

THIRD SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5293 GIBRALTAR Thursday 26th March 2026

B. 15/26

BILL

FOR

AN ACT to amend the Control of Trade in Endangered Species Act 1998 and the Endangered Species Act 1990 for the purposes of the implementation of Article 219(4) of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar; and for connected purposes.

ENACTED by the Legislature of Gibraltar.

PART I PRELIMINARY

Short Title.

1. This Act may be cited as the Control of Trade in Endangered Species (Amendment) Act 2026.

Commencement.

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

PART II AMENDMENTS TO THE CONTROL OF TRADE IN ENDANGERED SPECIES ACT 1998

Amendment to the Control of Trade in Endangered Species Act 1998.

3.(1) The Control of Trade in Endangered Species Act 1998 is amended in accordance with the provisions of this Part.

(2) In section 2-

- (a) after the definition of “authorised person” insert-

““batch number” means a number or code assigned to a quantity of caviar derived from the same species, processed at the same processing plant on the same day, and contained in the same type of primary container, in accordance with the Subsidiary Regulation;

“caviar” means the processed roe (eggs) of any species of sturgeon or paddlefish (*Acipenseriformes* spp.), whether fresh, chilled, frozen, salted or otherwise preserved;

“closed ring” means a ring or band which is completely closed and has not been tampered with in any way, into which the foot of a bird has been inserted when the bird was a nestling and which cannot be removed from the leg of the bird when the leg has attained its adult size;

“electronic permit or certificate” means a permit or certificate issued under the Principal Regulation or the Subsidiary Regulation in electronic form;”;

- (b) after the definition of “imported unlawfully” insert –

““microchip transponder” means a passive, read-only, radio-frequency identification device which— (a) complies with ISO Standard 11784:1996 (E) or ISO Standard 11785:1996 (E); and (b) can be read by a reading device compatible with those standards;”;

- (c) after the definition of “Principal Regulation” insert-

““registered scientific institution” means a scientific institution registered in accordance with section 8B;”;

- (d) in the definition of “Subsidiary Regulation” for “.” substitute “;”;

- (e) after the definition of “Subsidiary Regulation” insert-

““unique identifier” means a closed ring, microchip transponder, or other marking device which— (a) is applied to a specimen in accordance with the Subsidiary Regulation; and (b) cannot be removed, altered, or transferred to another specimen without leaving visible traces or rendering the identifier inoperative;”;

- (f) after subsection (2)(e) insert -

“(f) any label (including a caviar label).”.

(3) After section 8 insert-

“Marking of specimens.

8A.(1) A person commits an offence if, without reasonable excuse, the person—

- (a) keeps or offers for sale a specimen of a species listed in Annex A to the Principal Regulation which is required by the Subsidiary Regulation to bear a unique identifier, without that specimen bearing the required unique identifier;
- (b) removes, alters, defaces, or tampers with a unique identifier applied to a specimen in accordance with the Subsidiary Regulation;
- (c) applies to a specimen a mark, ring, microchip transponder, or other device that is intended to appear to be, or may be mistaken for, a unique identifier applied in accordance with the Subsidiary Regulation;
- (d) transfers a unique identifier from one specimen to another; or
- (e) uses a marking method other than a method approved under the Subsidiary Regulation for the purposes of marking specimens.

(2) A person guilty of an offence under subsection (1) is 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) It is a defence for a person charged with an offence under subsection (1)(a) to prove that—

- (a) the person took all reasonable steps to ensure that the specimen bore the required unique identifier; or
- (b) the person did not know and had no reason to suspect that the specimen was required to bear a unique identifier.

Registration of scientific institutions.

8B.(1) The Minister may, by regulations, establish and maintain a register of scientific institutions for the purposes of the Subsidiary Regulation.

(2) Regulations under subsection (1) may make provision for—

- (a) the form and manner in which applications for registration are to be made;
 - (b) the conditions to be satisfied for registration;
 - (c) the grant, refusal, suspension, and revocation of registration;
 - (d) the maintenance and publication of the register;
 - (e) the fees payable in connection with registration;
 - (f) the duties of registered scientific institutions, including record-keeping and reporting requirements; and
 - (g) such other matters as the Minister considers necessary or expedient for the purposes of the Subsidiary Regulation.
- (3) A scientific institution shall not, without the authority of a permit or certificate issued under the Principal Regulation, acquire, dispose of, or exchange specimens of species listed in Annex A, B, or C to the Principal Regulation for non-commercial purposes with other registered scientific institutions unless the institution is a registered scientific institution.
- (4) A person who contravenes subsection (3) commits an offence and is liable—
- (a) on summary conviction, to a fine not exceeding level 5 on the standard scale; or
 - (b) on conviction on indictment, to a fine.
- (5) In this section, "scientific institution" means a museum, herbarium, university, research institute, or other establishment dedicated to study, conservation, education, or scientific research relating to specimens of species of wild fauna and flora.

Caviar labelling.

- 8C.(1) A person commits an offence if the person—
- (a) sells, offers for sale, or exports a container of caviar that does not bear a label complying with the requirements of the Subsidiary Regulation;
 - (b) affixes to a container of caviar a label that the person knows or has reason to believe contains false, misleading, or inaccurate information;
 - (c) removes, alters, defaces, or tampers with a label affixed to a container of caviar in accordance with the Subsidiary Regulation; or

- (d) re-uses a label that was affixed to a container of caviar in accordance with the Subsidiary Regulation.
- (2) A person guilty of an offence under subsection (1) is 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) It is a defence for a person charged with an offence under subsection (1)(a) to prove that the person took all reasonable steps to ensure that the container bore a label complying with the requirements of the Subsidiary Regulation.
- (4) In this section, “container” means a primary container within the meaning of the Subsidiary Regulation.”.
- (4) In section 9—
 - (a) in subsection (3), after “blood or tissue” insert “, and any verification of specimen marking and identification (including the use of microchip readers and other identification verification equipment),”;
 - (b) after subsection (4)(b), insert—
 - “(ba) verifying the marking or identification of any specimen found on the premises, including by the use of microchip readers and other identification verification equipment; or
 - (bb) verifying whether any scientific institution found to be operating on the premises is a registered scientific institution; or
 - (bc) verifying compliance with the caviar labelling requirements of the Subsidiary Regulation; or”.
- (5) after section 12 insert —

“Electronic permits and certificates.

12A.(1)An electronic permit or certificate issued under the Principal Regulation or the Subsidiary Regulation has the same validity and effect as a permit or certificate issued in physical form.

- (2) A reference in this Act or in any other enactment to a permit, certificate, or document issued under the Principal Regulation or the Subsidiary Regulation includes, unless the context otherwise requires, a reference to such permit, certificate, or document issued in electronic form.
- (3) The Minister may, by regulations, make provision for—
 - (a) the authentication and verification of electronic permits and certificates;
 - (b) the circumstances in which electronic permits and certificates may be used;
 - (c) the manner in which electronic permits and certificates are to be presented for inspection; and
 - (d) such other matters as the Minister considers necessary or expedient in connection with electronic permits and certificates.

Regulations.

12B.(1) The Minister may make regulations for the purposes of—

- (a) prescribing the forms of permits, certificates, applications, and other documents for the purposes of this Act, the Principal Regulation, and the Subsidiary Regulation;
- (b) providing for every permit or certificate issued under the Principal Regulation or the Subsidiary Regulation to indicate the purpose of the transaction using codes specified in Annex IX of the Subsidiary Regulation, and regulations under this section may include –
 - (i) the manner in which the purpose of transaction is to be determined for different types of permits and certificates;
 - (ii) the criteria to be applied in determining the purpose of transaction; and
 - (iii) such other matters as are necessary to give effect to Article 5c of the Subsidiary Regulation.
- (c) prescribing marking methods, standards, and requirements for specimens;
- (d) prescribing source codes to be used on permits and certificates in accordance with Annex IX to the Subsidiary Regulation, including source code Y for plant specimens obtained from assisted production;
- (e) prescribing labelling requirements for caviar and other specimens;

- (f) implementing any provision of the Principal Regulation or the Subsidiary Regulation;
 - (g) giving effect to any decision, resolution, or recommendation of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
 - (h) any other matter which under this Act is to be or may be prescribed or for which regulations are to be or may be made.
- (2) Regulations under this section may—
- (a) make different provision for different purposes, different areas, or different cases;
 - (b) include incidental, supplementary, consequential, transitional, or saving provision; and
 - (c) create offences punishable on summary conviction with a fine not exceeding level 4 on the standard scale.”.

PART III AMENDMENTS TO THE ENDANGERED SPECIES ACT 1990

Amendment to the Endangered Species Act 1990.

4.(1) The Endangered Species Act 1990 is amended in accordance with the provisions of this Part.

(2) In section 2(4)(a)(iii), after “general licence” insert “or any associated documentation (including electronic documentation)”.

(3) In section 3(2), after paragraph (b), after “certificate” insert “(whether issued in physical or electronic form)”.

(4) After section 4(2) insert —

“(2A) The scientific authority may exercise functions relating to—

- (a) the registration and oversight of scientific institutions under Commission Regulation (EC) No 865/2006 (as amended from time to time); and
- (b) advising the Minister on matters relating to the marking and identification of specimens and the labelling of caviar.

(2B) The scientific authority shall maintain such records and make such reports as the Minister may from time to time require in connection with the functions referred to in subsection (2A).”.

(5) In section 5(3) for “Schedule 4” substitute “Annex 1 of the Principal Regulation (within the meaning of the Control of Trade in Endangered Species Act 1998)”.

(6) In section 8-

(a) at the end of paragraph (e), for “.” substitute “;”;

(b) after paragraph (e), insert—

“(f) prescribing marking requirements for specimens of species listed in any Schedule to this Act or in any Annex to the Principal Regulation (within the meaning of the Control of Trade in Endangered Species Act 1998);

(g) prescribing labelling standards for specimens, including caviar;

(h) providing for the registration of scientific institutions Commission Regulation (EC) No 865/2006 (as amended from time to time);

(i) providing for electronic documentation, including the issue, authentication, and verification of electronic permits and certificates; and

(j) such other matters as are necessary or expedient for the implementation of Commission Regulation (EC) No 865/2006 (as amended from time to time), or the Principal Regulation, or the Subsidiary Regulation (both within the meaning of the Control of Trade in Endangered Species Act 1998).”.

(7) Schedule 4 is deleted in its entirety.

PART IV SUPPLEMENTARY PROVISIONS

Interpretation of this Part.

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

“the 1990 Act” means the Endangered Species Act 1990;

“the 1998 Act” means the Control of Trade in Endangered Species Act 1998;

“the Principal Regulation” has the meaning given in section 2(1) of the 1998 Act;

“the Subsidiary Regulation” has the meaning given in section 2(1) of the 1998 Act.

Transitional provisions.

6.(1) Any permit, certificate, or other document issued under the Principal Regulation or the Subsidiary Regulation before the commencement of this Act and which is valid immediately before that commencement continues to have effect after that commencement as if issued under, and subject to, the Principal Regulation or the Subsidiary Regulation as amended.

(2) Any marking applied to a specimen before the commencement of this Act in compliance with the marking requirements then in force shall be treated as complying with the requirements of section 8A of the 1998 Act (as inserted by this Act).

(3) A scientific institution which, immediately before the commencement of section 5 of this Act, was engaged in activities of the kind described in section 8B(3) of the 1998 Act (as inserted by this Act) may continue to engage in those activities for a period of twelve months from the commencement of that section without being registered, provided that the institution applies for registration within three months of that commencement.

(4) Any caviar label applied to a container before the commencement of section 5 of this Act in compliance with the labelling requirements then in force shall be treated as complying with the requirements of section 8C of the 1998 Act (as inserted by this Act) until the earlier of—

- (a) the date on which the caviar is sold to an end consumer; or
- (b) the expiry of twelve months from the commencement of that section.

Savings.

7.(1) Nothing in this Act affects the validity of any prosecution, proceedings, or investigation commenced before the commencement of this Act under the 1990 Act or the 1998 Act.

(2) The amendments made by this Act do not affect the operation of any provision of the 1990 Act or the 1998 Act in relation to any offence committed, or any act or omission occurring, before the commencement of the relevant amendment.

EXPLANATORY MEMORANDUM

This Act amends the Control of Trade in Endangered Species Act 1998 and the Endangered Species Act 1990 to create equivalent domestic provisions for Commission Regulation (EU) 2021/2280, which amends Commission Regulation (EC) No 865/2006 laying down detailed rules for the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein (the CITES Regulation).

Part II amends the Control of Trade in Endangered Species Act 1998 by creating offences relating to specimen marking, registration of scientific institutions, and caviar labelling and

expanding the powers of authorised officers to verify specimen marking and identification, including the use of microchip readers. Provisions have also been inserted for the recognition of electronic permits and certificates.

Part III amends the Endangered Species Act 1990 by expanding the functions of the scientific authority to include registration and oversight of scientific institutions and expanding the regulation-making power in section 8 to include marking, labelling, registration, and electronic documentation.

**Printed by the Gibraltar Chronicle Printing Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price. £1.10.**