shall be notified to the operator concerned and made publicly available within two months of the date of the inspection.

(12) Where information is withheld on grounds of confidentiality, the Competent Authority shall indicate in the report the type of information that is withheld and the reasons therefor.

(13) Where the report referred to in subregulation (10) concludes that an operator, undertaking or importer does not comply with the requirements of these Regulations, the operator, undertaking or importer (as applicable) shall take all the necessary actions to bring its operations into compliance with these Regulations.

(14) The actions shall be taken without delay within the period set out by the Competent Authority.

*Administrative sanctions***Contraventions.**

27.(1) Where an operator or other person commits a contravention specified in subregulation (2), the Competent Authority may impose one or more of the sanctions specified in regulation 28.

(2) The following are contraventions for the purposes of these Regulations—

- (a) failure of an operator to provide the Competent Authority or verifiers with the assistance necessary for the performance of their tasks in accordance with these Regulations;
- (b) failure of an operator to carry out the actions set out in the inspection reports referred to in regulation 26;
- (c) failure of an operator to submit the methane emissions reports as required by Part 3, including the verification statement issued by an independent verifier;
- (d) failure of an operator to submit an LDAR programme in accordance with regulation 13 or carry out an LDAR survey in accordance with regulation 14;
- (e) failure of an operator to repair or replace components, to continuously survey components and to record leaks in accordance with regulations 14 to 16;
- (f) failure of an operator to submit a report in accordance with regulation 14(8);
- (g) venting or flaring, including routine flaring, by an operator except in the situations provided for in regulations 17 to 19;
- (h) failure of an operator to demonstrate the necessity to use venting instead of flaring and to demonstrate the necessity to use flaring instead of re-injection, utilisation on-site, storage for later use or dispatch of methane to a market, in accordance with regulation 19;
- (i) failure of an operator to replace or use venting equipment in accordance with regulation 19;
- (j) failure of an operator to notify or report on venting events and flaring events in accordance with regulation 21;

- (k) use of flare stacks or combustion devices in breach of the requirements laid down in regulation 20;
- (l) a failure to cooperate or comply with an investigation, with an inspection or with a requirement under regulation 6(2) or regulation 24; and
- (m) a failure to comply with a direction given by the Competent Authority under regulation 7;
- (n) failure of an importer to provide the information required in accordance with Article 27(1) of the Methane Regulation and Annex IX thereto;
- (o) failure of an importer to provide the information required in accordance with Article 28(1) and (2) of the Methane Regulation;
- (p) failure of a producer or importer to provide the information required in accordance with Article 29(1) and (2) of the Methane Regulation; and
- (q) failure of a producer or importer to comply with the maximum methane intensity values set out in delegated acts adopted in accordance with Article 29(6) of the Methane Regulation.

Sanctions.

28.(1) The sanctions referred to in regulation 26 are—

- (a) a public statement indicating the person responsible and the nature of the contravention;
- (b) an order requiring the person responsible to cease the conduct constituting the contravention;
- (c) an order prohibiting the person responsible from carrying out operations for a period not exceeding one year;
- (d) administrative fines proportionate to the environmental damage and impact on human safety and health, set at a level which—
 - (i) at least deprives those responsible of the economic benefits derived from the contravention in an effective way; and
 - (ii) gradually increases for repeated serious contraventions;

- (e) periodic penalty payments to compel an operator to put an end to a contravention, comply with a decision ordering remedial actions or corrective measures, provide information or submit to an inspection;
 - (f) in the case of a legal person, administrative fines of up to twenty per cent of the total annual turnover of that legal person according to the most recent available financial statements approved by the management body, or £500,000, whichever is the greater; and
 - (g) in the case of a natural person, administrative fines of up to £50,000.
- (2) Where the legal person referred to in subregulation (1)(f) is a parent undertaking or a subsidiary of a parent undertaking that is required to prepare consolidated financial statements, the relevant total annual turnover shall be the total annual turnover according to the most recent available consolidated accounts approved by the management body of the ultimate parent undertaking.
- (3) Where the conditions set out in regulation 19(12) are fulfilled, the Competent Authority shall consider reducing the level of, or not imposing, a sanction on an operator for the implementation period that the Competent Authority considers necessary.

Exercise of powers to impose sanctions.

29. The Competent Authority, when determining the type and level of sanction to be imposed in accordance with these Regulations, shall take into account all relevant circumstances, including where applicable—

- (a) the gravity and the duration of the contravention;
- (b) the degree of responsibility of the person responsible for the contravention;
- (c) the financial strength of the person responsible for the contravention, as indicated by the total turnover of the responsible legal person or the annual income and net assets of the responsible natural person;
- (d) the impact of the contravention on the environment and on human safety and health;
- (e) the importance of the profits gained or losses avoided by the person responsible for the contravention, or the losses for third parties caused by the contravention, to the extent that they can be determined;

- (f) the level of cooperation of the person responsible for the contravention with the Competent Authority, without prejudice to the need to ensure disgorgement of profits gained or losses avoided by that person;
- (g) previous contraventions of these Regulations or the Methane Regulation by the person responsible for the contravention; and
- (h) any measures taken after the contravention by the person responsible for the contravention to prevent its repetition.

Right of appeal.

30.(1) The Competent Authority shall provide written reasons for any decision made under these Regulations.

(2) A person aggrieved by a decision of the Competent Authority under these Regulations may appeal to the Supreme Court within twenty-eight days of notification of the decision, or within such further period as the Court may allow.

(3) On appeal, the Supreme Court may—

- (a) confirm, vary or set aside the decision of the Competent Authority; or
- (b) remit the matter to the Competent Authority with such directions as the Court considers appropriate.

Publication of decisions.

31.(1) Subject to subregulation (2), the Competent Authority shall publish any decision imposing a sanction under regulation 26 without undue delay after the person subject to that decision has been informed of it.

(2) Where the Competent Authority considers that publication of the identity of the person concerned, or the details of the sanction, would be disproportionate, seriously jeopardise an ongoing investigation, or cause disproportionate damage to the parties involved, the Competent Authority may—

- (a) defer the publication of the decision until the reasons for non-publication cease to exist;
- (b) publish the decision on an anonymous basis; or

- (c) not publish the decision where the options in paragraphs (a) and (b) are considered insufficient.

(3) Any decision published pursuant to this regulation shall remain publicly available for a period of at least five years after its publication.

(4) The Competent Authority shall publish annually information on the type and size of the sanctions imposed under these Regulations, the contraventions concerned and the operators, undertakings or importers upon which sanctions have been imposed.

Offences

Obstruction of authorised officers.

32. A person who—

- (a) obstructs or interferes with an authorised officer in the exercise of a power conferred by these Regulations;
- (b) without reasonable excuse, refuses or fails to comply with a request or requirement of an authorised officer made in accordance with a power conferred by these Regulations; or
- (c) without reasonable excuse, fails to cooperate with an investigation or an inspection by an authorised officer under regulation 24,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding twelve months, or to both.

False or misleading information.

33. A person who, in purported compliance with a requirement imposed on such person under the Methane Regulation or these Regulations, gives to the Competent Authority information that the person knows to be false or misleading in a material particular, or that the person does not believe to be true, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding twelve months, or to both.

Offences by bodies corporate.

34.(1) Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of any person being—

- (a) a director, manager, secretary or other officer of the body corporate; or
- (b) a person who was purporting to act in any such capacity,
that person, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subregulation (1) shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Prosecution of offences.

35. Summary proceedings for an offence under these Regulations may be instituted by the Attorney General.

PART 7 MISCELLANEOUS

Complaints.

36.(1) Any natural or legal person may lodge a written complaint with the Competent Authority concerning a potential infringement of these Regulations or the Methane Regulation by an operator or importer.

(2) The complaint shall be duly substantiated and contain sufficient evidence of the alleged infringement.

(3) Where it becomes apparent that the complaint does not provide sufficient evidence to justify an investigation, the Competent Authority shall inform the complainant within a reasonable time but not later than two months from receipt of the complaint, of the reasons for its decision not to open an investigation.

(4) Subregulation (3) shall not apply where complaints that are not sufficiently substantiated are repeatedly lodged and for that reason deemed abusive by the Competent Authority.

Public availability of information.

37.(1) The Competent Authority shall make the reports referred to in Parts 3 to 5 available to the public free of charge, on a designated website and in a freely accessible, downloadable and machine readable format, within three months from their submission by the relevant operators.

(2) Information may be withheld from publication where—

- (a) it is confidential in accordance with the Protection of Trade Secrets Regulations 2018;
- (b) its disclosure would adversely affect national security or public safety; or
- (c) its disclosure would prejudice the commercial interests of any person.

(3) Where information is withheld, the Competent Authority shall indicate the type of information that is withheld and the reasons therefor.

Guidance.

38.(1) The Competent Authority may issue guidance on any matter relating to the interpretation or application of these Regulations or the Methane Regulation.

(2) Any guidance issued under subregulation (1) shall be published by the Competent Authority.

(3) An operator shall have regard to any guidance issued under this regulation.

Transitional provisions.

39.(1) Where, prior to the coming into operation of these Regulations, an operator has carried out LDAR surveys in accordance with the OGMP 2.0 framework, such surveys may be taken into account for the purposes of demonstrating compliance with regulations 13 and 14.

(2) Type 2 LDAR surveys carried out between 3rd August 2022 and 4th August 2024 may be considered by operators as the first type 2 LDAR survey for the purposes of regulation 14(2).

(3) Where an operator can demonstrate that it has, prior to the coming into operation of these Regulations, implemented monitoring, reporting or mitigation measures that are equivalent to those required by these Regulations, the Competent Authority may, on application by the operator, grant such exemptions or adjustments to the deadlines set out in these Regulations as the Competent Authority considers appropriate.

(4) Until the date of application of the standards or technical prescriptions established under

Article 32 of the Methane Regulation, operators shall use the technical guidance documents and reporting templates of the OGMP 2.0.

(5) Where a date or deadline under these Regulations or the EU Methane Regulations has already elapsed at the date of commencement of these Regulations, the relevant obligation shall be complied with within 6 months of commencement.

Review.

40.(1) The Minister shall monitor and review the application of these Regulations and shall submit a report to Parliament by 1st January 2028 and every five years thereafter.

(2) That report shall assess in particular—

- (a) the effectiveness and efficiency of these Regulations;
- (b) the level of reduction of methane emissions achieved; and
- (c) whether additional or alternative measures are necessary.

Costs incurred by operators.

41. Where any authority in Gibraltar fixes or approves a tariff, or a methodology to be used by transmission system operators, distribution system operators, LNG facility operators or other regulated entities, that authority shall take into account the costs incurred and investments made by those entities to comply with the obligations under the Methane Regulation and these Regulations, insofar as they correspond to those of an efficient and structurally comparable regulated entity and are transparent.

Fees.

42.(1) The competent authority may charge fees to operators in connection with the discharge of any duties or obligations imposed on the competent authority under these Regulations.

(2) A fee charged under subsregulation (1) must reflect the costs to the competent authority in fulfilling any duties or obligations.

(3) Where the competent authority relies on third parties to discharge its duties or obligation, the costs of those third parties are, for the purposes of subsregulation (2), costs incurred by the competent authority.

(4) The competent authority shall publish by notice in the Gazette any fees to be charged under subregulation (1).

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(5) A fee payable under this regulation is recoverable as a civil debt owed to the competent authority.

SCHEDULE

Regulation 21

REPORTING REQUIREMENTS FOR VENTING AND FLARING EVENTS

An operator shall notify to the Competent Authority at least the information set out in Annex III to the Methane Regulation regarding venting events and flaring events, including in particular the results of inspections of flare stacks or other combustion devices and of remote or automated monitoring systems, as applicable, carried out in accordance with regulation 19.