Subsidiary Legislation made under s.13.

TGEU Implementation (Annex 19) Regulations 2026

LN.2026/188

Commencement **15.7.2026**

ARRANGEMENT OF REGULATIONS

Regulation

In exercise of the powers conferred on the Government by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and for the purposes of implementing Annex 19 of the Agreement entered into between the European Union and the European Atomic Energy Community on the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar of the other part, and for connected purposes, the Government has made these Regulations—

Title.

1. These Regulations may be cited as the TGEU Implementation (Annex 19) Regulations 2026.

Commencement.

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

Interpretation.

3. In these Regulations unless otherwise stated, expressions used have the same meaning as in the Treaty on Gibraltar and the European Union Act 2026, including in particular those in Part 6 (Arrangements on customs, indirect taxation and trade related issues) and corresponding Annexes.

“Administrative Arrangement” means the administrative arrangement between the United Kingdom, in respect of Gibraltar, and Spain on customs signed at Madrid on 25th June 2026;

“Annex 19” refers to Annex 19 of the TGEU;

“Annex 21” refers to Annex 21 of the TGEU;

“competent authorities of Gibraltar” means HM Customs Gibraltar;

“indirect tax” means transaction tax and excise duty, where applicable;

“the Act” means the Treaty on Gibraltar and the European Union Act 2026;

“the Treaty on Gibraltar and the European Union” (or “TGEU”) has the meaning given by section 5 of the Treaty on Gibraltar and the European Union Act 2026.

Goods moving from the Union to Gibraltar.

4.(1) Goods dispatched to Gibraltar that are in free circulation within the Union in accordance with section 90 of the Act at the moment of their presentation to a designated customs post, shall be moved by land or by sea using the New Computerised Transit System ("NCTS") applying the code T2GI.

(2) The competent authorities of Gibraltar, using an "arrival advice" message—

(a) shall notify the designated customs post that acted as office of departure of the arrival of the goods on the day the goods are presented in Gibraltar at the office of destination;

(b) shall forward a "control results" message to the office of departure no later than three working days after the goods are presented at the office of destination together with a proof that the indirect tax has been levied in Gibraltar on the goods, unless the goods are covered by the derogation referred to in subregulation 4(3); and

(c) in cases where such a derogation applies, the competent authorities of Gibraltar shall forward to the office of departure, a message indicating that the goods have been included in a special procedure for tax purposes (warehousing, inward processing or temporary admission) instead of the proof that the indirect tax has been levied in Gibraltar.

(3) By derogation from subregulation (2), Union goods, for which there is a justified business need to suspend levying of indirect tax, may benefit from the following exception—

(a) those goods may be released by the competent authorities of Gibraltar, for tax purposes-

(i) for a warehousing procedure in an authorised customs warehouse in Gibraltar—

(ai) in the case of a customs warehouse for tax purposes for ship supplies without minimum storage period, and

(bi) otherwise for a period between one month and nine months, or

(ii) for an inward processing procedure or for a temporary admission procedure for a period of up to three months,

in all cases to take effect simultaneously with the ending of the T2GI transit procedure;

(b) in such cases, the competent authorities of Gibraltar, shall supply information on a case by case basis to the designated customs post which acted as office of departure for the T2GI transit procedure regarding goods which have been taken out of the special procedure for tax purposes to be—

(i) placed on the market in Gibraltar,

(ii) taken out of Gibraltar under the re-export procedure; or

(iii) destroyed with no waste remaining.

(4) In addition, in the case of discharging the special procedures for tax purposes by placing the goods on the market in Gibraltar, the competent authorities of Gibraltar, shall supply to the designated customs post, which acted as office of departure for the T2GI transit procedure, on a monthly basis, proof that the indirect tax has been levied by Gibraltar, for goods placed on the market in Gibraltar.

(5) In the case of discharging the special procedures for tax purposes by taking the goods out of Gibraltar or destroying them with no waste remaining, the competent authorities of Gibraltar, shall supply to the designated customs post, which acted as office of departure for the T2GI transit procedure, on a case by case basis, proof of their exit from Gibraltar or proof of that destruction.

(6) A period of more than three months for the discharge may be authorised in the case of an inward processing procedure or a temporary admission procedure, at the time the application is made, or by way of extension if there are duly justified circumstances accepted by the designated customs post, which acted as office of departure for the T2GI transit procedure.

(7) Where the messages or the proofs of discharge are not presented or where the special procedures could not be discharged within the period of nine months, or within a longer period authorised in case of an inward processing procedure or temporary admission procedure under duly justified circumstances, the competent authorities of Gibraltar, shall transfer to the Member State of the office of departure the amount of the VAT and excise duties applicable at the time of discharge of the transit movement in that Member State.

(8) Goods which would be eligible for partial relief from import duty according to the Union rules on temporary admission, may be granted full relief from indirect tax by Gibraltar, pursuant to an authorisation for temporary admission granted in accordance with subregulation (3).

(9) Professional equipment as defined in Article 1 of Annex B.2 of the Istanbul Convention on Temporary Admission may also be placed in the temporary admission procedure by the act of their entry into Gibraltar.

(10) The Administrative Arrangement shall set out the practical modalities for the implementation of Article 1 of Annex 19.

Goods moving from Gibraltar to the Union.

5.(1) Where goods in free circulation or in a customs warehousing, inward processing or temporary admission procedure for tax purposes in Gibraltar are presented to the competent authorities of Gibraltar, with a view to be moved to the Union, the NCTS shall be used applying the code T2GI.

(2) The transit data of the goods shall be declared in the NCTS and the goods shall be moved following the transit process to the designated customs post in the Union acting as office of destination, in order to furnish evidence that the goods in question are in free circulation in Gibraltar.

(3) Professional equipment as defined in Article 1 of Annex B.2 of the Istanbul Convention on Temporary Admission may be moved by land without using the NCTS.

(4) The procedure of regulation 4(2) (Article 1(3) of Annex 19) shall apply with any necessary modifications.

(5) Where the office of departure in Gibraltar has not received the information required to prove that the goods have arrived in a designated customs post, Gibraltar shall collect the relevant VAT and excise duties applicable in the Member State of the designated customs post and shall transfer the taxes levied to the competent authorities of that Member State; however, in the event, that the competent authorities of Gibraltar, can provide conclusive evidence that the goods under transit have ultimately remained in Gibraltar, indirect tax shall be levied instead.

(6) Administrative arrangement shall set out the practical modalities for the implementation of this regulation.

(7) The designated customs posts listed in Appendix 1 to Annex 21 shall be the customs office of destination for all exports of goods from Gibraltar into the Union.

Applicable Union law.

6.(1) In accordance with Article 3 of Annex 19 (applicable Union law) and section 11, for the purposes of the application of these Regulations and the implementation of Annex 19, the rules of the Union transit procedure shall apply in Gibraltar, including as amended or replaced in future as well as any Union act implementing or supplementing those Union rules, in so far as the closing or the opening of the special transit procedure in Gibraltar is concerned; and

(2) Article 19 of the TGEU shall apply.

(3) Guarantee documents and certificates issued in accordance with these Regulations (and Articles 1 and 2 of Annex 19) shall bear the word "Gibraltar".

Union goods entering into Gibraltar by sea.

7.(1) In application of Article 247 of the TGEU, Union goods that have been cleared for exit from the Union in the designated customs post in Algeciras may be transported by sea directly from that designated customs post via the shortest route to Gibraltar, arriving within 2 hours from exiting the port under cover of a T2GI transit procedure, as provided in regulation 4 above.

(2) The ship shall be entirely unloaded in Gibraltar.

Union goods leaving Gibraltar.

8.(1) Union goods which are to be exported from Gibraltar as ship supplies may leave the territory of Gibraltar via the port or airport, provided that they comply with the Union customs and indirect taxation provisions applicable for comparable transactions in the Union.

(2) Article 8(1) of Annex 21 applies for ship supplies (Export to countries and territories outside the customs union from Gibraltar), with the exception of the presentation of the goods at a designated customs post.