

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

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LEGAL NOTICE NO. 207 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (CIVIL AVIATION) (GROUNDHANDLING) 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 for the purpose of implementing Article 273(3) of the Agreement in respect of Gibraltar entered into between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland, and for connected purposes, the Government has made the following Regulations –

Title.

1. These Regulations may be cited as the TGEU Implementation (Civil Aviation) (Groundhandling) Regulations 2026.

Commencement.

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

Interpretation.

3. In these Regulations, unless the context otherwise requires–

“airport user” means any natural or legal person responsible for the carriage of passengers, mail and/or freight by air to or from Gibraltar Airport;

“Director General” means the person who has been appointed pursuant to section 17 of the Civil Aviation Authority Act 2024;

“Gibraltar Airport” has the same meaning as in the Civil Aviation Act 2024;

“groundhandling” means the services provided to airport users at Gibraltar Airport as described in the Schedule;

“operator of the Civil Airport” means the person appointed as operator of the Civil Airport pursuant to section 37 of the Civil Aviation Act 2024;

“self-handling” means a situation in which an airport user directly provides for himself one or more categories of groundhandling services and concludes no contract of any description with a third party for the provision of such services; for the purposes of this definition, among themselves airport users shall not be deemed to be third parties where:

- (a) one holds a majority holding in the other; or
- (b) a single body has a majority holding in each;

“supplier of groundhandling services” means any natural or legal person supplying third parties with one or more categories of groundhandling services;

“the Civil Airport” means the aggregate of the land, buildings and works comprising the civil air terminal and associated aprons under the management and control of the Government as described in the plan as set out in Schedule 1 of the Civil Aviation Act 2024.

Scope.

4.(1) Without prejudice to sub-regulation (2), these Regulations shall only apply if Gibraltar Airport has an annual traffic of over 2 million passenger movements, or 50 000 tonnes of freight.

(2) By way of exceptions to sub-regulation (1)-

- (a) regulation 8(1) relating to categories of groundhandling services shall always apply to Gibraltar Airport regardless of its volume of traffic;
- (b) regulation 8(2) shall only apply to Gibraltar Airport if its annual traffic is over 1 million passenger movements, or 25 000 tonnes of freight; and
- (c) regulation 7 shall only apply to Gibraltar Airport if its annual traffic is over 3 million passenger movements, or 75 000 tonnes of freight.

(3) Where Gibraltar Airport reaches one of the freight traffic thresholds referred to in this regulation without reaching the corresponding passenger movement threshold, the provisions of these Regulations shall not apply to categories of groundhandling services reserved exclusively for passengers.

Separation of accounts.

5.(1) Where the operator of the Civil Airport, the airport user or the supplier of groundhandling services provide groundhandling services they must rigorously separate the accounts of their groundhandling activities from the accounts of their other activities, in accordance with current commercial practice.

(2) An independent examiner, as referred to in regulation 19, appointed by the Director General must check that this separation of accounts is carried out and the examiner shall also check the absence of financial flows between the activity of the operator of the Civil Airport as Gibraltar Airport authority and its groundhandling activity.

(3) A person who fails without reasonable excuse to comply with the requirements of sub-regulation (1) above shall be guilty of an offence.

Airport Users' Committee.

6.(1) Within 12 months of these Regulations coming into force, a committee of representatives of airport users or organisations representing airport users shall be set up, subject to regulation 4.

(2) All airport users shall have the right to be on this committee, or, if they so wish, to be represented on it by an organisation appointed to that effect.

Prohibition of Restrictions.

7.(1) In accordance with regulation 4 the operator of the Civil Airport shall take the necessary measures to:

- (a) ensure free access by suppliers of groundhandling services to the market for the provision of groundhandling services to third parties; and
- (b) ensure the freedom to self-handle.

(2) The operator of the Civil Airport may limit the number of suppliers authorised to provide the following categories of groundhandling services:

- (a) baggage handling;
- (b) ramp handling;
- (c) fuel and oil handling;
- (d) freight and mail handling as regards the physical handling of freight and mail, whether incoming, outgoing or being transferred, between the air terminal and the aircraft,

but the operator of the Civil Airport may not limit this number to fewer than two for each category of groundhandling service.

(3) At least one of the authorised suppliers referred to in sub-regulation (2) may not be directly or indirectly controlled by-

- (a) the operator of the Civil Airport;

- (b) any airport user who has carried more than 25% of the passengers or freight recorded at Gibraltar Airport during the year preceding that in which those suppliers were selected;
- (c) a body controlling or controlled directly or indirectly by the operator of the Civil Airport or any such user.

(4) Where pursuant to sub-regulation (2) the number of authorised suppliers is restricted, the operator of the Civil Airport may not prevent an airport user, from having, in respect of each category of groundhandling service subject to restriction, an effective choice between at least two suppliers of groundhandling services, under the conditions laid down in sub-regulation (2) and (3).

Self-handling.

8.(1) In accordance with the arrangements laid down in regulation 4, there shall be necessary measures to ensure the freedom to self-handle.

(2) For the following categories of groundhandling services-

- (a) baggage handling;
- (b) ramp handling;
- (c) fuel and oil handling;
- (d) freight and mail handling as regards the physical handling of freight and mail, whether incoming, outgoing or being transferred, between the air terminal and the aircraft,

the operator of the Civil Airport may reserve the right to self-handle to a minimum of two airport users, provided that they are chosen on the basis of relevant, objective, transparent and non-discriminatory criteria.

Centralised infrastructures.

9.(1) Notwithstanding the application of regulations 7 and 8, the operator of the Civil Airport may reserve the management of the centralised infrastructures used for the supply of groundhandling services whose complexity, cost or environmental impact does not allow for division or duplication, such as baggage sorting, de-icing, water purification and fuel-distribution systems and may make it compulsory for suppliers of groundhandling services and self-handling airport users to use these infrastructures.

(2) Management of the infrastructures referred to in sub-regulation (1) shall be transparent, objective and non-discriminatory and, in particular, it shall not hinder the access of suppliers of groundhandling services or self-handling airport users within the limits provided for in these Regulations.

Exemptions.

10.(1) If specific constraints of available space or capacity at Gibraltar Airport make it impossible to open up the market and/or implement self-handling to the degree provided for in these Regulations, the operator of the Civil Airport may decide-

- (a) to limit the number of suppliers for one or more categories of groundhandling services other than those referred to in regulation 7(2) in all or part of Gibraltar Airport; in this case the provisions of regulation 7(2) and (3) shall apply;
- (b) to reserve to a single supplier one or more of the categories of groundhandling services referred to in regulation 7(2);
- (c) to reserve self-handling to a limited number of airport users for categories of groundhandling services other than those referred to in regulation 7(2), provided that those users are chosen on the basis of relevant, objective, transparent and non-discriminatory criteria;
- (d) to ban self-handling or to restrict it to a single airport user for the categories of groundhandling services referred to in regulation 7(2).

(2) All exemptions decided pursuant to sub-regulation (1) must-

- (a) specify the category or categories of groundhandling services for which the exemption is granted and the specific constraints of available space or capacity which justify it;
- (b) be accompanied by a plan of appropriate measures to overcome the constraints,

and exemptions must not:

- (i) unduly prejudice the aims of these Regulations;
- (ii) give rise to distortions of competition between suppliers of groundhandling services and/or self-handling airport users;
- (iii) extend further than necessary.

(3) The operator of the Civil Airport shall notify the Director General, at least three months before they enter into force, of any exemptions they grant on the basis of sub-regulation (1) and of the grounds which justify them and the Director General shall, by way of Legal Notice in the Gazette, publish a summary of the decisions and shall invite interested parties to submit comments within 28 days of publication.

(4) The Director General shall examine closely exemption decisions submitted by the operator of the Civil Airport and shall make a detailed analysis of the situation and a study of the appropriate measures submitted by the operator of the Civil Airport to check that the

alleged constraints exist and that it is impossible to open up the market and/or implement self-handling to the degree provided for in these Regulations.

(5) Further to that examination and after consulting the operator of the Civil Airport, the Director General may approve the operator of the Civil Airport's decision or oppose it if it deems that the alleged constraints have not been proved to exist or that they are not so severe as to justify the exemption and after consulting the operator of the Civil Airport, the Director General may also require the operator of the Civil Airport to amend the extent of the exemption or restrict it to those parts of Gibraltar Airport where the alleged constraints have been proved to exist.

(6) The Director General's decision shall be taken no later than three months after notification by the operator of the Civil Airport and shall be published in the Gazette.

(7) Exemptions granted by the operator of the Civil Airport pursuant to sub-regulation (1) may not exceed a duration of three years except for exemptions granted under sub-regulation (1)(b) and not later than three months before the end of that period, the operator of the Civil Airport must take a new decision on any request for exemption, which will also be subject to the procedure laid down in this regulation.

(8) Exemptions under sub-regulation (1)(b) may not exceed a duration of two years.

(9) The operator of the Civil Airport may on the basis of the provisions of sub-regulation (1) request that the period referred to in sub-regulation (8) be extended by a single period of two years and the Director General shall decide on such request.

Selection of suppliers.

11.(1) There shall be a selection procedure for suppliers authorised to provide groundhandling services at Gibraltar Airport where their number is limited in the cases provided for in regulation 7(2) or regulation 10 and this procedure must comply with the following principles

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- (a) in cases where Gibraltar Airport requires the establishment of standard conditions or technical specifications to be met by the suppliers of groundhandling services, those conditions or specifications shall be established following consultation with the Airport Users' Committee and the selection criteria laid down in the standard conditions or technical specifications must be relevant, objective, transparent and non-discriminatory;
- (b) after having notified the Director General, the operator of the Civil Airport may include among the standard conditions or technical specifications with which suppliers of groundhandling services must comply a public service obligation in respect of Gibraltar Airport;
- (c) an invitation to tender must be launched and published on the Government of Gibraltar Procurement website, to which any interested supplier of groundhandling services may reply;

- (d) suppliers of groundhandling services shall be chosen by the operator of the Civil Airport following consultation with the Airport Users' Committee, on the condition that Gibraltar Airport-
 - (i) does not provide similar groundhandling services;
 - (ii) has no direct or indirect control over any undertaking which provides such services; and
 - (iii) has no involvement in any such undertaking;
- (e) suppliers of groundhandling services shall be selected for a maximum period of seven years;
- (f) where a supplier of groundhandling services ceases his activity before the end of the period for which he was selected, he shall be replaced on the basis of the same procedure.

(2) Where the number of suppliers of groundhandling services is limited in accordance with regulation 7(2) or regulation 10, the operator of the Civil Airport may itself provide groundhandling services without being subject to the selection procedure laid down in sub-regulation (1) and may, without submitting it to the said procedure, authorise an undertaking to provide groundhandling services at the Gibraltar Airport-

- (a) if it controls that undertaking directly or indirectly; or
- (b) if the undertaking controls it directly or indirectly.

(3) The operator of the Civil Airport shall inform the Airport Users' Committee of decisions taken under these Regulations.

Consultations.

12.(1) A compulsory consultation procedure relating to the application of these Regulations shall be organised between the operator of the Civil Airport, the Airport Users' Committee and the undertakings providing groundhandling services and this consultation shall cover, inter alia, the price of those groundhandling services for which an exemption has been granted pursuant to regulation 10(1)(b) and the organisation of the provision of those services.

(2) The consultation referred to in sub-regulation (1) shall be organised at least once a year.

Approval.

13.(1) The groundhandling activity of a supplier of groundhandling services or a self-handling user at Gibraltar Airport will be conditional on the approval of the Director General.

(2) The criteria for the approval referred to in sub-regulation (1) will require the applicant to demonstrate a sound financial situation and sufficient insurance cover, to the security and safety of installations, of aircraft, of equipment and of persons, as well as to environmental protection and compliance with Gibraltar law.

(3) The criteria must comply with the following principles-

- (a) they must be applied in a non-discriminatory manner to the various suppliers of groundhandling services and airport users;
- (b) they must relate to the intended objective;
- (c) they may not, in practice, reduce market access or the freedom to self-handle to a level below that provided for in these Regulations,

and the criteria shall be made public and the supplier of groundhandling services or self-handling airport user shall be informed in advance of the procedure for obtaining approval.

(4) The approval may be withheld or withdrawn only if the supplier of groundhandling services or self-handling airport user does not meet, for reasons of his own doing, the criteria referred to in sub-regulations (2) and (3).

(5) The grounds for withholding or withdrawal referred to in sub-regulation (4) must be communicated to the supplier or user concerned and to the operator of the Civil Airport.

Rules of conduct.

14. The Director General may, where appropriate on a proposal from the operator of the Civil Airport-

- (a) prohibit a supplier of groundhandling services or an airport user from supplying groundhandling services or self-handling if that supplier or user fails to comply with the rules imposed upon him to ensure the proper functioning of Gibraltar Airport;

Those rules must comply with the following principles:

- (i) they must be applied in a non-discriminatory manner to the various suppliers of groundhandling services and airport users;
 - (ii) they must relate to the intended objective;
 - (iii) they may not, in practice, reduce market access or the freedom to self-handle to a level below that provided for in these Regulations;
- (b) in particular require suppliers of groundhandling services at Gibraltar Airport to participate in a fair and non-discriminatory manner in carrying out the public

service obligations laid down in Gibraltar law, including the obligation to ensure continuous service.

Access to installations.

15.(1) Suppliers of groundhandling services and airport users wishing to self-handle shall have access to airport installations to the extent necessary for them to carry out their activities and if the operator of the Civil Airport places conditions upon such access, those conditions must be relevant, objective, transparent and non-discriminatory.

(2) The space available for groundhandling at Gibraltar Airport must be divided among the various suppliers of groundhandling services and self-handling airport users, including new entrants in the field, to the extent necessary for the exercise of their rights and to allow effective and fair competition, on the basis of the relevant, objective, transparent and non-discriminatory rules and criteria.

(3) Where access to airport installations gives rise to the collection of a fee, the latter shall be determined according to relevant, objective, transparent and non-discriminatory criteria.

Safety and security.

16. These Regulations in no way affect law and order, safety and security at Gibraltar Airport.

Social and environmental protection

17. Without prejudice to the application of these Regulations, and subject to Gibraltar law, the Director General may take the necessary measures to ensure protection of the rights of workers and respect for the environment.

Right of Appeal.

18. Any party with a legitimate interest has the right to appeal against the decisions or individual measures taken pursuant to regulation 8(2) and regulations 11 to 15 and it will be possible to bring the appeal in the first instance to the Director General and thereafter the Supreme Court of Gibraltar.

Independent Examiner.

19.(1) In any case, where the operator of the Civil Airport, an airport user or a supplier of groundhandling services is required to separate its accounts in accordance with regulation 5(1), the Director General shall appoint an independent examiner whose duties are to ensure compliance with regulation 5(1) and 5(2).

(2) Within a period of 15 months beginning on the date of their appointment, and at least once a year thereafter, the independent examiner shall prepare a written statement containing the results of the checks they have carried out and where they have been appointed in relation to operator of the Civil Airport in accordance with regulation 5(2).

(3) The independent examiner shall send a copy of the statement prepared by him pursuant to sub-regulation (2) above to the Director General.

(4) The independent examiner shall be entitled to recover from the person in relation to whom he has been appointed a sum equal to any expense reasonably incurred by him in undertaking the duties of the independent examiner described in this regulation.

(5) The Director General may, by notice in writing served on the independent examiner and on the person in relation to whom he has been appointed, revoke an appointment made under sub-regulation (1).

Furnishing of information.

20.(1) The Independent Examiner can send a written notice requiring a person to provide information relating to the accounts of anyone to whom regulation 5(1) applies, in the format and by the deadlines stated in the notice.

(2) A person shall not, by virtue of sub-regulation (1), be compelled-

- (a) to produce any documents which he could not be compelled to produce in civil proceedings before the Supreme Court;
- (b) in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in such proceedings.

(3) Any person who fails without reasonable excuse to comply with the requirements of a notice served on him under sub-regulation (1) shall be guilty of an offence.

(4) Any person who, in purported compliance with the requirements of any such notice, knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence.

Restriction on disclosure of information.

21.(1) Subject to sub-regulation (2) below, no information with respect to any particular business which has been obtained under or by virtue of regulation 20 shall, so long as the business continues to be carried on, be disclosed without the consent of the person for the time being carrying it on.

(2) Sub-regulation (1) does not apply to any disclosure of information which is made-

- (a) by the Director General;
- (b) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

- (c) for the purposes of any civil proceedings brought under or by virtue of these Regulations.

(3) Any person who discloses any information in contravention of this regulation shall be guilty of an offence.

Offences.

22.(1) A person who is guilty of an offence under regulation 5(3) or 20(4) shall be liable-

- (a) on summary conviction, up to a level 4 fine on the standard scale;
- (b) on conviction on indictment, up to a level 5 fine on the standard scale.

(2) A person who is guilty of an offence under regulation 20(3) shall be liable on summary conviction up to a level 4 fine on the standard scale.

(3) A person who is guilty of an offence under regulation 21(3) shall be liable -

- (a) on summary conviction, up to a level 4 fine on the standard scale.
- (b) on conviction on indictment, up to a level 5 fine on the standard scale.

Offences by bodies corporate.

23.(1) Where an offence under these Regulations has been 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, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-regulation (1) above shall apply 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.

SCHEDULE

LIST OF GROUNDHANDLING SERVICES

1. Ground Administration and supervision comprise-

- (a) representation and liaison services with local authorities or any other entity, disbursements on behalf of the airport user and provision of office space for its representatives;
- (b) load control, messaging and telecommunications;
- (c) handling, storage and administration of unit load devices;
- (d) any other supervision services before, during or after the flight and any other administrative service requested by the airport user.

2. Passenger handling comprises any kind of assistance to arriving, departing, transfer or transit passengers, including checking tickets and travel documents, registering baggage and carrying it to the sorting area.

3. Baggage handling comprises handling baggage in the sorting area, sorting it, preparing it for departure, loading it on to and unloading it from the devices designed to move it from the aircraft to the sorting area and vice versa, as well as transporting baggage from the sorting area to the reclaim area.

4. Freight and mail handling comprises-

- (a) for freight: physical handling of export, transfer and import freight, handling of related documents, customs procedures and implementation of any security procedure agreed between the parties or required by the circumstances;
- (b) for mail: physical handling of incoming and outgoing mail, handling of related documents and implementation of any security procedure agreed between the parties or required by the circumstances.

5. Ramp handling comprises-

- (a) marshalling the aircraft on the ground at arrival and departure provided that these services are not provided by the air traffic service;
- (b) assistance to aircraft packing and provision of suitable devices provided that these services are not provided by the air traffic service;
- (c) communication between the aircraft and the air-side supplier of services provided that these services are not provided by the air traffic service;

- (d) the loading and unloading of the aircraft, including the provision and operation of suitable means, as well as the transport of crew and passengers between the aircraft and the terminal, and baggage transport between the aircraft and the terminal;
- (e) the provision and operation of appropriate units for engine starting;
- (f) the moving of the aircraft at arrival and departure, as well as the provision and operation of suitable devices;
- (g) the transport, loading on to and unloading from the aircraft of food and beverages.

6. Aircraft services comprise-

- (a) the external and internal cleaning of the aircraft, and the toilet and water services;
- (b) the cooling and heating of the cabin, the removal of snow and ice, the de-icing of the aircraft;
- (c) the rearrangement of the cabin with suitable cabin equipment, the storage of this equipment.

7. Fuel and oil handling comprises-

- (a) the organisation and execution of fuelling and defueling operations, including the storage of fuel and the control of the quality and quantity of fuel deliveries;
- (b) the replenishing of oil and other fluids.

8. Aircraft maintenance comprises-

- (a) routine services performed before flight;
- (b) non-routine services requested by the airport user;
- (c) the provision and administration of spare parts and suitable equipment;
- (d) the request for or reservation of a suitable parking and/or hangar space.

9. Flight operations and crew administration comprise-

- (a) preparation of the flight at the departure airport or at any other point;
- (b) in-flight assistance, including re-dispatching if needed;
- (c) post-flight activities;
- (d) crew administration.

10. Surface transport comprises-

- (a) the organisation and execution of crew, passenger, baggage, freight and mail transport between different terminals of Gibraltar Airport, but excluding the same transport between the aircraft and any other point within the perimeter of Gibraltar Airport;
- (b) any special transport requested by the airport user.

11. Catering services comprise-

- (a) liaison with suppliers and administrative management;
- (b) storage of food and beverages and of the equipment needed for their preparation;
- (c) cleaning of this equipment;
- (d) preparation and delivery of equipment as well as of bar and food supplies.

Dated: 14th July 2026.

DR J GARCIA,
Minister with responsibility for Civil Aviation,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations implement part of Article 273(3) of the Treaty on Gibraltar and the European Union and make provision for access to the groundhandling market.

Copies may be purchased at 6, Convent Place, Price. £1.50