SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5325 GIBRALTAR Monday 13th July 2026

LEGAL NOTICE NO. 182 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

BIOCIDAL PRODUCTS REGULATIONS 2026

In exercise of the powers conferred on it by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and all other enabling powers, and in order to make provision for the purposes of the implementation of Article 219(4) of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar on the regulation of biocidal products and treated articles, including the authorisation of biocidal products and the protection of human health, animal health and the environment, the Government has made these Regulations–

PART 1
PRELIMINARY

Title.

1. These Regulations may be cited as the Biocidal Products Regulations 2026.

Commencement.

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

Interpretation.

3.(1) In these Regulations—

"active substance" means a substance or a micro-organism that has an action on or against harmful organisms;

"advertisement" means any form of promotion of the sale or use of a biocidal product by means of printed, electronic or other media;

"authorisation" means an EU authorisation or a domestic authorisation, as the context requires;

"authorisation holder" means the person established in Gibraltar or the European Union who is responsible for the placing on the market of a biocidal product and who is named on the authorisation;

"biocidal product" means—

(a) any substance or mixture, in the form in which it is supplied to the user, consisting of, containing or generating one or more active substances, with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action;

(b) any substance or mixture, generated from substances or mixtures which do not themselves fall within paragraph (a), to be used with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action;

and a treated article that has a primary biocidal function shall be a biocidal product;

"the BPR" means Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products, as amended from time to time;

"the CLP Regulation" means Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, as amended from time to time;

"competent authority" means the authority designated under regulation 15;

"customs officer" has the meaning given in the Imports and Exports Act 1986;

"domestic authorisation" means an authorisation granted by the competent authority under regulation 7;

"EU authorisation" means—

(a) a national authorisation granted by the competent authority of a member state of the European Union under Article 17 of the BPR;

(b) a Union authorisation granted by the European Commission under Article 44 of the BPR; or

(c) a simplified authorisation granted under Article 26 of the BPR;

"harmful organism" means any organism which has an unwanted presence or a detrimental effect on humans, their activities or the products they use or produce, on animals or the environment;

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

"inspector" means a person appointed by the competent authority under regulation 15(2), being a police officer, an officer of the competent authority, or a customs officer;

"making available on the market" means any supply of a biocidal product or treated article for distribution or use in the course of a commercial activity, whether in return for payment or free of charge;

"mixture" means a mixture or solution composed of two or more substances;

"nanomaterial" means a natural or manufactured active substance or non-active substance containing particles, in an unbound state or as an aggregate or as an agglomerate and where, for 50% or more of the particles in the number size distribution, one or more external dimensions is in the size range 1 nm to 100 nm;

"placing on the market" means the first making available on the market of a biocidal product or treated article, and includes importation into Gibraltar;

"police officer" has the meaning given in the Police Act 2006;

"product-type" means one of the product-types set out in the Schedule;

“research and development” means scientific research and development or product and process orientated research and development, where —

(a) “scientific research and development” means any scientific experimentation, analysis or chemical research carried out under controlled conditions in a volume less than one tonne per year and;

(b) “product and process oriented research and development” means any scientific development related to product development or the further development of a substances, on its own, or in mixtures or in articles in the course of which pilot plant or production trials are used to develop the production process and/or to test the fields of application of the substance;

"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

"treated article" means any substance, mixture or article which has been treated with, or intentionally incorporates, one or more biocidal products;

"use" means all operations carried out with a biocidal product, including storage, handling, mixing and application, except any such operation carried out with a view to exporting the biocidal product outside Gibraltar.

(2) In these Regulations, a reference to an active substance being "approved" is a reference to that active substance being approved in accordance with Article 9(1)(a) of the BPR for the relevant product-type and use.

(3) Expressions used in these Regulations and in the BPR have, unless the context otherwise requires, the same meaning as in the BPR.

Scope.

4.(1) Subject to sub-regulations (2) and (3), these Regulations apply to biocidal products and treated articles made available on the market or used in Gibraltar.

(2) These Regulations do not apply to any biocidal product, treated article, substance or mixture to the extent that it falls outside the scope of the BPR by virtue of Article 2 of the BPR.

(3) These Regulations do not apply to biocidal products or treated articles intended solely for export outside Gibraltar and the European Union.

(4) These Regulations do not apply to biocidal products when used solely for the purposes of research and development in quantities not exceeding those strictly necessary for such purposes, subject to regulation 8.

(5) A treated article that has a primary biocidal function is a biocidal product and shall be regulated as such under these Regulations.

PART 2
PROHIBITION ON MAKING AVAILABLE AND USE

Prohibition on making available on the market and use.

5.(1) A person shall not make available on the market or use a biocidal product unless—

(a) the biocidal product is the subject of an EU authorisation or a domestic authorisation; and

(b) the conditions of the authorisation are complied with.

(2) A person who makes available on the market or uses a biocidal product shall comply with the conditions laid down in the authorisation and with the labelling and packaging requirements set out in Part 4 of these Regulations.

(3) The use of a biocidal product shall be in accordance with the terms of the authorisation and any directions for use specified on the label.

Recognition of EU authorisations.

6.(1) A biocidal product which is the subject of a valid EU authorisation shall be treated as authorised for the purposes of regulation 5.

(2) A person who makes available on the market in Gibraltar a biocidal product in reliance on an EU authorisation shall—

(a) ensure that the product label is in the English language and complies with the requirements of regulation 13; and

(b) notify the competent authority, in such form and within such time as the competent authority may specify, of—

(i) the name and authorisation number of the product;

(ii) the identity of the authorisation holder;

(iii) the product-type or product-types for which the product is authorised; and

(iv) the active substance or substances contained in the product and their concentration.

(3) The competent authority shall maintain a register of biocidal products notified under sub-regulation (2) and shall make the register publicly available.

(4) The competent authority may, by notice in writing served on a person who has made a notification under sub-regulation (2), prohibit or restrict the making available on the market or use of a biocidal product in Gibraltar where the competent authority has reasonable grounds to believe that—

(a) the EU authorisation has been cancelled, amended, suspended or has expired;

(b) the conditions of the authorisation are not being complied with;

(c) there is an unacceptable risk to human health, animal health or the environment in the particular circumstances of Gibraltar; or

(d) the biocidal product does not comply with the relevant rules of Union law governing the placing on the market or use of biocidal products.

Domestic authorisation.

7.(1) The competent authority may, on application, grant a domestic authorisation for the making available on the market or use in Gibraltar of a biocidal product which is not the subject of a valid EU authorisation.

(2) The competent authority shall not grant a domestic authorisation unless satisfied that—

(a) the active substance or active substances contained in the biocidal product are approved;

(b) the biocidal product is sufficiently effective for its intended use;

(c) the biocidal product has no unacceptable effects on the target organisms, including unacceptable resistance or cross-resistance;

(d) the biocidal product has no immediate or delayed unacceptable effects on human health, including that of vulnerable groups, or on animal health, whether directly or indirectly;

(e) the biocidal product has no unacceptable effects on the environment; and

(f) the physical and chemical properties of the biocidal product have been determined and deemed acceptable for purposes of appropriate use, storage and transport of the product.

(3) An application for a domestic authorisation shall—

(a) be in such form as the competent authority may require;

(b) specify the biocidal product, the active substance or substances, the product-type, the use or uses for which authorisation is sought, and any conditions proposed; and

(c) be accompanied by such information and evidence as the competent authority may require, including a summary of the product characteristics and the proposed conditions of use.

(4) A domestic authorisation—

(a) shall be granted for a period not exceeding 10 years;

(b) shall specify the product, the active substance or substances, the product-type, the uses authorised, any conditions, and the period of validity;

(c) shall be subject to review on renewal; and

(d) may be varied, suspended or revoked by the competent authority where the competent authority is satisfied that the conditions on which the authorisation was granted are no longer met.

(5) The competent authority shall maintain a public register of domestic authorisations granted, varied, suspended or revoked under this regulation.

Research and development.

8.(1) A person may carry out an experiment or test involving an unauthorised biocidal product or a non-approved active substance for the purposes of research and development, provided that—

(a) the person notifies the competent authority in writing before the commencement of the experiment or test, providing—

(i) the identity of the biocidal product or active substance;

(ii) the labelling data;

(iii) the quantities to be used;

(iv) the name and address of the person carrying out the experiment or test and, if different, the site or sites at which the experiment or test will be carried out;

(v) a summary of the purpose and conditions of the experiment or test; and

(vi) all available data on possible effects on human or animal health or impact on the environment; and

(vii) such other information as may be requested by the Competent Authority.

(b) the experiment or test is carried out under controlled conditions;

(c) the quantities used do not exceed those strictly necessary for the purposes of the experiment or test; and

(d) the person keeps records of the experiment or test and makes them available to the competent authority on request.

(2) Where the experiment or test may involve, or result in, the release of the biocidal product into the environment, the person shall not proceed without the prior written consent of the competent authority.

(3) The competent authority may impose conditions on any experiment or test notified under this regulation.

PART 3
TREATED ARTICLES

Prohibition on placing on market of non-compliant treated articles.

9.(1) A person shall not place on the market a treated article unless all active substances contained in the biocidal products with which the article was treated or which it incorporates are—

(a) approved; or

(b) included in Annex I to the BPR.

(2) Any conditions or restrictions specified in the approval of an active substance referred to in sub-regulation (1) shall be complied with.

Labelling of treated articles.

10.(1) A person who places on the market a treated article shall ensure that the label of the treated article includes the following information—

(a) a statement that the article incorporates biocidal products;

(b) the biocidal property attributed to the treated article, where this is claimed or implied in any way;

(c) the name of each active substance contained in the biocidal products with which the article is treated or which it incorporates;

(d) the name of any nanomaterial contained in the biocidal products, followed by the word "nano" in brackets;

(e) any relevant instructions for use, including any precautions to be taken, on account of the biocidal products with which the article is treated or which it incorporates.

(2) The information required by sub-regulation (1) shall be clearly visible, easily legible, appropriately durable and in the English language.

(3) Where necessary because of the size or the function of the treated article, the information required by sub-regulation (1) may be provided on the packaging, on the instructions for use, or on the warranty of the treated article.

(4) In the case of a treated article that is not produced as part of a series but rather designed and manufactured to meet a specific order, the manufacturer may agree with the customer an alternative method of providing the information required by sub-regulation (1).

(5) Sub-regulation (1) applies where—

(a) the manufacturer of the treated article makes a claim regarding the biocidal properties of the treated article; or

(b) the conditions of the approval of the active substance concerned, having particular regard to the possibility of contact with humans or the release into the environment, require specific labelling provisions for treated articles.

(6) Notwithstanding sub-regulation (5), a person who places on the market a treated article shall ensure that the label of the treated article includes any relevant instructions for use, including any precautions to be taken, if this is necessary to protect humans, animals or the environment.

Duty to provide information to consumers.

11.(1) Where a consumer so requests, the supplier of a treated article shall, free of charge and within 45 days of receiving the request, provide the consumer with information on the biocidal treatment of the treated article.

(2) The information required by sub-regulation (1) shall include, as a minimum, the name of each active substance contained in the biocidal products with which the article is treated or which it incorporates.

PART 4
LABELLING, PACKAGING AND ADVERTISING OF BIOCIDAL PRODUCTS

Classification, labelling and packaging.

12. A biocidal product shall be classified, packaged and labelled in accordance with Article 69 of the CLP Regulation and with the requirements of regulation 13.

Labelling requirements for biocidal products.

13.(1) A person who makes available on the market a biocidal product shall ensure that the product label contains the following information—

(a) the identity and concentration of each active substance and of any nanomaterial contained in the biocidal product;

(b) where the product contains nanomaterials, the word "nano" in brackets after each reference to a nanomaterial;

(c) the authorisation number granted for the biocidal product;

(d) the name and address of the authorisation holder;

(e) the type of formulation;

(f) the uses for which the biocidal product is authorised;

(g) directions for use, frequency of application and dosage, expressed in metric units, for each use covered by the authorisation;

(h) particulars of likely direct or indirect adverse effects and any directions for first aid;

(i) instructions for the safe disposal of the biocidal product and its packaging, including, where relevant, a prohibition on the re-use of packaging;

(j) the batch number or designation and the expiry date relevant to normal conditions of storage;

(k) the period of time needed for the biocidal effect and the interval to be observed between applications of the biocidal product, or between application and the next use of the product treated, or the next access by humans or animals to the area where the biocidal product has been used;

(l) any category of users to which the biocidal product is restricted;

(m) information on any specific danger to the environment, particularly concerning the protection of non-target organisms and the avoidance of contamination of water; and

(n) for biocidal products containing micro-organisms, labelling requirements in accordance with Directive 2000/54/EC on the protection of workers from risks related to exposure to biological agents at work.

(2) The label of a biocidal product shall not bear the indications "low-risk biocidal product", "non-toxic", "harmless", "natural", "environmentally friendly", "animal friendly" or any similar indication that could be misleading in respect of the risks from the product to human health, animal health, or the environment or its efficacy.

(3) The label shall be written in the English language and shall be clearly visible, easily legible and sufficiently durable.

(4) Information required by sub-regulation (1) may appear elsewhere on the packaging of the biocidal product, provided that a reference to its location appears on the label.

Advertising requirements.

14.(1) An advertisement for a biocidal product shall include the following sentence which must be legible and clearly distinguishable: "Use biocides safely. Always read the label and product information before use."

(2) In the sentence required by sub-regulation (1), the advertiser may replace the word "biocides" with a clear reference to the product-type being advertised.

(3) An advertisement for a biocidal product shall not refer to the product in a way that is misleading in respect of the risks of the product to human health, animal health or the environment or its efficacy.

(4) An advertisement for a biocidal product shall not include the indications "low-risk biocidal product", "non-toxic", "harmless", "natural", "environmentally friendly", "animal friendly" or any similar indication.

PART 5
COMPETENT AUTHORITY AND ENFORCEMENT

Designation of competent authority.

15.(1) The Government shall by notice in the Gazette, within 2 months of the commencement of this regulation, designate a competent authority for the purposes of these Regulations.

(2) The competent authority shall carry out the functions assigned to it by these Regulations and may appoint inspectors for the purposes of enforcement.

(3) The competent authority shall issue a certificate of appointment to each inspector, and an inspector shall, if so required when exercising a power under these Regulations, produce the certificate.

Powers of inspectors.

16.(1) An inspector may, for the purpose of enforcing these Regulations, at any reasonable time—

(a) enter any premises which the inspector has reason to believe it is necessary for the inspector to enter;

(b) inspect and examine any biocidal product, treated article or equipment found on the premises;

(c) take samples of any biocidal product or treated article found on the premises;

(d) require the production of, inspect and take copies of, any records, books or documents which the inspector considers may be relevant to the enforcement of these Regulations;

(e) seize and detain any biocidal product or treated article which the inspector has reasonable grounds to believe is in contravention of these Regulations;

(f) require any person to give such information as the inspector may reasonably require for the purpose of enforcing these Regulations.

(2) An inspector shall not exercise the power of entry under sub-regulation (1)(a) in respect of any premises used exclusively as a private dwelling house without the authority of a warrant issued by a Magistrate.

(3) A Magistrate may issue a warrant under sub-regulation (2) if satisfied by information on oath that there are reasonable grounds for entering the premises for the purposes of enforcing these Regulations.

Improvement notices.

17.(1) Where an inspector is of the opinion that a person is contravening one or more of these Regulations, or has contravened one or more of these Regulations in circumstances that make it likely that the contravention will continue or be repeated, the inspector may serve on that person an improvement notice.

(2) An improvement notice shall—

(a) state the opinion of the inspector;

(b) specify the provision or provisions concerned;

(c) give particulars of the reasons for the opinion; and

(d) require the person to remedy the contravention within such period as may be specified in the notice, being a period of not less than 21 days from the date of service.

(3) A person on whom an improvement notice is served may appeal to the Supreme Court within 21 days of the date of service of the notice.

Prohibition notices.

18.(1) Where an inspector is of the opinion that a person is making available on the market a biocidal product or treated article in contravention of these Regulations and that the contravention involves a risk of serious harm to human health, animal health or the environment, the inspector may serve on that person a prohibition notice.

(2) A prohibition notice shall—

(a) state the opinion of the inspector;

(b) specify the provision or provisions concerned;

(c) give particulars of the reasons for the opinion; and

(d) direct that the activity specified in the notice shall not be carried on by or under the control of the person on whom the notice is served unless the matters specified in the notice have been remedied.

(3) A prohibition notice takes effect immediately on service.

(4) A person on whom a prohibition notice is served may appeal to the Supreme Court within 21 days of the date of service of the notice, but such appeal shall not operate to suspend the notice unless the Court so orders.

PART 6
OFFENCES AND PENALTIES

Offences.

19.(1) A person who—

(a) makes available on the market or uses a biocidal product in contravention of regulation 5(1);

(b) fails to comply with a condition of an authorisation under regulation 5(2);

(c) fails to comply with regulation 6(2) by failing to notify the competent authority or to ensure that the product label is in the English language;

(d) places on the market a treated article in contravention of regulation 9(1);

(e) fails to label a treated article in accordance with regulation 10;

(f) fails to provide information to a consumer in accordance with regulation 11;

(g) fails to classify, label or package a biocidal product in accordance with regulation 12 or regulation 13;

(h) places an advertisement for a biocidal product in contravention of regulation 14;

(i) fails to comply with an improvement notice served under regulation 17;

(j) fails to comply with a prohibition notice served under regulation 18;

(k) intentionally obstructs an inspector in the exercise of any power conferred by regulation 16;

(l) without reasonable excuse, fails to comply with any requirement imposed by an inspector under regulation 16; or

(m) in purported compliance with a requirement imposed by an inspector under regulation 16, makes a statement which the person knows to be false or misleading in a material particular,

commits an offence.

(2) A person who, intentionally or by gross negligence, makes available on the market or uses a biocidal product in contravention of regulation 5(1), and that conduct causes or is likely to cause death of, or serious injury to, any person, or substantial damage to the quality of air, the quality of soil or the quality of water, or substantial damage to an ecosystem, animals or plants, commits an offence.

(3) In this regulation, "serious injury" means injury which creates a substantial risk to life, or which causes serious disfigurement or substantial or permanent loss of function of a bodily organ or member.

Penalties.

20.(1) A person who commits an offence under regulation 19(1) is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or to a fine, or to both.

(2) A person who commits an offence under regulation 19(2) where the offence causes the death of a person is liable on conviction on indictment to imprisonment for a term not exceeding 10 years, or to a fine, or to both.

(3) A person who commits an offence under regulation 19(2), not falling within sub-regulation (2), is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both; or

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or to a fine, or to both.

Defence of due diligence.

21.(1) In proceedings for an offence under these Regulations, it is a defence for the person charged to prove that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) Where the defence provided by sub-regulation (1) involves an allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, at least 7 clear

days before the hearing, the person has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that other person as was then in the person's possession.

Liability of officers of legal persons.

22.(1) Where an offence under these Regulations committed by a body corporate 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 is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-regulation (1) applies in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

PART 7
MISCELLANEOUS

Recognition of EU decisions on active substance approval.

23.(1) For the purposes of these Regulations—

(a) the active substances approved under Article 9(1)(a) of the BPR, as that list has effect from time to time, shall be treated as approved active substances;

(b) the active substances included in Annex I to the BPR, as that Annex has effect from time to time, shall be treated as approved active substances for the purposes of simplified authorisation; and

(c) the conditions and specifications of approval imposed by the European Commission in respect of an active substance under the BPR shall be treated as conditions and specifications of approval for the purposes of these Regulations.

(d) the decisions of the European Commission, the European Chemicals Agency and the national competent authorities of member states of the European Union in relation to the authorisation, renewal, amendment, cancellation and review of biocidal product authorisations under the BPR shall be taken into account by the competent authority in discharging its functions under these Regulations.

(e) the harmonised classifications set out in Part 3 of Annex VI to the CLP Regulation, as that Annex has effect from time to time, shall be applied in relation to the classification, labelling and packaging of biocidal products under Part 4 of these Regulations.

(2) The competent authority shall maintain, publish and keep up to date a register of approved active substances recognised under sub-regulation (1) and shall make such register publicly available.

Duty to keep records.

24.(1) A person who makes available on the market or uses a biocidal product or who places on the market a treated article shall keep records of—

(a) the biocidal product or treated article, including its trade name, authorisation number (where applicable), and the active substance or substances contained therein;

(b) the supplier from whom the biocidal product or treated article was acquired;

(c) the quantity made available on the market or used; and

(d) any adverse effects on human health, animal health or the environment of which the person becomes aware.

(2) Records required under sub-regulation (1) shall be retained for a period of not less than 10 years from the date of the last supply, use or placing on the market.

(3) Records required under this regulation shall be made available to the competent authority on request.

(4) A person who becomes aware of adverse effects on human health, animal health or the environment arising from a biocidal product or treated article which the person has made available on the market shall notify the competent authority without undue delay.

SCHEDULE

(Regulations 3, 7)

PRODUCT TYPES

Main Group 1: Disinfectants

These products exclude cleaning products that are not intended to have a biocidal effect, including washing liquids, powders and similar products.

Product-type 1: Human hygiene.

Products in this group are biocidal products used for human hygiene purposes, applied on or in contact with human skin or scalps for the primary purpose of disinfecting the skin or scalp.

Product-type 2: Disinfectants and algaecides not intended for direct application to humans or animals.

Products used for the disinfection of surfaces, materials, equipment and furniture which are not used for direct contact with food or feeding stuffs.

Usage areas include swimming pools, aquariums, bathing and other waters; air conditioning systems; and walls and floors in private, public, and industrial areas and in other areas for professional activities.

Products used as algaecides for the treatment of swimming pools, aquariums and other waters and for remedial treatment of construction materials.

Products used to be incorporated in textiles, tissues, masks, paints and other articles or materials for the purpose of producing treated articles with disinfecting properties.

Product-type 3: Veterinary hygiene.

Products used for veterinary hygiene purposes such as disinfectants, disinfecting soaps, oral or corporal hygiene products or with anti-microbial function.

Products used to disinfect the materials and surfaces associated with the housing or transportation of animals.

Product-type 4: Food and feed area.

Products used for the disinfection of equipment, containers, consumption utensils, surfaces or pipework associated with the production, transport, storage or consumption of food or feed (including drinking water) for humans and animals.

Products used to impregnate materials which may enter into contact with food.

Product-type 5: Drinking water.

Products used for the disinfection of drinking water for both humans and animals.

Main Group 2: Preservatives

Unless otherwise stated these product-types include only products to prevent microbial and algal development.

Product-type 6: Preservatives for products during storage.

Products used for the preservation of manufactured products, other than foodstuffs, feeding stuffs, cosmetics or medicinal products or medical devices, by the control of microbial deterioration to ensure their shelf life.

Products used as preservatives for the storage or use of rodenticide, insecticide or other baits.

Product-type 7: Film preservatives.

Products used for the preservation of films or coatings by the control of microbial deterioration or algal growth in order to protect the initial properties of the surface of materials or objects such as paints, plastics, sealants, wall adhesives, binders, papers, art works.

Product-type 8: Wood preservatives.

Products used for the preservation of wood, from and including the saw-mill stage, or wood products by the control of wood-destroying or wood-disfiguring organisms, including insects. This product-type includes both preventive and curative products.

Product-type 9: Fibre, leather, rubber and polymerised materials preservatives.

Products used for the preservation of fibrous or polymerised materials, such as leather, rubber or paper or textile products by the control of microbiological deterioration.

This product-type includes biocidal products which counteract the settlement of micro-organisms on the surface of materials and therefore hamper or prevent the development of odour or offer other advantages.

Product-type 10: Construction materials preservatives.

Products used for the preservation of masonry, composite materials, or other construction materials other than wood by the control of microbiological and algal attack.

Product-type 11: Preservatives for liquid-cooling and processing systems.

Products used for the preservation of water or other liquids used in cooling and processing systems by the control of harmful organisms such as microbes, algae and mussels.

Products used for drinking water are not included in this product-type.

Product-type 12: Slimicides. Products used for the prevention or control of slime growth on materials, equipment and structures, used in industrial processes, e.g. on wood and paper pulp, porous sand strata in oil extraction.

Product-type 13: Working or cutting fluid preservatives.

Products to control microbial deterioration in fluids used for working or cutting metal, glass or other materials.

Main Group 3: Pest Control

Product-type 14: Rodenticides.

Products used for the control of mice, rats or other rodents, by means other than repulsion or attraction.

Product-type 15: Avicides.

Products used for the control of birds, by means other than repulsion or attraction.

Product-type 16: Molluscicides, vermicides and products to control other invertebrates.

Products used for the control of molluscs, worms and invertebrates not covered by other product-types, by means other than repulsion or attraction.

Product-type 17: Piscicides.

Products used for the control of fish, by means other than repulsion or attraction.

Product-type 18: Insecticides, acaricides and products to control other arthropods.

Products used for the control of arthropods (e.g. insects, arachnids and crustaceans), by means other than repulsion or attraction.

Product-type 19: Repellents and attractants.

Products used to control harmful organisms (invertebrates such as fleas, vertebrates such as birds), by repelling or attracting, including those that are used for human or veterinary hygiene either directly on the skin or indirectly in the environment of humans or animals.

Product-type 20: Control of other vertebrates.

Products used for the control of vertebrates other than those already covered by the other product-types of this main group, by means other than repulsion or attraction.

Main Group 4: Other Biocidal Products

Product-type 21: Antifouling products.

Products used to control the growth and settlement of fouling organisms (microbes and higher forms of plant or animal species) on vessels, aquaculture equipment or other structures used in water.

Product-type 22: Embalming and taxidermist fluids.

Products used for the preservation of human or animal corpses, or parts thereof.

Dated: 13th July 2026.

PROF J CORTES,
Minister with responsibility for the Environment,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations implement provisions equivalent to Regulation (EU) No 528/2012 of the European Parliament and of the Council (the Biocidal Products Regulation or "BPR") into Gibraltar law.

These Regulations recognise biocidal products which are the subject of a valid EU authorisation (whether a national authorisation granted by a member state, a Union authorisation granted by the European Commission, or a simplified authorisation) and treats these as authorised for the purposes of making available on the market and use in Gibraltar. A domestic authorisation route is provided for products not covered by an EU authorisation.

Part 1 sets out preliminary matters including the title, commencement, interpretation and scope. The Regulations apply to biocidal products and treated articles made available on the market or used in Gibraltar, subject to certain exclusions which are permitted under Article 2 of the BPR.

Part 2 prohibits the making available on the market and use of biocidal products unless authorised. It establishes the recognition of EU authorisations, provides for domestic authorisation by the competent authority, and permits research and development activities subject to notification and conditions.

Part 3 implements provisions on treated articles, prohibiting the placing on the market of treated articles unless the active substances they contain are approved for the relevant product-type, requiring labelling of treated articles, and imposing a duty to provide information to consumers on request. Part 4 implements labelling, packaging and advertising requirements.

Biocidal products must be classified, packaged and labelled in accordance with the CLP Regulation. Detailed label content requirements are specified. Advertising must include a prescribed safety sentence and must not be misleading.

Part 5 provides for the designation of a competent authority and confers enforcement powers, including powers of entry, inspection, sampling and seizure, and the power to issue improvement and prohibition notices. Part 6 establishes offences and penalties.

The Schedule lists the 22 biocidal product-types (equivalent to Annex V to the BPR). The dynamic recognition of approved active substances is provided for in regulation 23, which recognises active substances approved under the BPR by reference to the EU list maintained by the European Chemicals Agency.