

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5326 GIBRALTAR Tuesday 14th July 2026

LEGAL NOTICE NO. 197 OF 2026

CONSUMER PROTECTION (UNFAIR TRADING) ACT 2008

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

CONSUMER PROTECTION (UNFAIR TRADING) (AMENDMENT) 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 as regards empowering consumers for the green transition through better protection against unfair practices and through better information, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Consumer Protection (Unfair Trading) Act (Amendment) Regulations 2026.

Commencement.

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

Interpretation.

3. In these Regulations, “Implementation Date” has the meaning given in section 3 of the Treaty on Gibraltar and the European Union Act 2026.

Amendment of the Consumer Protection (Unfair Trading) Act 2008.

4. The Consumer Protection (Unfair Trading) Act 2008 is amended in accordance with the provisions of these Regulations.

Amendment of Section 2.

5. In section 2-

(a) after the definition of “business-to-consumer commercial practices” insert-

““certification scheme” means a third-party verification scheme that certifies that a product, process or business complies with certain requirements, that allows for the use of a corresponding sustainability label, and the terms of which, including its requirements, are publicly available and meet the following criteria—

(a) the scheme is open under transparent, fair, and non-discriminatory terms to all traders willing and able to comply with the scheme's requirements;

(b) the scheme's requirements are developed by the scheme owner in consultation with relevant experts and stakeholders;

(c) the scheme sets out procedures for dealing with non-compliance with the scheme's requirements and provides for the withdrawal or suspension of the use of the sustainability label by the trader in case of non-compliance with the scheme's requirements; and

(d) the monitoring of a trader's compliance with the scheme's requirements is subject to an objective procedure and is carried out by a third party whose competence and independence from both the scheme owner and the trader are based on international, Union or national standards and procedures;”.

(b) after the definition of “code owner” insert-

““consumable” means any component of a good that is used up recurrently and that needs to be replaced or replenished for the good to function as intended;”.

(c) in the definition of “the Directive” for “Directive 2005/29 of the European Parliament and of the Council of 11 May 2005” substitute “Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024”;

(d) after the definition of “the Directive” insert-

““durability” means the ability of goods to maintain their required functions and performance through normal use;

“environmental claim” means any message or representation which is not mandatory under European Union or Gibraltar law, in any form, including text, pictorial, graphic or symbolic representation, such as labels, brand names, company names or product names, in the context of a commercial communication, and which states or implies that a product, product category, brand or trader has a positive or zero impact on the environment or is less damaging to the environment than other products, product categories, brands or traders, or has improved its impact over time;

“functionality” means the ability of goods to perform their functions having regard to their purpose;

“generic environmental claim” means any environmental claim made in written or oral form, including through audiovisual media, that is not included on a sustainability label and where the specification of the claim is not provided in clear and prominent terms on the same medium;”.

(e) replace the definition of “goods” with –

““goods” means-

(a) any tangible movable items; water, gas and electricity are to be considered as goods within the meaning of this Directive where they are put up for sale in a limited volume or a set quantity;

(b) any tangible movable items that incorporate or are interconnected with digital content or a digital service in such a way that the absence of that digital content or digital service would prevent the goods from performing their functions (‘goods with digital elements’);”.

(f) after the definition of “invitation to purchase” insert-

““recognised excellent environmental performance” means environmental performance compliant with Regulation (EC) No 66/2010 of the European Parliament and of the Council or with national or regional EN ISO 14024 type I ecolabelling schemes officially recognised in the Member States, or top environmental performance in accordance with other applicable European Union law;

“software update” means an update that is necessary to keep goods with digital elements, digital content and digital services in conformity, including a security update, or a functionality update;

“sustainability label” means any voluntary trust mark, quality mark or equivalent, either public or private, that aims to set apart and promote a product, a process or a business by reference to its environmental or social characteristics, or both, and excludes any mandatory label required under European Union or Gibraltar law;”.

Amendment to Section 6.

6.(1) Subsection (1)(b) is replaced with-

“(b) the main characteristics of the product, such as its availability, benefits, risks, execution, composition, environmental or social characteristics, accessories, circularity aspects, such as durability, reparability or recyclability, after-sale

customer assistance and complaint handling, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specification, geographical or commercial origin or the results to be expected from its use;”.

(2) In subsection (2)(a) replace “; or” with “;”.

(3) In subsection (2)(b)(ii) replace “.” with “;”.

(4) After subsection (2)(b)(ii) insert-

“(c) making an environmental claim related to future environmental performance without clear, objective, publicly available and verifiable commitments set out in a detailed and realistic implementation plan that includes measurable and time-bound targets and other relevant elements necessary to support its implementation, such as allocation of resources, and that is regularly verified by an independent third party expert, whose findings are made available to consumers; or

(d) advertising benefits to consumers that are irrelevant and do not result from any feature of the service or business.”.

Amendment to Section 7.

7. After subsection (6) insert-

“(7) Where a trader provides a service which compares products and provides the consumer with information on environmental or social characteristics or on circularity aspects, such as durability, reparability or recyclability, of the products or suppliers of those products, information about the method of comparison, the products which are the object of comparison and the suppliers of those products, as well as the measures in place to keep that information up to date, shall be regarded as material information.”.

Amendment to Schedule 1.

8. In schedule 1-

(a) after paragraph 2 insert-

“2A. Displaying a sustainability label that is not based on a certification scheme or not established by public authorities.”.

(b) after paragraph 4 insert-

“4A. Making a generic environmental claim for which the trader is not able to demonstrate recognised excellent environmental performance relevant to the claim.

4B. Making an environmental claim about the entire product or the trader's entire business when it concerns only a certain aspect of the product or a specific activity of the trader's business.

4C. Claiming, based on the offsetting of greenhouse gas emissions, that a product has a neutral, reduced or positive impact on the environment in terms of greenhouse gas emissions.”.

(c) After paragraph 10 insert-

“10A. Presenting requirements imposed by law on all products within the relevant product category on the Union market as a distinctive feature of the trader's offer.”.

(d) After paragraph 23 insert-

“23A. Withholding information from the consumer about the fact that a software update will negatively impact the functioning of goods with digital elements or the use of digital content or digital services.

23B. Presenting a software update as necessary when it only enhances functionality features.

23C. Any commercial communication in relation to a good containing a feature introduced to limit its durability despite information on the feature and its effects on the durability of the good being available to the trader.

23D. Falsely claiming that under normal conditions of use a good has a certain durability in terms of usage time or intensity.

23E. Presenting a good as allowing repair when it does not.

23F. Inducing the consumer to replace or replenish the consumables of a good earlier than necessary for technical reasons.

23G. Withholding information concerning the impairment of the functionality of a good when consumables, spare parts or accessories not supplied by the original producer are used, or falsely claiming that such impairment will happen.”.

Dated: 14th July 2026.

G ARIAS VASQUEZ,
Minister with responsibility for Consumer Affairs,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Consumer Protection (Unfair Trading) Act 2008 (“the principal Act”) in order to make domestic provision for Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024. That Directive amends Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information.

Regulation 6 amends section 6 of the principal Act (misleading actions) to expand the list of main characteristics of a service in respect of which a trader's practice may be regarded as misleading, to include environmental or social characteristics and circularity aspects such as durability, reparability, and recyclability. Secondly, new paragraphs are added to section 6(2) to address misleading environmental claims relating to future environmental performance that are not supported by clear, verifiable commitments and a detailed implementation plan verified by an independent third party, as well as the advertising of benefits to consumers that are irrelevant to the product or business.

Regulation 7 amends section 7 of the principal Act (misleading omissions) by adding a new subsection requiring that where a trader provides a comparison service relating to environmental, social, or circularity characteristics, the method of comparison, the products compared, the suppliers of those products, and the measures to keep information up to date shall be regarded as material information.

Regulation 8 amends Schedule 1 to the principal Act (commercial practices which are in all circumstances considered unfair) by adding a number of new prohibited practices, including displaying sustainability labels not based on a certification scheme or public authority; making generic environmental claims without recognised excellent environmental performance; claiming climate neutrality based on greenhouse gas offsetting and withholding information about impaired functionality when non-original consumables or parts are used.