

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5320 GIBRALTAR Friday 3rd July 2026

LEGAL NOTICE NO. 138 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (EUROPOL) REGULATIONS 2026

In exercise of the powers conferred upon it by section 13 of the Treaty on Gibraltar and the European Union Act 2026 in order to implement, Chapter 1 of Title V of Part Two of the Treaty 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, of the Other Part, the Government has made the following Regulations—

Title.

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

Commencement.

2. These Regulations come into operation on the implementation date.

Interpretation.

3. In these Regulations—

“competent authority” means the body appointed under regulation 5;

“Europol” means the European Union Agency for Law Enforcement Cooperation, set up under the Regulation;

“law enforcement purposes” means the purposes for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against the prevention of threats to public security;

“liaison officers” means those officers appointed further to Article 8 of the Regulation;

“liaison officers of the United Kingdom to Europol” means liaison officers seconded by the United Kingdom to Europol, pursuant to Article 568(4) of the Trade and Cooperation Agreement;

“national contact point” means the person or body designated pursuant to Article 568(1) of the Trade and Cooperation Agreement;

“the Regulation” means Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement

Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA.

“the Trade and Cooperation Agreement” means the Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part entered into force on 1 May 2021.

Purpose.

4. The purpose of these Regulations is to implement Chapter 1 of Title V of Part Two of the TGEU which establishes cooperation between Europol and Gibraltar to support and strengthen action by Member States of the European Union and Gibraltar, and to mutually cooperate in preventing and combating serious crime, terrorism and forms of crime referred to in regulation 7.

Competent authority.

5.(1) The competent authority for the purposes of these Regulations is the Royal Gibraltar Police.

(2) The competent authority shall, in accordance with these Regulations-

- (a) supply Europol with information necessary for it to fulfil its objectives including information relating to forms of crime, the prevention or combatting of which is considered a priority in the European Union;
- (b) ensure effective communication and cooperation with Europol; and
- (c) ensure compliance with domestic law when supplying information to Europol.

(3) Insofar as is necessary for the achievement of the tasks referred to in subregulation (2), the competent authority may process information, including personal data.

Communication.

6. The competent authority shall ensure that all communications and notifications made by it under these Regulations shall be performed through the national contact point or liaison officers of the United Kingdom to Europol as defined in regulation 3, except where regulation 9(2) applies.

Forms of crime.

7.(1) The cooperation referred to in regulation 4 relates to the forms of crime listed in the Schedule, including related criminal offences.

(2) Related criminal offences are criminal offences committed in order to procure the means of committing the forms of crime referred to in subregulation (1), criminal offences committed

in order to facilitate or carry out such crimes, and criminal offences committed to ensure impunity for such crimes.

(3) The list of forms of crime in the Schedule shall be updated in accordance with any amendments made by the Specialised Committee on Circulations of Persons to Annex 10 of the TGEU.

Scope of cooperation.

8. The cooperation referred to in regulation 4 may, in addition to the exchange of personal data under the conditions laid down in these Regulations and in accordance with the tasks of Europol, include-

- (a) the exchange of information such as specialist knowledge;
- (b) general situation reports;
- (c) results of strategic analysis;
- (d) information on criminal investigation procedures;
- (e) information on crime prevention methods;
- (f) participation in training activities; and
- (g) the provision of advice and support in individual criminal investigations as well as operational cooperation.

National contact point and liaison officers.

9.(1) The national contact point shall act as the central point of contact between Europol and the competent authority-

- (a) for the exchange of information, subject to regulation 2; and
- (b) in respect of the review, correlation and deletion of personal data.

(2) Where the direct exchange of information is necessary and urgent, and it is considered appropriate by the competent authority and Europol, the competent authority and Europol may communicate directly instead of via the national contact point.

(3) The cooperation referred to in regulation 4 may also be facilitated by liaison officers included those seconded by the United Kingdom to Europol and those seconded by Europol.

(4) Liaison officers for Member States and third country liaison officers, representatives of competent authorities from Member States and third countries, Europol Staff and other stakeholders may attend meetings organised by the competent authority.

Exchanges of information.

10.(1) The competent authority shall ensure that exchanges of information under these Regulations shall comply with the objective and provisions of these Regulations.

(2) A reference to a transfer of information or data to or from Europol shall include a reference to a transfer via the national contact point, or directly to or from Europol or liaison officers.

(3) Subject to domestic law, the competent authority may, for law enforcement purposes-

- (a) transfer and share information from databases kept by it with Europol;
- (b) process information and data when received from Europol.

(4) When sharing information, the competent authority shall clearly indicate, at the latest, at the moment of transferring personal data, the specific purpose or purposes for which the personal data are being transferred.

(5) For transfers to Europol, the purpose or purposes of such transfer shall be specified in line with the specific purposes of processing set out below-

- (a) cross-checking aimed at identifying connections or other relevant links between information related to-
 - (i) persons who are suspected of having committed or taken part in a criminal offence in respect of which Europol is competent, or who have been convicted of such an offence;
 - (ii) persons regarding whom there are factual indications or reasonable grounds to believe that they will commit criminal offences in respect of which Europol is competent;
- (b) analyses of a strategic or thematic nature;
- (c) operational analyses;
- (d) facilitating the exchange of information between Member States, Europol, other Union bodies, third countries, international organisations and private parties;
- (e) research and innovation projects;
- (f) supporting Member States, upon their request, in informing the public about suspects or convicted individuals who are wanted on the basis of a national judicial decision relating to a crime that falls within Europol's objectives, and facilitating the provision by the public of information on those individuals to the Member States and Europol.

(6) Where information is received by the competent authority from Europol and no specific purpose for the transfer has been identified, the competent authority shall, in agreement with Europol, process the personal data in order to determine their relevance as well as the purpose or purposes for which it is to be further processed.

(7) The competent authority may process personal data for a purpose other than the purpose for which they have been provided only if authorised to do so by the transferor of that information.

(8) When receiving personal data, the competent authority shall give an undertaking stating that such data will be processed only for the purpose for which they were transferred.

(9) Personal data shall be deleted as soon as they are no longer necessary for the purpose for which they were transferred.

(10) The competent authority shall determine without undue delay, and in any event no later than six months after receipt of the personal data, if and to what extent those personal data are necessary for the purpose for which they were transferred and inform the transferring authority accordingly.

Restrictions on access to and further use of transferred personal data.

11.(1) The competent authority may indicate, when transferring personal data, any restriction on access thereto or the use to be made thereof, in general or specific terms, including as regards their onward transfer, erasure or destruction after a certain period of time, or its further processing.

(2) Where the competent authority is transferring or has transferred personal data and the need for such restrictions in respect of that personal data becomes apparent, the competent authority shall inform Europol accordingly.

(3) The competent authority shall comply with any restriction on access or further use of the personal data indicated by Europol.

(4) The competent authority shall ensure that information transferred under these Regulations was collected, stored and transferred in accordance with domestic law.

(5) The competent authority shall ensure, as far as possible, that such information has not been obtained in violation of human rights, nor shall such information be transferred if, to the extent it is reasonably foreseeable it could be used to request, hand down or execute a death penalty or any form of cruel or inhuman treatment.

Different categories of data subjects.

12.(1) The transfer of personal data in respect of victims of a criminal offence, witnesses or other persons who can provide information concerning criminal offences, or in respect of persons under the age of 18, shall be prohibited unless such transfer is strictly necessary and proportionate in individual cases for preventing or combating a criminal offence.

(2) The competent authority shall ensure that the processing of personal data under subregulation (1) is subject to additional safeguards, including restrictions on access, additional security measures and limitations on onward transfers.

Facilitation of flow of personal data between Gibraltar and Europol.

13. The competent authority shall endeavour to cooperate with a view to ensuring that data exchanges between the competent authority and Europol can take place as quickly as possible, and to consider the incorporation of any new processes and technical developments and in full respect of the notifications and communications regime established under regulation 6.

Assessment of reliability of the source and accuracy of information.

14.(1) The competent authority shall indicate as far as possible, at the latest, when transferring the information, the reliability of the source of the information on the basis of the following criteria-

- (a) where there is no doubt as to the authenticity, trustworthiness and competence of the source, or if the information is provided by a source which has proved to be reliable in all instances;
- (b) where the information is provided by a source which has in most instances proved to be reliable;
- (c) where the information is provided by a source which has in most instances proved to be unreliable;
- (d) where the reliability of the information cannot be assessed.

(2) The competent authority shall indicate as far as possible, at the latest, when transferring the information, the accuracy of the information on the basis of the following criteria-

- (a) information the accuracy of which is not in doubt;
- (b) information known personally to the source but not known personally to the official passing it on;
- (c) information not known personally to the source but corroborated by other information already recorded;
- (d) information not known personally to the source and which cannot be corroborated.

(3) Where the competent authority, on the basis of information already in its possession, comes to the conclusion that the assessment of information or of its source supplied by the Europol in accordance with subregulations (1) and (2) needs correction, it shall inform Europol and shall attempt to agree on an amendment to the assessment.

(4) The competent authority shall not change the assessment of information received or of its source without such agreement referred to in subregulation (3).

(5) If the competent authority receives information without an assessment, it shall attempt as far as possible and where possible in agreement with Europol to assess the reliability of the source or the accuracy of the information on the basis of information already in its possession.

(6) If no reliable assessment can be made under subregulation (5), the information shall be evaluated as provided for in subregulations (1)(d) and (2)(d).

Security of the information exchange.

15.(1) The competent authority shall take appropriate technical and organisational measures to ensure the security of any information exchanged under these Regulations, including protection against unauthorised access, disclosure, alteration or loss as laid down in administrative arrangements referred to in regulation 19.

(2) The competent authority shall establish and use secure communication lines for exchanging information with Europol, the national contact point and United Kingdom liaison officers to Europol.

(3) The detailed requirements for the operation, use and security of those secure communication lines shall be set out in the working and administrative arrangements referred to in regulation 19.

Liability for unauthorised or incorrect personal data processing.

16.(1) The competent authority shall be liable, in accordance with domestic law, for any damage caused to an individual as a result of inaccurate or unlawfully processed information exchanged in accordance with these Regulations.

(2) In order to avoid liability under domestic law vis-à-vis an injured party, the competent authority may not plead that Europol transferred the inaccurate information.

(3) If damages are awarded against the competent authority because of its use of information communicated to it, or communicated as a result of a failure on the part of Europol to comply with its obligations, the amount paid as compensation under subregulation (1), by the competent authority shall be recoverable by Europol, unless the information was used in breach of these Regulations.

(4) The competent authority, shall not require Europol to pay for punitive or non-compensatory damages under subregulations (1) and (2).

(5) Where an individual brings a claim against Europol, for damage caused to them as a result of legal or factual errors in information which was sourced from the competent authority, and damages are awarded against Europol, the amount paid by Europol as compensation shall be recoverable from the competent authority, save that it shall not be liable for punitive or non-compensatory damages.

Exchange of classified and sensitive non-classified information.

17. The competent authority shall ensure that the exchange and protection of classified and sensitive non-classified information, if necessary under these Regulations, shall be in compliance with working and administrative arrangements as referred to in regulation 19.

Access: Speed and Security.

18.(1) The competent authority shall ensure that liaison officers of the United Kingdom seconded to Europol and responsible for cooperation in respect of Gibraltar are granted speedy and secure access to such domestic databases and information systems as are necessary for the proper performance of their functions under these Regulations, subject to applicable safeguards under domestic law, including data-protection, confidentiality and security requirements.

(2) Access shall be provided solely for purposes connected with preventing and combating the forms of crime referred to in regulation 7 and shall be governed by the working and administrative arrangements concluded under regulation 19.

Working and administrative arrangements.

19.(1) The details of cooperation between Gibraltar and Europol, as appropriate to complement and implement the provisions of these Regulations, shall be the subject of working arrangements in accordance with Article 23(4) of the Regulation and administrative arrangements in accordance with Article 25(1) of the Regulation, concluded between Europol and the competent authorities of the United Kingdom, as applied to Gibraltar.

(2) The competent authority shall comply with existing working and administrative arrangements that Europol and the United Kingdom have agreed shall apply to Gibraltar and the cooperation set out in Chapter 1 of Title V of Part Two of the TGEU.

Notification of implementation.

20.(1) The competent authority shall publish a document setting out, in an intelligible form, the provisions regarding the processing of personal data transferred under these Regulations including the means available for the exercise of the rights of data subjects, and shall ensure that a copy of that document be provided to Europol.

(2) Where not already in place, the competent authority shall adopt practical arrangements specifying how compliance with the provisions regarding the processing of personal data will be enforced in practice.

(3) The competent authority shall send a copy of the practical arrangements referred to in subregulation (2) to Europol and to the respective supervisory authorities designated for the purposes of Article 14 of the TGEU.

SCHEDULE

FORMS OF CRIME

Forms of crime referred to in regulation 7-

- (a) Terrorism;
- (b) Organised crime;
- (c) Drug trafficking;
- (d) Money-laundering activities;
- (e) Crime connected with nuclear and radioactive substances;
- (f) Immigrant smuggling;
- (g) Trafficking in human beings;
- (h) Motor vehicle crime;
- (i) Murder and grievous bodily injury;
- (j) Illicit trade in human organs and tissue;
- (k) Kidnapping, illegal restraint and hostage-taking;
- (l) Racism and xenophobia;
- (m) Robbery and aggravated theft;
- (n) Illicit trafficking in cultural goods, including antiquities and works of art;
- (o) Swindling and fraud;
- (p) Crime against the financial interests of the Union;
- (q) Insider dealing and financial market manipulation;
- (r) Racketeering and extortion;
- (s) Counterfeiting and product piracy;
- (t) Forgery of administrative documents and trafficking therein;
- (u) Forgery of money and means of payment;

- (v) Computer crime;
- (w) Corruption;
- (x) Illicit trafficking in arms, ammunition and explosives;
- (y) Illicit trafficking in endangered animal species;
- (z) Illicit trafficking in endangered plant species and varieties;
- (aa) Environmental crime, including ship-source pollution;
- (bb) Illicit trafficking in hormonal substances and other growth promoters;
- (cc) Sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes;
- (dd) Genocide, crimes against humanity and war crimes.

Dated: 3rd July 2026.

N FEETHAM KC,
Minister with responsibility for Justice,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations implement, Chapter 1 of Title V of Part Two of the TGEU 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, of the Other Part.

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