

Subsidiary Legislation made under s.13.

Renewable Energy Regulations 2026

LN.2026/169

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ENABLING FRAMEWORK FOR RENEWABLES SELF-CONSUMERS AND RENEWABLE ENERGY COMMUNITIES

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 promotion of energy from renewable sources, the Government has made these Regulations-

PART 1 PRELIMINARY

Title and commencement.

1. These Regulations may be cited as the Renewable Energy Regulations 2026 and come into operation on the Implementation Date.

Interpretation.

2.(1) In these Regulations, unless the context otherwise requires—

"the Act" means the Treaty on Gibraltar and the European Union Act 2026;

"advanced biofuels" means biofuels that are produced from the feedstock listed in Part A of Annex IX to Directive (EU) 2018/2001;

"biofuel" means liquid fuel for transport produced from biomass;

"biogas" means gaseous fuels produced from biomass;

"bioliquid" means liquid fuel for energy purposes other than transport, including electricity and heating and cooling, produced from biomass;

"biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture, including vegetal and animal substances, from forestry and related industries, including fisheries and aquaculture, as well as the biodegradable fraction of waste, including industrial and municipal waste of biological origin;

"biomass fuel" means gaseous and solid fuels produced from biomass;

"certificate" means a conformity statement issued by a certification body within the framework of a recognised voluntary scheme or the national scheme, certifying that an economic operator complies with the applicable requirements of these Regulations;

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"certification body" means a body that carries out independent auditing and issues certificates within the framework of a recognised voluntary scheme or the national scheme;

"co-located energy storage" means an energy storage facility combined with a facility producing renewable energy and connected to the same grid access point;

"the Competent Authority" means the Minister, or such other person or body as the Minister may, by notice published in the Gazette, appoint in their place, in accordance with regulation 3;

"the Directive" means Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, as amended by Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 and as amended from time to time;

"district heating and cooling" means the distribution of thermal energy in the form of steam, hot water, or chilled liquids from a central or decentralised source of production through a network to multiple buildings or sites for the use of space, process heating, or cooling;

"economic operator" means a producer of raw material, a collector of waste and residues, an operator of installations processing raw material into final fuels or intermediate products, an operator of installations producing energy (electricity, heating or cooling) or any other operator, including of storage facilities or traders that are in physical possession of raw material or fuels, provided that they process information on the sustainability and greenhouse gas emissions saving characteristics of those raw materials or fuels;

"energy from renewable sources" or "renewable energy" means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas;

"fuel supplier" means an entity which supplies fuels for consumption in Gibraltar;

"gross final consumption of energy" means the energy commodities delivered for energy purposes to industry, transport, households, services including public services, the consumption of electricity and heat by the energy branch for electricity and heat production, and losses of electricity and heat in distribution and transmission;

"guarantee of origin" means an electronic document which has the sole function of providing proof to a final customer that a given share or quantity of energy was produced from renewable sources;

"Implementation Date" has the meaning given in section 3 of the Act;

"the Implementing Regulation" means Commission Implementing Regulation (EU) 2022/996 of 14 June 2022 on rules to verify sustainability and greenhouse gas emissions saving criteria and low indirect land-use change-risk criteria, as amended by Commission Implementing Regulations (EU) 2024/805 and (EU) 2025/196 and as amended from time to time;

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

"the national scheme" means any scheme established by the Competent Authority pursuant to regulation 44;

"raw material" means substances that have not yet been processed into fuels including intermediate products;

"the Register" means the Gibraltar Renewable Energy and Sustainability Register established under regulation 42;

"recognised voluntary scheme" means a voluntary scheme that has been recognised by the European Commission pursuant to Article 30(4) of the Directive, or that has been recognised by the Competent Authority under regulation 45;

"recycled carbon fuels" means liquid and gaseous fuels that are produced from liquid or solid waste streams of non-renewable origin which are not suitable for material recovery in accordance with Article 4 of Directive 2008/98/EC, or from waste processing gas and exhaust gas of non-renewable origin which are produced as an unavoidable and unintentional consequence of the production process in industrial installations;

"renewable energy community" means a legal entity which, in accordance with the law applicable to it, is based on open and voluntary participation, is autonomous, and is effectively controlled by shareholders or members that are located in the proximity of the renewable energy projects that are owned and developed by that legal entity, the shareholders or members of which are natural persons, small and medium-sized enterprises, or local authorities, and the primary purpose of which is to provide environmental, economic, or social community benefits to its shareholders or members or to the local areas where it operates, rather than financial profits;

"renewable fuel of non-biological origin" means a liquid or gaseous fuel the energy content of which is derived from renewable sources other than biomass;

"renewables acceleration area" means a specific location or area, whether on land or sea or inland waters, which the Competent Authority has designated as particularly suitable for the installation of renewable energy plants under Part 4 of these Regulations;

"renewables self-consumer" means a final customer who generates renewable electricity for its own consumption within its premises and who may store or sell self-generated renewable electricity, provided that those activities do not constitute its primary commercial or professional activity;

"repowering" means the renewal of renewable energy plants producing renewable electricity or renewable heating or cooling, including the full or partial replacement of installations or operating systems and equipment for the purpose of increasing or replacing capacity or increasing the efficiency or the capacity of the installation;

"Town Planning Act" means the Town Planning Act 2018;

(2) Unless otherwise defined in these Regulations, words and expressions used in these Regulations which are also used in the Directive or the Implementing Regulation shall have the same meaning as they bear in the Directive or the Implementing Regulation, respectively.

(3) A reference in these Regulations to the Directive, the Implementing Regulation, or any other EU instrument shall, unless the context otherwise requires, be a reference to that instrument as amended or replaced from time to time and as applicable to Gibraltar by virtue of the Act.

Competent Authority.

3.(1) The Minister shall be the Competent Authority for the purposes of these Regulations.

(2) The Minister may, by notice published in the Gazette, designate another person or body to act as Competent Authority in their place and any reference to the Competent Authority in these Regulations shall be construed accordingly.

(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) 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.

PART 2
RENEWABLE ENERGY TARGETS

Power to make rules for support schemes.

4.(1) The Minister may, by rules published in the Gazette, make provision for the establishment and operation of one or more support schemes for the promotion of energy from renewable sources.

(2) Rules made under subregulation (1) may, in particular, make provision for or with respect to—

- (a) the design and form of any support scheme, including the provision of incentives for the integration of renewable electricity in the electricity market and the maximisation of market integration;
- (b) eligibility criteria for participation in a support scheme, including any criteria relating to the type, capacity, or location of the renewable energy installation;
- (c) the administration of any support scheme, including the process for applications, the allocation and disbursement of support, and reporting and monitoring requirements;
- (d) conditions and obligations to be imposed on beneficiaries of support, including conditions as to the use, maintenance, or performance of the renewable energy installation;
- (e) the form in which support is to be provided, including by way of direct price support in the form of a market premium (whether sliding or fixed), investment aid, tax exemptions or reductions, or any other form of financial incentive;
- (f) tendering procedures for the allocation of support, including provisions to ensure that such procedures are open, transparent, competitive, non-discriminatory, and cost-effective;
- (g) the exemption of small-scale installations and demonstration projects from tendering procedures or from the requirement for direct price support to be in the form of a market premium; and
- (h) the recovery, suspension, or withdrawal of support, including where conditions are not met or where there has been fraud or material misrepresentation.

(3) No support shall be granted by means of any support scheme for renewable energy produced from the incineration of waste unless the applicable separate collection requirements have been complied with.

(4) Rules made under this regulation shall not revise the level of, or the conditions attached to, support granted to renewable energy projects in a way that negatively affects the rights conferred thereunder or undermines the economic viability of projects that already benefit from such support, save that the Minister may adjust the level of support in accordance with objective criteria established in the original design of the support scheme.

Gibraltar renewable energy objective.

5.(1) The Competent Authority shall ensure that the share of energy from renewable sources in Gibraltar's gross final consumption of energy is meaningfully increased by 2030.

(2) In pursuit of the objective set out in subregulation (1), the Competent Authority shall, having regard to the particular characteristics of Gibraltar's energy system, its geographical constraints, and its small market size, publish a Gibraltar Renewable Energy Plan within twelve months of the date on which these Regulations come into force.

(3) The Gibraltar Renewable Energy Plan shall set out–

- (a) the Competent Authority's assessment of the potential for renewable energy deployment in Gibraltar, including an assessment of the available land surface, sea, and sub-surface areas that may be suitable for the installation of renewable energy plants;
- (b) an indicative trajectory for the deployment of renewable energy in Gibraltar to 2030 and beyond;
- (c) the policies and measures to be adopted or maintained in support of the deployment of renewable energy, including any support schemes;
- (d) an assessment of the infrastructure requirements for the integration of renewable energy into Gibraltar's energy system; and
- (e) the measures to be taken to ensure the achievement of the renewable energy objective referred to in subregulation (1), having particular regard to the sectors addressed in Parts 3, 7, 8, and 9 of these Regulations.

(4) The Gibraltar Renewable Energy Plan shall be reviewed and, if necessary, updated at intervals of not more than five years.

(5) The Competent Authority shall set an indicative target for innovative renewable energy technology of at least 5 per cent of newly installed renewable energy capacity by 2030.

Framework for renewable electricity deployment.

6.(1) The Competent Authority shall establish a framework enabling the deployment of renewable electricity to a level that is consistent with the Gibraltar Renewable Energy Plan and at a pace that is consistent with the indicative trajectory set out therein.

(2) The framework referred to in subregulation (1) shall, in particular, address—

- (a) remaining barriers to a high level of renewable electricity supply, including those related to permission-granting procedures;
- (b) the development of the necessary transmission, distribution, and storage infrastructure; and
- (c) additional renewable electricity required to meet demand in the transport, industry, building, and heating and cooling sectors and for the production of renewable fuels of non-biological origin.

Calculation of gross final consumption of energy from renewable sources.

7.(1) For the purpose of calculating the share of energy from renewable sources in Gibraltar's gross final consumption of energy, the Competent Authority shall apply the methodology set out in Article 7 of the Directive, subject to the following modifications—

- (a) energy produced from renewable fuels of non-biological origin shall be counted in the sector (electricity, heating and cooling, or transport) in which it is consumed;
- (b) renewable electricity used to produce renewable fuels of non-biological origin shall not be counted when calculating the share of renewable electricity;
- (c) gas and electricity from renewable sources shall be considered only once for the purpose of calculating the share of gross final consumption of energy from renewable sources.

(2) In calculating the amount of renewable electricity, the methodology set out in Article 7(2) and (3) of the Directive shall apply, mutatis mutandis.

**PART 3
RENEWABLE ENERGY IN BUILDINGS**

Indicative share of renewable energy in buildings.

8.(1) The Competent Authority shall determine an indicative national share of renewable energy produced on-site or nearby, as well as renewable energy taken from the grid, in final energy consumption in Gibraltar's building sector, that is consistent with an indicative target of at least 49 per cent share of energy from renewable sources in the building sector in 2030.

(2) The Competent Authority may count waste heat and cold towards the indicative share referred to in subregulation (1), up to a limit of 20 per cent of that share, provided that if it does so, the indicative share shall increase by half of the percentage of waste heat and cold counted.

Minimum levels of renewable energy in new and renovated buildings.

9.(1) The Competent Authority shall, in any applicable regulations and building codes, and where applicable in any support schemes or by other means with equivalent effect, require the use of minimum levels of energy from renewable sources produced on-site or nearby, as well as renewable energy taken from the grid, in—

- (a) new buildings; and
- (b) existing buildings that are undergoing major renovation or a renewal of the heating system, where that is economically, technically, and functionally feasible.

(2) The minimum levels referred to in subregulation (1) may be fulfilled through, inter alia, efficient district heating and cooling.

(3) Public buildings at national and local level shall fulfil an exemplary role as regards the share of renewable energy used.

PART 4
PERMISSION-GRANTING PROCEDURES AND RENEWABLES
ACCELERATION AREAS

Interpretation and scope of Part 4.

10. In this Part, unless the context otherwise requires—

“the Commission” means the Development and Planning Commission established under the Town Planning Act;

“permission-granting procedure” means all administrative stages from the acknowledgment of a complete application to the notification of the final decision on the outcome of an application relating to a renewable energy plant;

“renewable acceleration area” means a specific location or area, whether on land, sea or inland waters, which is designated under regulation 13 as particularly suitable for the installation of renewable energy plants; and

“renewable energy project” means development the purpose of which is the generation, production, storage, or grid connection of renewable energy, including a renewable energy plant, heat pump, solar energy equipment, co-located energy storage, or any asset necessary for the connection of such plant, equipment, or storage to the grid, but does not include development whose primary purpose is not the provision of renewable energy, notwithstanding that such development incorporates renewable energy equipment as an ancillary or integrated element.

Amendment of the Town Planning Act.

11. The Town Planning Act is amended by the insertion, after section 33, of the following sections—

“

Applications relating to renewable energy plants

Interpretation and scope of sections 33B to 33I

33A.(1) In sections 33B to 33I inclusive, unless the context otherwise requires—

“co-located energy storage” means an energy storage facility combined with a facility producing renewable energy and connected to the same grid access point;

“energy from renewable sources” or “renewable energy” means energy from renewable non-fossil sources, namely wind, solar (solar thermal and solar photovoltaic) and geothermal energy, osmotic energy, ambient energy, tide, wave and other ocean energy, hydropower, biomass, landfill gas, sewage treatment plant gas, and biogas;

“heat pump” means a machine, device, or installation that transfers thermal energy from ambient sources such as air, water, or ground to buildings by reversing the natural flow of heat such that it flows from a lower to a higher temperature;

“planning permission-granting procedure” means all administrative stages from the acknowledgment of a complete application to the notification of the final decision on the outcome of an application relating to a renewable energy plant;;

“renewable energy plant” means any plant, equipment, or installation that produces energy from renewable sources, including those combining different renewable energy sources, and co-located energy storage;

“renewable energy project” means development the purpose of which is the generation, production, storage, or grid connection of renewable energy, including a renewable energy plant, heat pump, solar energy equipment, co-located energy storage, or any asset necessary for the connection of such plant, equipment, or storage to the grid, but does not include development whose primary purpose is not the provision of renewable energy, notwithstanding that such development incorporates renewable energy equipment as an ancillary or integrated element.

“renewables acceleration areas” means an area designated under regulation 14 of the Renewable Energy Regulations 2026.

“renewables self-consumer” means a final customer who generates renewable electricity for its own consumption and who may store or sell self-generated renewable electricity, provided that those activities do not constitute its primary commercial or professional activity;

“repowering” means the renewal of renewable energy plants producing renewable electricity or renewable heating or cooling, including the full or partial replacement of installations or operating systems and equipment for the purpose of increasing or replacing capacity or increasing the efficiency or the capacity of the installation;

“solar energy equipment” means equipment that converts energy from the sun into thermal or electrical energy, in particular solar thermal and solar photovoltaic equipment;

- (2) Unless defined in this Act, words and expressions which are also used in the Renewable Energy Regulations 2026 shall have the same meaning as they bear in those Regulations;
- (3) Subject to subsection (4), sections 33B to 33I (inclusive) shall apply to any application for planning permission relating to a renewable energy project.

- (4) For the avoidance of doubt, where an application for planning permission relates to a development that includes renewable energy equipment as an ancillary or integrated element of a wider development whose primary purpose is not the provision of renewable energy—
- (a) the application is not an application relating to a renewable energy project for the purposes of sections 33B to 33I and shall be determined in accordance with the remaining provisions of this Act; and
 - (b) in determining whether the primary purpose of a development is the provision of renewable energy, the Commission shall have regard to the nature, scale, and character of the development as a whole.
- (5) Sections 22(5) and (6), 23(8), 25(3), 26(2) and 27(3)(b) and (c) shall not apply to an application for planning permission—
- (a) for the installation of solar energy equipment with a capacity not exceeding 100 kW on an existing artificial structure;
 - (b) for the installation of a heat pump with an electrical capacity below 50 MW; or
 - (c) for the repowering of a renewable energy power plant where the repowering does not result in an increase of the capacity of the plant beyond 15 per cent.
- (6) Where subsection (5) applies—
- (a) the Commission shall, upon validation, publish the application electronically;
 - (b) any person may make written representations to the Commission within 14 calendar days of the date of validation; and
 - (c) the Commission shall take into account any representations received within that period.

Validation of renewable energy applications.

- 33B.(1) The Commission shall validate an application for planning permission for a renewable energy project within the maximum number of days stated in subsection (2) of those conditions in section 24 being met in relation to that application, or, if

the conditions in section 24 are not met, the Commission may request that the applicant submit a complete application without undue delay.

- (2) For the purposes of subsection (1), the maximum number of days for –
 - (a) projects in renewables acceleration areas, the number of days shall be 30 days; and
 - (b) for projects in areas which are not renewables acceleration areas shall be 45 days.
- (3) The date of validation shall serve as the start of the planning permission-granting procedure for applications relating to renewable energy projects.

Maximum duration of planning permission -granting procedure in renewables acceleration areas.

- 33C.(1) The Commission shall ensure that the planning permission -granting procedure for renewable energy projects in renewables acceleration areas shall not exceed twelve months from the date of validation.
- (2) The planning permission -granting procedure for the following matters, where located in renewables acceleration areas, shall not exceed six months from the date of validation–
 - (a) repowering of renewable energy power plants,
 - (b) new installations with an electrical capacity of less than 150 kW,
 - (c) co-located energy storage,
 - (d) for the grid connection of any of the matters listed in paragraphs (a) to (c) above.
 - (3) Where duly justified on the ground of extraordinary circumstances the Commission may extend the period referred to in subsection (1) by up to six months and the period referred to in subsection (2) by up to three months, and shall inform the applicant in writing of the extraordinary circumstances that justify such extension.

Maximum duration of planning permission -granting procedure outside renewables acceleration areas.

- 33D.(1) The Commission shall ensure that the planning permission -granting procedure for renewable energy projects located outside renewables acceleration areas shall not exceed two years from the date of validation.
- (2) The planning permission -granting procedure for the following matters, where located outside renewables acceleration areas, shall not exceed twelve months from the date of validation–
- (a) repowering of renewable energy power plants;
 - (b) new installations with an electrical capacity of less than 150 kW;
 - (c) co-located energy storage;
 - (d) the connection of such plants, installations, and storage to the grid.
- (3) Where duly justified on the ground of extraordinary circumstances, including where extended periods are needed for assessments under applicable environmental law, the Commission may extend the periods referred to in subsections (1) and (2) by up to six months and three months respectively, and shall inform the applicant in writing of the extraordinary circumstances that justify such extension.

Planning permission -granting procedure for installation of solar energy equipment.

- 33E.(1) The planning permission -granting procedure for the installation of solar energy equipment and co-located energy storage, including building-integrated solar installations, in existing or future artificial structures, shall not exceed three months from the date of validation, provided that the primary purpose of such artificial structures is not solar energy production or energy storage.
- (2) The Minister may exclude by publication of an order in the Gazette, certain areas or structures from the application of subsection (1) for the purpose of protecting cultural or historical heritage, or for safety reasons.
- (3) The Commission shall make its decision on an application for planning permission for development that is the installation of solar energy equipment with a capacity of 11 kW or less before the expiry of the period of one month from the date of validation.
- (4) Where the Commission fails to make its decision on an application referred to in subsection (3) within the period referred to in that subsection, and the conditions

in subsection (5) are satisfied, a decision of the Commission to grant the planning permission shall be regarded as having been given on the day following the expiry of that period.

- (5) The conditions referred to in subsection (4) are that—
- (a) the application is complete;
 - (b) an environmental impact assessment is not required;
 - (c) the capacity of the solar energy equipment does not exceed the existing capacity of the connection to the distribution grid; and
 - (d) the applicant has not received notice from the Commission during the period referred to in subsection (3) that the application requires an environmental impact assessment.
- (6) A person shall not be entitled solely by reason of a planning permission under subsection (4) to carry out any development.

Repowering.

33F. Where repowering of a renewable energy power plant does not result in an increase of the capacity of that plant beyond 15 per cent, the Commission shall ensure that the planning permission -granting procedure for connections to the transmission or distribution grid shall not exceed three months following application, unless there are justified safety concerns or technical incompatibility of the system components.

Heat pumps.

33G.(1) Subject to subsection (2), the planning permission -granting procedure for the installation of heat pumps with an electrical capacity below 50 MW shall not exceed one month.

- (2) In the case of ground source heat pumps, the planning permission -granting procedure shall not exceed three months.
- (3) Subject to subsection (4), connections to the transmission or distribution grid for the following heat pumps shall be permitted within two weeks of notification to the Commission—
- (a) heat pumps with an electrical capacity of up to 12 kW; and

- (b) heat pumps with an electrical capacity of up to 50 kW installed by renewables self-consumers, provided that the electrical capacity of the renewables self-consumer's renewable electricity generation installation amounts to at least 60 per cent of the electrical capacity of the heat pump.
- (4) Subsection (3) shall not apply where—
 - (a) the Commission has justified safety concerns;
 - (b) further works are needed for grid connections; or
 - (c) there is technical incompatibility of the system components.
- (5) The Commission may exclude certain areas or structures from the application of subsections (1) to (4) for the purpose of protecting cultural or historical heritage, or for safety reasons.

Overriding public interest.

33H.(1) In the determination of any application relating to a renewable energy project, subject to the provisions of this section, the Commission shall have regard to the fact that proposed development that is—

- (a) the construction and operation of a renewable energy plant;
- (b) any works necessary for the connection of such a plant to the grid; or
- (c) any related grid or storage assets,

is presumed to be in the overriding public interest and serving public health and safety when balancing legal interests in the individual case.

- (2) The presumption in subsection (1) applies only on the condition that the proposed development provides for appropriate mitigation measures to—
 - (a) avoid the killing of species protected under the Nature Protection Act, 1991 or any regulations made thereunder;
 - (b) prevent the disturbance of such species;
 - (c) assess the effectiveness of such measures through appropriate monitoring; and

- (d) in the light of the information gathered from such monitoring, take further measures as required to ensure that there is no significant adverse impact on the population of the species concerned.
- (3) This section does not affect—
 - (a) any obligation to carry out an appropriate assessment under the Nature Protection Act, 1991 or any regulations made thereunder or an assessment of implications for wild birds under those enactments;
 - (b) any prohibition on the killing, disturbance or taking of protected species or the destruction of their breeding sites or resting places; or
 - (c) any requirement for appropriate mitigation or compensatory measures in connection with such assessments.
- (4) The presumption in subsection (1) does not apply to any development located on a major bird or marine mammal migratory route, as identified in the mapping carried out under regulation 13 or under any other enactment.
- (5) The Commission may restrict the application of this section to certain locations in Gibraltar, to certain types of technology, or to projects with certain technical characteristics.

Time exclusions from the planning permission -granting procedure.

- 33I.(1) Except where it coincides with other administrative stages of the planning permission -granting procedure, the duration of the planning permission -granting procedure under sections 33B, 33C, 33D, 33E, 33F and 33G shall not include—
- (a) the time during which the renewable energy plants, their grid connections, and the related necessary grid infrastructure are being built or repowered;
 - (b) the time for administrative stages necessary for significant grid upgrades required for grid stability, reliability, and safety; or
 - (c) the time for any appeals.
- (2) Decisions resulting from the planning permission -granting procedure shall be made publicly available

Contact point.

33J.(1) The Commission shall act as a contact point for applicants during the planning permission-granting procedure.

(2) The Commission shall–

- (a) guide the applicant through the administrative procedure in a transparent manner, including the steps relating to the protection of the environment;
- (b) provide the applicant with all necessary information;
- (c) involve, where appropriate, other public bodies.

(3) The Commission shall make available a manual of procedures for developers of renewable energy plants and shall provide that information online.”

Mapping of areas necessary for renewable energy deployment.

12.(1) Within twelve months of the date on which this regulation comes into force, the Competent Authority shall carry out a coordinated mapping for the deployment of renewable energy in Gibraltar to identify the domestic potential and the available land surface, sub-surface, sea, or inland water areas that are necessary for the installation of renewable energy plants and their related infrastructure.

(2) In carrying out the mapping, the Competent Authority shall take into account in particular–

- (a) the availability of energy from renewable sources and the potential for renewable energy production;
- (b) the projected demand for energy, taking into account potential flexibility and expected efficiency gains;
- (c) the availability of relevant energy infrastructure, or the potential to create or upgrade such infrastructure; and
- (d) any representations of the Commission.

Designation of renewables acceleration areas.

13.(1) The Competent Authority, in consultation with the Commission shall adopt one or more plans designating renewables acceleration areas for one or more types of renewable energy sources.

- (2) In designating renewables acceleration areas, the Competent Authority shall—
- (a) designate sufficiently homogeneous land and sea areas where the deployment of a specific type or types of renewable energy sources is not expected to have a significant environmental impact;
 - (b) give priority to artificial and built surfaces, such as rooftops and facades of buildings, transport infrastructure and their surroundings, parking areas, waste sites, industrial sites, and artificial inland water bodies;
 - (c) exclude sites designated under any enactment for the purposes of nature and biodiversity conservation, and major bird and marine mammal migratory routes, except for artificial and built surfaces located in those areas; and
 - (d) establish appropriate rules for the renewables acceleration areas on effective mitigation measures to be adopted.
- (3) The plans designating renewables acceleration areas shall be subject to a strategic environmental assessment in accordance with applicable law.

PART 5
SUSTAINABILITY AND GREENHOUSE GAS EMISSIONS SAVING CRITERIA

Application of sustainability criteria.

14.(1) Energy from biofuels, bioliquids, and biomass fuels shall be taken into account for the purposes of—

- (a) contributing towards the renewable energy targets and objectives set out in these Regulations;
- (b) measuring compliance with any renewable energy obligation; and
- (c) eligibility for financial support for the consumption of such fuels,

only where the sustainability and greenhouse gas emissions saving criteria set out in this Part are fulfilled.

(2) Subregulation (1) shall apply to biofuels, bioliquids, and biomass fuels regardless of whether they are produced within or are imported into Gibraltar.

(3) Biofuels, bioliquids, and biomass fuels produced from waste and residues, other than forestry residues, shall be required to fulfil only the greenhouse gas emissions saving criteria set out in regulation 20 in order to be taken into account for the purposes referred to in subregulation (1).

Thresholds for applicability of sustainability criteria for biomass fuels.

15. Biomass fuels shall fulfil the sustainability and greenhouse gas emissions saving criteria laid down in this Part where used—

- (a) in the case of solid biomass fuels, in installations producing electricity, heating, and cooling with a total rated thermal input equal to or exceeding 7.5 MW;
- (b) in the case of gaseous biomass fuels, in installations producing electricity, heating, and cooling with a total rated thermal input equal to or exceeding 2 MW; and
- (c) in the case of installations producing gaseous biomass fuels with an average biomethane flow rate above 200 cubic metres methane equivalent per hour measured at standard conditions of temperature and pressure.

Land-related sustainability criteria for biofuels, bioliquids and biomass fuels from agricultural biomass.

16.(1) Biofuels, bioliquids, and biomass fuels produced from agricultural biomass shall not be made from raw material obtained from land with a high biodiversity value, being land that had one of the following statuses in or after January 2008, irrespective of whether the land continues to have that status—

- (a) primary forest and other wooded land of native species where there is no clearly visible indication of human activity and the ecological processes are not significantly disturbed, and old growth forests;
- (b) highly biodiverse forest and other wooded land which is species-rich and not degraded;
- (c) areas designated by law or by the relevant competent authority for nature protection purposes, unless evidence is provided that the production of the raw material did not interfere with those purposes;
- (d) highly biodiverse grassland spanning more than one hectare, whether natural or non-natural; or
- (e) heathland.

Land-related sustainability criteria: high carbon stock land.

17. Biofuels, bioliquids, and biomass fuels produced from agricultural biomass shall not be made from raw material obtained from land that was peatland in January 2008, unless evidence is provided that the cultivation and harvesting of that raw material does not involve drainage of previously undrained soil.

Sustainability criteria for forest biomass.

18.(1) Biofuels, bioliquids, and biomass fuels produced from forest biomass shall fulfil the criteria set out in Article 29(6) and (7) of the Directive, as applicable.

(2) In the application of subregulation (1), the Competent Authority shall apply the risk-based approach set out in Article 29(6) and (7) of the Directive, including the requirement that harvesting operations protect areas designated for nature protection, maintain soil quality and biodiversity, and are carried out in compliance with sustainable forest management principles.

Cascading use of biomass.

19.(1) The Competent Authority shall take measures to ensure that energy from biomass is produced in a way that minimises undue distortive effects on the biomass raw material market and an adverse impact on biodiversity, the environment, and the climate.

(2) The Competent Authority shall ensure the application of the principle of the cascading use of biomass, with a focus on any support schemes and with due regard to Gibraltar's specific circumstances, prioritising the following order–

- (a) wood-based products;
 - (b) extending the service life of wood-based products;
 - (c) re-use;
 - (d) recycling;
 - (e) bioenergy; and
 - (f) disposal.
- (3) The Competent Authority shall not grant direct financial support for–

- (a) the use of saw logs, veneer logs, industrial grade roundwood, stumps and roots to produce energy; or
- (b) the production of renewable energy from the incineration of waste, unless the applicable separate collection requirements have been complied with.

Greenhouse gas emissions saving criteria.

20.(1) The greenhouse gas emissions savings from the use of biofuels, bioliquids, and biomass fuels shall be–

- (a) at least 50 per cent for biofuels, biogas consumed in the transport sector, and bioliquids produced in installations in operation on or before 5 October 2015;
- (b) at least 60 per cent for biofuels, biogas consumed in the transport sector, and bioliquids produced in installations starting operation from 6 October 2015 to 31 December 2020;
- (c) at least 65 per cent for biofuels, biogas consumed in the transport sector, and bioliquids produced in installations starting operation from 1 January 2021;
- (d) at least 80 per cent for electricity, heating, and cooling production from biomass fuels used in installations starting operation after 20 November 2023; and
- (e) in the case of electricity, heating, and cooling production from biomass fuels used in installations as further specified in Article 29(10)(e) to (h) of the Directive, the graduated thresholds set out therein.

(2) Energy from renewable fuels of non-biological origin shall be taken into account for the purposes of these Regulations only if the greenhouse gas emissions savings from the use of those fuels are at least 70 per cent.

(3) Energy from recycled carbon fuels may be taken into account for the purposes of these regulations only if the greenhouse gas emissions savings from the use of those fuels are at least 70 per cent.

(4) The methodology for calculating greenhouse gas emissions savings shall be as set out in Annexes V and VI to the Directive, and in accordance with Article 31 thereof, and the specific rules set out in Articles 20 to 23 of the Implementing Regulation (omitting any provisions therein relating to agriculture).

Transitional provision for existing supported bioenergy.

21.(1) Subject to subregulation (2), until 31 December 2030, energy from biofuels, bioliquids, and biomass fuels may be taken into account for the purposes referred to in regulation 14(1)(a), (b), and (c) where support was granted before 20 November 2023 in accordance with the sustainability and greenhouse gas emissions saving criteria in force as at 29 September 2020.

(2) Subregulation (1) shall apply only where the support was granted in the form of a long-term support scheme for which a fixed amount has been determined at the start of the support period and a correction mechanism to ensure the absence of overcompensation is in place.

PART 6

VERIFICATION, CERTIFICATION, AND TRACEABILITY

Requirement for verification.

22.(1) Where renewable fuels and recycled carbon fuels are to be counted towards the targets and objectives set out in these Regulations, the Competent Authority shall require economic operators to show, by means of mandatory independent and transparent audits, that the sustainability and greenhouse gas emissions saving criteria set out in Part 5 have been fulfilled.

(2) For the purposes of subregulation (1), economic operators shall use a mass balance system that allows the mixing of raw material or fuels that differ in their sustainability and greenhouse gas emissions saving characteristics, in accordance with the requirements of Article 30(1) and (2) of the Directive and the rules on the implementation of the mass balance system set out in Articles 18 and 19 of the Implementing Regulation, applied mutatis mutandis.

(3) In the application of the mass balance system, the rules set out in Article 19 of the Implementing Regulation shall apply, save that any reference to the Union database therein shall be read as a reference to the Register.

Economic operators' obligations.

23.(1) Economic operators shall—

- (a) maintain a documentation management system;
- (b) maintain an auditable system for safekeeping and reviewing all evidence related to the claims they make or rely on;
- (c) keep all evidence necessary to comply with these Regulations for a minimum of five years, or longer where required by the Competent Authority; and
- (d) accept responsibility for preparing any information related to the auditing of such evidence.

(2) Economic operators shall ensure that the sustainability and greenhouse gas emissions saving characteristics and other information describing raw materials or fuel are thoroughly documented and passed on from economic operator to economic operator through the supply chain, in accordance with the data requirements set out in Annex I to the Implementing Regulation.

(3) Economic operators shall enter accurate data in a timely manner into the Register on the transactions made and the sustainability characteristics of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, starting from their point of production to the moment they are placed on the market in Gibraltar.

Recognised voluntary schemes.

24.(1) The Competent Authority may decide that a voluntary scheme that has been recognised by the European Commission pursuant to Article 30(4) of the Directive provides adequate evidence of compliance with the sustainability and greenhouse gas emissions saving criteria set out in Part 5, within the scope of the Commission's recognition of that scheme.

(2) Where an economic operator provides evidence or data obtained in accordance with a recognised voluntary scheme, the Competent Authority shall not require the economic operator to provide further evidence of compliance with the elements covered by that scheme, within the scope of its recognition.

(3) The Competent Authority shall maintain and publish a list of recognised voluntary schemes for the purposes of these Regulations.

(4) A recognised voluntary scheme shall be required to comply with the governance, internal monitoring, complaints procedure, and transparency requirements set out in Articles 3 to 6 of the Implementing Regulation, and the Competent Authority may withdraw recognition from any scheme that fails to so comply.

Audit requirements.

25.(1) Certification bodies operating within the framework of a recognised voluntary scheme or the national scheme shall comply with the requirements set out in Articles 10 and 11 of the Implementing Regulation, subject to the modifications in subregulation (2).

(2) The modifications referred to in subregulation (1) are as follows—

- (a) a reference in Articles 10 or 11 of the Implementing Regulation to the Union database shall be read as a reference to the Register;

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- (b) a reference to "Member State" shall, where the context requires, be read as a reference to Gibraltar or the Competent Authority, as the case may require;
 - (c) the provisions relating to agriculture in the Implementing Regulation, including Articles 21(5) and 21(6) thereof insofar as they relate to the harvesting of agricultural waste and residues, and Annex VI thereto, shall be omitted; and
 - (d) any obligation to report to, or notify, the European Commission shall be omitted.
- (3) For the purpose of supervision, the Competent Authority shall have the power to–
- (a) require certification bodies operating in Gibraltar to register with the Competent Authority;
 - (b) access the premises of economic operators and certification bodies;
 - (c) request all information necessary for the discharge of functions under these Regulations; and
 - (d) take appropriate action, including withdrawing recognition of a voluntary scheme or prohibiting a certification body from operating in Gibraltar, where the Competent Authority is satisfied that the requirements of these Regulations or of the Implementing Regulation (as applied by these Regulations) are not being met.
- (4) The detailed audit requirements set out in Articles 10 to 16 of the Implementing Regulation shall apply in Gibraltar with the necessary modifications, including–
- (a) the classification of non-conformities as critical, major, and minor, and the consequences thereof, as set out in Article 10(3) to (6) of the Implementing Regulation;
 - (b) the requirements for certification bodies and their auditors as set out in Article 11 of the Implementing Regulation, save that accreditation may be conducted by a national accreditation body in Gibraltar appointed by the Minister or of the United Kingdom or of an EU Member State;
 - (c) the rules on group auditing as set out in Article 12 of the Implementing Regulation;
 - (d) the rules on auditing of waste and residues as set out in Article 13 of the Implementing Regulation;
 - (e) the rules on auditing of actual GHG emission calculations as set out in Article 14 of the Implementing Regulation; and

- (f) the rules on audits of mass balance systems as set out in Article 15 of the Implementing Regulation.

(5) Articles 16 (auditing of natural and non-natural highly-biodiverse grassland) and 24 to 27 (low ILUC-risk certification) of the Implementing Regulation shall apply in Gibraltar *mutatis mutandis*, with the modification that any reference to reporting to the Commission shall be omitted.

PART 7

RENEWABLE ENERGY IN THE TRANSPORT SECTOR

Obligation on fuel suppliers: renewable energy in transport.

26.(1) The Competent Authority shall impose an obligation on fuel suppliers to ensure that—

- (a) the amount of renewable fuels and renewable electricity supplied to the transport sector leads to—
 - (i) a share of renewable energy within the final consumption of energy in the transport sector of at least 29 per cent by 2030; or
 - (ii) a greenhouse gas intensity reduction of at least 14.5 per cent by 2030, compared to the baseline determined in accordance with regulation 36,

as the Competent Authority shall determine; and

- (b) the combined share of advanced biofuels and biogas produced from the feedstock listed in Part A of Annex IX to the Directive and of renewable fuels of non-biological origin in the energy supplied to the transport sector is at least 1 per cent in 2025 and 5.5 per cent in 2030, of which a share of at least 1 percentage point shall be from renewable fuels of non-biological origin in 2030.

(2) For the purposes of subregulation (1), the Competent Authority may—

- (a) exempt fuel suppliers supplying electricity or renewable fuels of non-biological origin from the requirement relating to advanced biofuels and biogas;
- (b) set the obligation by means of measures targeting volumes, energy content, or greenhouse gas emissions;
- (c) distinguish between different energy carriers; and

(d) distinguish between the maritime transport sector and other sectors.

(3) The Competent Authority shall take measures to ensure that from 2030, the share of renewable fuels of non-biological origin in the total amount of energy supplied to the maritime transport sector in Gibraltar is at least 1.2 per cent.

Credit mechanism for recharging points.

27.(1) The Competent Authority shall establish a mechanism allowing fuel suppliers in Gibraltar to exchange credits for supplying renewable energy to the transport sector.

(2) Economic operators that supply renewable electricity to electric vehicles through public recharging points shall receive credits, irrespective of whether they are subject to the obligation set by the Competent Authority on fuel suppliers, and may sell those credits to fuel suppliers, which shall be allowed to use the credits to fulfil the obligation set out in regulation 26(1).

(3) The Competent Authority may include private recharging points in that mechanism provided it can be demonstrated that renewable electricity supplied to those private recharging points is provided solely to electric vehicles.

Calculation rules for the transport sector.

28.(1) For the purpose of calculating the targets, shares, and greenhouse gas intensity reductions referred to in regulation 26, the rules set out in Article 27 of the Directive shall apply in Gibraltar, mutatis mutandis, including—

- (a) the rules for determining the greenhouse gas emissions savings from biofuels, biogas, renewable fuels of non-biological origin, and renewable electricity;
- (b) the fossil fuel comparators;
- (c) the multipliers for the energy content of certain fuels; and
- (d) the limits on the share of biofuels and bioliquids produced from food and feed crops.

(2) For the purposes of calculating the targets set in regulation 26, the amount of energy supplied to the maritime transport sector shall, as a proportion of Gibraltar's gross final consumption of energy, be considered to be no more than 5 per cent.

Cap on biofuels from food and feed crops.

29.(1) The share of biofuels and bioliquids, as well as biomass fuels consumed in transport, where produced from food and feed crops, shall be no more than one percentage point higher than the share of such fuels in the final consumption of energy in the transport sector in 2020, with a maximum of 7 per cent of final consumption of energy in the transport sector.

(2) The Competent Authority may set a cap lower than 7 per cent and, where it does so, may reduce the minimum share of renewable energy or the greenhouse gas intensity reduction target accordingly.

PART 8 RENEWABLE ENERGY IN HEATING AND COOLING

Annual increase in share of renewable energy in heating and cooling.

30.(1) The Competent Authority shall ensure that the share of renewable energy in the heating and cooling sector in Gibraltar increases by at least—

- (a) 0.8 percentage points as an annual average, calculated for the period 2021 to 2025; and
- (b) 1.1 percentage points as an annual average, calculated for the period 2026 to 2030,

starting from the share of renewable energy in the heating and cooling sector in 2020.

(2) The Competent Authority may count waste heat and cold towards the average annual increases referred to in subregulation (1), up to a limit of 0.4 percentage points.

(3) To achieve the increases referred to in subregulation (1), the Competent Authority shall endeavour to implement at least two of the following measures—

- (a) physical incorporation of renewable energy or waste heat and cold in the energy sources and fuels supplied for heating and cooling;
- (b) the installation of highly efficient renewable heating and cooling systems in buildings, the connection of buildings to efficient district heating and cooling systems, or the use of renewable energy or waste heat and cold in industrial heating and cooling processes;
- (c) measures covered by tradable certificates proving compliance with the obligation in subregulation (1);
- (d) capacity building for local authorities to plan and implement renewable energy projects;

- (e) the creation of risk mitigation frameworks;
- (f) the promotion of renewable heating and cooling purchase agreements;
- (g) planned replacement schemes for fossil heating sources;
- (h) the promotion of the production of biogas and its injection into gas networks;
- (i) measures promoting the integration of thermal energy storage;
- (j) the promotion of renewable based district heating and cooling networks; and
- (k) other policy measures with an equivalent effect.

(4) When adopting and implementing the measures referred to in subregulation (3), the Competent Authority shall ensure their accessibility to all consumers, in particular those in low-income or vulnerable households.

(5) The Competent Authority shall carry out an assessment of Gibraltar's potential for energy from renewable sources and the use of waste heat and cold in the heating and cooling sector, including an analysis of areas suitable for low-ecological-risk deployment and the potential for small-scale household projects.

(6) The Competent Authority shall ensure that information is made available to owners and tenants of buildings and to small and medium-sized enterprises on cost-effective measures and financial instruments to improve the use of renewable energy in heating and cooling, through accessible and transparent advisory tools.

District heating and cooling.

31.(1) The Competent Authority shall ensure that information on the energy performance and the share of renewable energy in district heating and cooling systems is provided to final consumers in an easily accessible manner, such as on bills or on the suppliers' websites.

(2) The Competent Authority shall endeavour to increase the share of energy from renewable sources and from waste heat and cold in district heating and cooling by an indicative 2.2 percentage points as an annual average, calculated for the period 2021 to 2030.

PART 9 RENEWABLE ENERGY IN INDUSTRY

Renewable energy benchmarks for industry.

32.(1) The Competent Authority shall endeavour to increase the share of renewable energy, including waste heat and cold, in energy used for final energy and non-energy purposes in the industry sector by an indicative increase of at least 1.6 percentage points as an annual average, calculated for the periods 2021 to 2025 and 2026 to 2030.

(2) The Competent Authority shall ensure that the contribution of renewable fuels of non-biological origin used for final energy and non-energy purposes is–

(a) at least 42 per cent of the hydrogen used for final energy and non-energy purposes in industry by 2030; and

(b) at least 60 per cent by 2035.

(3) For the calculation of the percentage referred to in subregulation (2), the rules set out in Article 22a(1) of the Directive shall apply, *mutatis mutandis*.

PART 10 GUARANTEES OF ORIGIN

System of guarantees of origin.

33.(1) The Competent Authority shall establish a system for the issue, transfer, and cancellation of guarantees of origin in respect of energy from–

(a) renewable sources, including renewable gas and gaseous renewable fuels of non-biological origin such as hydrogen;

(b) waste heat and cold; and

(c) non-renewable sources, if the Competent Authority so decides.

(2) A guarantee of origin shall be issued in response to a request from a producer of energy from renewable sources, unless the Competent Authority decides not to issue such a guarantee to a producer that receives financial support from a support scheme.

(3) A guarantee of origin shall be of the standard size of 1 MWh. Where appropriate, such standard size may be divided to a fraction size, provided that the fraction is a multiple of 1 Wh.

(4) No more than one guarantee of origin shall be issued in respect of each unit of energy produced.

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(5) Simplified registration processes and reduced registration fees shall be introduced for small installations of less than 50 kW and for renewable energy communities.

(6) Where gas is supplied from a hydrogen or natural gas network, including gaseous renewable fuels of non-biological origin and biomethane, the supplier shall demonstrate to final consumers the share or quantity of energy from renewable sources in its energy mix by using guarantees of origin, except—

- (a) as regards the share corresponding to non-tracked commercial offers, for which the supplier may use the residual energy mix; or
- (b) where the Competent Authority has decided not to issue guarantees of origin to a producer receiving financial support from a support scheme.

(7) Where electricity is supplied to final consumers, the supplier shall demonstrate to final consumers the share or quantity of energy from renewable sources in its energy mix by using guarantees of origin, except as regards the share corresponding to non-tracked commercial offers, for which the supplier may use the residual energy mix.

(8) The Competent Authority shall ensure that guarantees of origin are issued, transferred and cancelled electronically.

Validity and cancellation of guarantees of origin.

34.(1) Guarantees of origin shall be valid for transactions for twelve months after the production of the relevant energy unit.

(2) The Competent Authority shall ensure that all guarantees of origin that have not been cancelled expire at the latest eighteen months after the production of the energy unit.

(3) For the purposes of supplier disclosure, the Competent Authority shall ensure that energy undertakings cancel guarantees of origin at the latest six months after the end of the validity period.

(4) The Competent Authority shall ensure that data on Gibraltar's residual energy mix are published on an annual basis.

Content of guarantees of origin.

35. Each guarantee of origin shall contain, at a minimum, the information specified in Article 19(7) of the Directive, including—

- (a) the energy source from which the energy was produced and the start and end dates of production;
- (b) the identity, location, type, and capacity of the installation;
- (c) the date and country of issue and a unique identification number; and
- (d) whether the installation has benefited from any support scheme.

Mutual recognition of guarantees of origin.

36.(1) The Competent Authority shall recognise guarantees of origin issued by EU Member States in accordance with the Directive.

(2) The Competent Authority may refuse to recognise a guarantee of origin only where it has well-founded doubts about its accuracy, reliability, or veracity.

PART 11 INSTALLER CERTIFICATION AND TRAINING

Certification schemes for installers.

37.(1) The Competent Authority shall ensure that certification schemes or equivalent qualification schemes are available for installers and designers of all forms of renewable heating and cooling systems in buildings and industry, for installers of solar photovoltaic systems, including energy storage, and for installers of recharging points enabling demand response.

(2) Such schemes shall be based on the criteria laid down in Annex IV to the Directive.

(3) The Competent Authority shall recognise certifications awarded by EU Member States and the United Kingdom in accordance with equivalent criteria.

(4) The Competent Authority shall ensure that a regularly updated list of installers who are certified or qualified in accordance with subregulation (1) is made available to the public in a transparent and easily accessible manner.

Training programmes.

38.(1) The Competent Authority shall ensure that sufficient training programmes leading to certification or qualification covering renewable heating and cooling technology, solar photovoltaic systems, including energy storage, recharging points enabling demand response, and the latest innovative solutions are made available.

(2) The Competent Authority shall put in place measures to promote participation in such training programmes, in particular by small and medium-sized enterprises and the self-employed.

PART 12

RENEWABLE ENERGY SELF-CONSUMERS AND ENERGY COMMUNITIES

Rights of renewables self-consumers.

39.(1) Renewables self-consumers, whether individually or through aggregators, shall be entitled to—

- (a) generate renewable energy, including for their own consumption;
- (b) store and sell excess production of renewable electricity, including through renewable energy purchase agreements; and
- (c) install and operate electricity storage systems combined with installations generating renewable electricity for self-consumption.

(2) The Competent Authority shall ensure that renewables self-consumers are not subject to disproportionate or discriminatory charges or requirements.

Renewable energy communities.

40.(1) The Competent Authority shall promote and facilitate the establishment of renewable energy communities in accordance with the provisions of Schedule 3.

(2) A renewable energy community shall have the right to produce, consume, store, and sell renewable energy.

(3) The Competent Authority shall ensure that unjustified regulatory and administrative barriers to renewable energy communities are removed.

Enabling framework for renewables self-consumers and renewable energy communities.

41. Schedule 3, which sets out the enabling framework for renewables self-consumers and renewable energy communities, shall have effect.

PART 13

THE GIBRALTAR RENEWABLE ENERGY AND SUSTAINABILITY REGISTER

Establishment of the Register.

42.(1) The Competent Authority shall establish and maintain a register to be known as the Gibraltar Renewable Energy and Sustainability Register (the "Register") for the purpose of enabling the tracing of liquid and gaseous renewable fuels and recycled carbon fuels.

(2) The Register shall serve in place of the Union database referred to in the Directive and the Implementing Regulation for the purposes of Gibraltar, and any reference in the Directive or the Implementing Regulation to the Union database shall, for the purposes of these Regulations, be read as a reference to the Register.

(3) The Register shall enable—

- (a) the recording of transactions and the sustainability characteristics of the fuels subject to those transactions, including their life-cycle greenhouse gas emissions, from their point of production to the moment they are placed on the market in Gibraltar;
- (b) the verification of compliance with the requirements of regulation 26(1);
- (c) the tracing of guarantees of origin where those are required to be transferred to the Register in accordance with regulation 34;
- (d) the recording of data on the injection and withdrawal of renewable gaseous fuels; and
- (e) the recording of data on whether support has been provided for the production of a specific consignment of fuel and, if so, on the type of support scheme.

(4) The Competent Authority shall ensure that the accuracy and completeness of the data entered by economic operators into the Register are verified, for instance by using certification bodies in the framework of recognised voluntary schemes or the national scheme.

(5) Where guarantees of origin have been issued for the production of a consignment of renewable gas, the Competent Authority shall ensure that those guarantees of origin are transferred to the Register at the moment when a consignment of renewable gas is registered therein and are cancelled after the consignment is withdrawn from the interconnected gas infrastructure.

(6) Aggregated data from the Register shall be made publicly available, with due regard to the protection of commercially sensitive information.

(7) The Competent Authority shall ensure that data entered into the Register by economic operators is processed in accordance with the Data Protection Act 2004 and that commercially sensitive information is not disclosed to third parties except where required for the purposes of verification under these Regulations.

Interoperability and data standards.

43.(1) The Competent Authority shall ensure that the Register is designed to be interoperable, to the extent practicable, with the Union database and with any equivalent databases maintained in the United Kingdom or in EU Member States.

(2) The Competent Authority may establish data standards for the Register and may require economic operators to submit data in a specified electronic format.

PART 14
NATIONAL SCHEME AND RECOGNITION

Power to establish national scheme.

44.(1) The Competent Authority may, by regulations or by notice published in the Gazette, establish a national scheme under which compliance with the sustainability and greenhouse gas emissions saving criteria set out in Part 5 may be verified throughout the entire chain of custody.

(2) A national scheme established under subregulation (1) may also be used to verify the accuracy and completeness of the information included by economic operators in the Register and for the certification of biofuels, bioliquids, and biomass fuels with low indirect land-use change-risk.

(3) For installations producing electricity, heating, and cooling with a total rated thermal input between 7.5 MW and 20 MW, the Competent Authority may establish a simplified national verification scheme.

Recognition of voluntary schemes by the Competent Authority.

45.(1) Where a voluntary scheme has not been recognised by the European Commission but the Competent Authority is satisfied that it provides reliable evidence of compliance with the criteria set out in Part 5 and meets the governance, transparency, and auditing requirements equivalent to those set out in the Implementing Regulation, the Competent Authority may, by notice published in the Gazette, recognise that scheme for the purposes of these Regulations.

(2) The Competent Authority may attach conditions to any recognition under this regulation, and may withdraw recognition where those conditions are no longer met or where the scheme no longer provides reliable evidence of compliance.

Recognition of national schemes of other jurisdictions.

46. The Competent Authority may recognise national schemes established by EU Member States or by the United Kingdom, where the Competent Authority is satisfied that such schemes provide an equivalent standard of verification of compliance with the sustainability and greenhouse gas emissions saving criteria.

PART 15
INFORMATION, TRANSPARENCY, AND FACILITATING SYSTEM
INTEGRATION

Information to consumers on fuel mix.

47.(1) The Competent Authority shall ensure that information on the geographic origin and feedstock type of biofuels, bioliquids, and biomass fuels per fuel supplier is made available to consumers in an up-to-date, easily accessible, and user-friendly manner on the websites of operators, suppliers, or the Competent Authority.

(2) Such information shall be updated on an annual basis.

Integration of renewable electricity.

48.(1) The Competent Authority shall require transmission system operators and, where the data are available to them, distribution system operators in Gibraltar to make available data on the share of renewable electricity and the greenhouse gas emissions content of the electricity supplied in Gibraltar, as accurately as possible in intervals of no more than one hour.

(2) The data referred to in subregulation (1) shall be made available digitally in a manner that ensures interoperability.

(3) The Competent Authority shall ensure that renewable energy installations are granted either priority access or guaranteed access to the grid.

(4) The Competent Authority shall take appropriate steps to ensure that the curtailment of electricity produced from renewable energy sources is minimised and, where curtailment is required, that it is carried out in a non-discriminatory manner.

PART 16

**SPECIFIC RULES FOR LOW INDIRECT LAND-USE CHANGE-RISK
CERTIFICATION**

Application of low ILUC-risk certification rules.

49.(1) The provisions of Chapter V of the Implementing Regulation (Articles 24 to 27 thereof) and Annex VIII thereto shall have effect in Gibraltar for the purpose of the certification of low indirect land-use change-risk biofuels, bioliquids, and biomass fuels, subject to the following modifications—

- (a) any reference to the European Commission shall be omitted;
- (b) any reference to a Member State shall be read as a reference to Gibraltar or the Competent Authority, as appropriate;
- (c) any reference to the Union database shall be read as a reference to the Register;
and
- (d) any provision relating to agriculture, including the provisions on soil management practices in Annex VI to the Implementing Regulation, shall be omitted.

(2) For the avoidance of doubt, the rules on management plans, additionality tests (including the financial attractiveness test and non-financial barrier test), and the determination of dynamic yield baselines as set out in Annex VIII to the Implementing Regulation shall apply in Gibraltar, subject to the modifications in subregulation (1).

**PART 17
ENFORCEMENT, OFFENCES, PENALTIES AND APPEALS**

Enforcement powers of the Competent Authority.

50.(1) For the purpose of enforcing these Regulations, the Competent Authority may—

- (a) require any person to furnish such information as the Competent Authority may reasonably require;
- (b) enter any premises at any reasonable time for the purpose of inspecting records, data, and documentation;
- (c) take copies of any documents or records found on such premises;
- (d) require the production of any document or record;

- (e) issue compliance notices requiring a person to take such steps as the Competent Authority considers necessary to comply with these Regulations; and
- (f) issue enforcement notices, including suspension or prohibition notices, where the Competent Authority is satisfied that a person has contravened or is contravening any provision of these Regulations.

(2) A person who, without reasonable excuse, fails to comply with a requirement imposed by or under this regulation shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences.

51.(1) A person shall be guilty of an offence if that person—

- (a) furnishes false or misleading information in purported compliance with any requirement of these Regulations;
- (b) fraudulently issues or obtains a proof of sustainability, a certificate, or a guarantee of origin;
- (c) deliberately misstates raw material descriptions, falsifies greenhouse gas values or input data, or deliberately produces wastes or residues for the purpose of obtaining a sustainability claim to which that person would not otherwise be entitled;
- (d) fails to comply with an enforcement notice issued under regulation 50; or
- (e) obstructs the Competent Authority or any person authorised by the Competent Authority in the exercise of any power conferred by these Regulations.

(2) A person guilty of an offence under subregulation (1)(a), (b), or (c) shall be liable—

- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding six months, or to both; or
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or to both.

(3) A person guilty of an offence under subregulation (1)(d) or (e) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) Where an offence under this regulation is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect

on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any 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.

Civil penalties.

52.(1) The Competent Authority may, as an alternative to criminal proceedings, impose a civil penalty on any person who contravenes any provision of these Regulations or fails to comply with an enforcement notice.

(2) The maximum civil penalty that may be imposed under subregulation (1) shall not exceed £50,000 in respect of each contravention.

(3) Before imposing a civil penalty, the Competent Authority shall give the person concerned a notice of intent, specifying the contravention, the proposed penalty, and the grounds for the proposed penalty, and shall allow the person not less than 28 days to make representations.

(4) A person on whom a civil penalty is imposed may appeal to the Supreme Court within 28 days of the date of the penalty notice.

Appeals.

53.(1) Any person aggrieved by a decision of the Competent Authority may, within 28 days of the date on which they are informed of the decision, appeal to the Supreme Court.

(2) Upon filing an appeal the appellant shall serve a copy of the record of appeal on the Competent Authority.

(3) The court may-

- (a) dismiss the appeal;
- (b) allow the appeal and quash the decision appealed against; or
- (c) remit the matter to the Competent Authority for further consideration, in accordance with any directions of the court.

(4) The court may make any order as to the costs of an appeal as it considers appropriate.

(5) The court may in its discretion grant a stay or other relief in respect of an appeal until the appeal has been determined.

PART 18
SUPPLEMENTARY AND FINAL PROVISIONS

Power to amend.

54.(1) The Minister may, by regulations, amend these Regulations for the purpose of—

- (a) creating equivalent domestic provisions to any amendment to the Directive or the Implementing Regulation;
- (b) updating any technical standard, threshold, methodology, or other specification contained in or applied by these Regulations to reflect developments in EU law or in the law of Gibraltar;
- (c) making such further provision as is necessary or expedient for the effective implementation of these Regulations; or
- (d) correcting any error or removing any inconsistency.

(2) Regulations made under this regulation shall be laid before the Gibraltar Parliament.

Guidance.

55.(1) The Competent Authority may publish guidance on the interpretation and application of these Regulations.

(2) Any person exercising functions under these Regulations shall have regard to any guidance published under this regulation.

Savings.

56.(1) Nothing in these Regulations shall affect the validity of any licence, planning permission, consent, or authorisation granted under any other enactment before the coming into force of these Regulations.

(2) Any environmental impact assessment, strategic environmental assessment, or other assessment carried out under any other enactment before the coming into force of these Regulations shall, so far as is relevant, be taken into account by the Competent Authority in the exercise of functions under Part 4.

Transitional provisions for existing economic operators and certificates.

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57.(1) An economic operator who, immediately before the coming into force of these Regulations, was operating in Gibraltar under or by reference to a voluntary scheme recognised by the European Commission pursuant to Article 30(4) of the Directive shall, for the purposes of these Regulations, be treated as operating under a recognised voluntary scheme, and shall not be required to obtain fresh recognition or certification under Part 6 for transitional period, provided that the operator notifies the Competent Authority in writing of its name, the voluntary scheme under which it operates, and the scope of its operations within three months of the coming into force of these Regulations.

(2) A certificate, proof of sustainability, or audit report issued to an economic operator by a certification body operating under a voluntary scheme recognised by the European Commission pursuant to Article 30(4) of the Directive, and which was valid immediately before the coming into force of these Regulations, shall continue to be valid for the purposes of these Regulations for the remainder of its original period of validity or for a period of twelve months beginning with the date on which these Regulations come into force, whichever is the shorter.

(3) A certification body which, immediately before the coming into force of these Regulations, was accredited by a national accreditation body of an EU Member State or of the United Kingdom and was operating under a voluntary scheme recognised by the European Commission shall, for the purposes of these Regulations, be treated as meeting the requirements of regulation 25 for the duration of the transitional period, provided that the certification body registers with the Competent Authority in accordance with regulation 25(3)(a) within three months of the coming into force of these Regulations.

(4) During the transitional period, an economic operator to whom subregulation (1) applies shall comply with the obligations set out in regulation 23 as if the operator had been certified under Part 6, and any data that the operator would have been required to enter into the Register under regulation 23(3) shall, until the Register is operational, be maintained by the operator in its own records and submitted to the Competent Authority within 28 days of the date on which the Competent Authority notifies the operator that the Register is operational.

(5) The Competent Authority may, by notice published in the Gazette, extend the transitional period for a further period of up to six months where the Competent Authority is satisfied that it is necessary to do so in order to allow economic operators or certification bodies to complete arrangements for compliance with these Regulations.

(6) Upon the expiry of the transitional period (or any extension thereof), subregulations (1) to (4) shall cease to have effect and the economic operator or certification body concerned shall be required to comply fully with the applicable requirements of these Regulations.

(7) In this regulation, the "transitional period" means a period of twelve months beginning with the date on which these Regulations come into force.

Fees.

58.(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).

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

Consequential amendments.

59.(1) The Town Planning (General Procedures) Regulations 2019 are amended in accordance with this Regulation.

(2) After regulation 2(2) insert-

“(3) Where an application for full planning permission relates to the installation of solar energy equipment with a capacity not exceeding 100 kW on an existing artificial structure, or the installation of a heat pump with an electrical capacity below 50 MW, the applicant shall only be required to submit—

- (a) a location plan outlining the application site;
- (b) a site plan showing the building or structure on which the equipment is to be installed;
- (c) drawings showing the proposed location, size, and appearance of the equipment; and
- (d) a statement of the capacity of the equipment and, in the case of solar energy equipment, confirmation as to whether the capacity exceeds the existing capacity of the connection to the distribution grid.”

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(2) After regulation 5, insert –

“ Exemptions.

5A. Notwithstanding regulation 5, the following classes of development shall not be designated classes for the purposes of section 23 of the Act—

- (a) the installation of solar energy equipment with a capacity not exceeding 100 kW on an existing artificial structure;
- (b) the installation of a heat pump with an electrical capacity below 50 MW; and
- (c) the repowering of a renewable energy power plant where the repowering does not result in an increase of the capacity of the plant beyond 15 per cent.”

(3) After regulation 7(2) insert-

“(3) Where planning permission is deemed to have been granted under section 33E(4) of the Act, the Commission shall, within 7 days of the date on which permission is deemed to have been granted, publish notice of that fact in electronic form, including—

- (a) the name and address of the applicant;
- (b) the location and description of the development; and
- (c) a statement that planning permission has been deemed to have been granted and the date on which it is deemed to have been granted.”

(4) After regulation 9(4) insert –

“(4A) Where planning permission is deemed to have been granted under section 33E(4) of the Act, the entry in the register shall state that fact and the date on which permission was deemed to have been granted.”

(5) After regulation 12(5) insert-

“(6) Where an application for planning permission is subject to sections 33B to 33G of the Act, the period mentioned in sub-regulation (4)(b) shall be 7 days (and not 14 days).”

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SCHEDULE 1

**PROVISIONS OF THE IMPLEMENTING REGULATION APPLIED IN
GIBRALTAR**

Regulation 25

The following provisions of the Implementing Regulation are applied in Gibraltar by these Regulations, subject to the modifications set out in regulation 25(2)–

Chapter II – General rules on governance, internal monitoring, complaints procedures and transparency of voluntary schemes.

1. Article 3 (governance structure of the voluntary scheme).
2. Article 4 (non-conformities of economic operators under the scheme).
3. Article 5 (internal monitoring, complaints procedure and documentation management system).
4. Article 6 (publication of information by voluntary schemes).
5. Article 7 (change of scheme by economic operators).
6. Article 8 (recognition of other voluntary schemes).
7. Article 9 (recognition of national schemes).

Chapter III – Audit process, audit scope, qualifications of auditors and audit supervision.

8. Article 10 (audit process and levels of assurance).
9. Article 11 (requirements for certification bodies and their auditors).
10. Article 12 (group auditing).
11. Article 13 (auditing of waste and residues), paragraphs 1 to 4 and 6 to 8.
12. Article 14 (auditing of actual GHG emission calculations).
13. Article 15 (audits of mass balance systems).
14. Article 16 (auditing of natural and non-natural highly-biodiverse grassland).
15. Article 17 (supervision by the Competent Authority).

Chapter IV – Specific rules on the implementation of the mass balance system, the Register and the establishment of GHG emissions and biological fraction of fuels.

16. Article 18 (traceability and the Register).
17. Article 19 (implementation of the mass balance system).
18. Article 20 (determining the GHG emissions of biofuels, biomass fuels and bioliquids).
19. Article 21 (specific rules for waste and residues), paragraphs 1 to 4 only.
20. Article 22 (specific rules for recycled carbon fuels and renewable fuels of non-biological origin).
21. Article 23 (specific rules for co-processing).

Chapter V – Specific rules on compliance with the requirements on low ILUC-risk certification.

- 22. Article 24 (specific requirements for low ILUC-risk certification).
- 23. Article 25 (specific requirements for proving additionality).
- 24. Article 26 (specific requirements for unused, abandoned or severely degraded land).
- 25. Article 27 (determining additional biomass for yield increase measures).

Annexes.

- 26. Annex I (data to be transmitted through the whole supply chain).
- 27. Annex II (minimum content of audit reports, summary audit reports or certificates).
- 28. Annex IV (non-exhaustive list of waste and residues).
- 29. Annex V (methodology for the determination of emission savings from soil carbon accumulation via improved agricultural management), to the extent not related to agriculture.
- 30. Annex VII (methodology for the determination of GHG emissions from the extraction or cultivation of raw materials).
- 31. Annex VIII (minimum requirements on the process and method for certifying low ILUC-risk biomass).
- 32. Annex IX (standard values of emission factors).

SCHEDULE 2
PROVISIONS OF THE IMPLEMENTING REGULATION NOT APPLIED IN
GIBRALTAR

Regulation 25(2)

The following provisions of the Implementing Regulation shall not apply in Gibraltar—

1. Any provision requiring notification to, or reporting to, the European Commission, including Article 5(2), Article 6(f), Article 14(5), and Article 17(7) and (8), and Annex III.
2. Any provision dealing with agriculture, including Article 21(5) and (6), Annex V (insofar as it relates to agricultural practices), and Annex VI.
3. Any reference to access to or use of the Union database, which shall be read as a reference to the Register.

SCHEDULE 3**ENABLING FRAMEWORK FOR RENEWABLES SELF-CONSUMERS AND
RENEWABLE ENERGY COMMUNITIES**

Regulation 41

PART A — RENEWABLES SELF-CONSUMERS

1. The Competent Authority shall put in place an enabling framework to promote and facilitate the development of renewables self-consumption, based on an assessment of the existing unjustified barriers to, and of the potential of, renewables self-consumption in Gibraltar.
2. The enabling framework referred to in paragraph 1 shall, in particular—
 - (a) address accessibility of renewables self-consumption to all final customers, including those in low-income or vulnerable households;
 - (b) address unjustified barriers to the financing of projects in the market and measures to facilitate access to finance;
 - (c) address other unjustified regulatory barriers to renewables self-consumption, including for tenants;
 - (d) address incentives to building owners to create opportunities for renewables self-consumption, including for tenants;
 - (e) grant renewables self-consumers, for self-generated renewable electricity that they feed into the grid, non-discriminatory access to relevant existing support schemes as well as to all electricity market segments; and
 - (f) ensure that renewables self-consumers contribute in an adequate and balanced way to the overall cost sharing of the system when electricity is fed into the grid.
3. Renewables self-consumers shall not be subject, in relation to their self-generated electricity from renewable sources remaining within their premises, to any discriminatory or disproportionate procedures, charges, or fees.
4. Renewables self-consumers located in the same building, including multi-apartment blocks, shall be entitled to engage jointly in activities referred to in regulation 39(1) and shall be permitted to arrange sharing of renewable energy that is produced on their site or sites between themselves, without prejudice to the network charges and other relevant charges, fees, levies, and taxes applicable to each renewables self-consumer.

5. The renewables self-consumer's installation may be owned by a third party or managed by a third party for installation, operation (including metering and maintenance), provided that the third party remains subject to the renewables self-consumer's instructions; and the third party itself shall not be considered to be a renewables self-consumer.

PART B — RENEWABLE ENERGY COMMUNITIES

6. The Competent Authority shall carry out an assessment of the existing barriers and potential of development of renewable energy communities in Gibraltar.

7. The enabling framework referred to in regulation 40(1) shall ensure, in particular, that—

- (a) unjustified regulatory and administrative barriers to renewable energy communities are removed;
- (b) renewable energy communities that supply energy or provide aggregation or other commercial energy services are subject to the provisions relevant for such activities;
- (c) the relevant distribution system operator cooperates with renewable energy communities to facilitate energy transfers within renewable energy communities;
- (d) renewable energy communities are subject to fair, proportionate, and transparent procedures, including registration and licensing procedures, and cost-reflective network charges, as well as relevant charges, levies, and taxes, ensuring that they contribute in an adequate, fair, and balanced way to the overall cost sharing of the system in line with a transparent cost-benefit analysis of distributed energy sources;
- (e) renewable energy communities are not subject to discriminatory treatment with regard to their activities, rights, and obligations as final customers, producers, suppliers, distribution system operators, or as other market participants;
- (f) the participation in the renewable energy communities is accessible to all consumers, including those in low-income or vulnerable households;
- (g) tools to facilitate access to finance and information are available; and
- (h) regulatory and capacity-building support is provided to public authorities in enabling and setting up renewable energy communities, and in helping authorities to participate directly.

8. Rules to secure the equal and non-discriminatory treatment of consumers that participate in a renewable energy community shall be in place.
9. When designing any support scheme under regulation 4, the Minister shall take into account the specificities of renewable energy communities in order to allow them to compete for support on an equal footing with other market participants.