SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5326 GIBRALTAR Tuesday 14th July 2026

LEGAL NOTICE NO. 187 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (GOODS PRODUCED OR PLACED ON THE MARKET: GENERAL REQUIREMENTS) REGULATIONS 2026

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 Articles 256 and 257 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 (Goods produced or placed on the market: General Requirements) Regulations 2026.

Commencement.

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

General Requirements.

3.(1) Save as provided for in subregulation 3(3), it shall be a condition of every business licence issued under the Fair Trading Act 2023 to trade in goods, that the licence holder shall not produce or place on the market in Gibraltar any goods unless those goods comply with relevant rules of European Union law governing goods.

(2) For the purposes of subregulation 3(1), goods lawfully placed on the market in any Member State shall be presumed to be compliant with any current or future rules applicable to goods to be placed on the market in Gibraltar.

(3) Subregulation 3(1) shall not apply to-

(a) goods produced in Gibraltar for export outside Gibraltar or the European Union without being first placed on the Gibraltar or European Union markets;

(b) food, but not spirit drinks, produced in Gibraltar or prepared, processed or repackaged by retail establishments in Gibraltar and placed on the market in Gibraltar for local consumption and where such food is prepacked, the individual packaging must bear a label which clearly states the words “Not for EU”;

(c) food imported into Gibraltar, as regards their transport, storage and distribution after entry into Gibraltar;

(d) medicinal products for human use where the following conditions apply-

(i) the competent authorities of the United Kingdom have authorised the placing on the market in the United Kingdom of the medicinal product in accordance with the law of the United Kingdom and under the terms of the authorisation granted by them;

(ii) the medicinal products concerned do not bear the EU unique identifier; but bear an individual label that shall state the words "UK only" which shall be attached to the packaging of the medicinal product in a conspicuous place in such a way that it is easily visible, clearly legible, and indelible and shall not in any way be hidden, obscured, detracted from, or interrupted by any other written or pictorial matter or any other intervening material;

(e) medical devices, accessories for medical devices and in vitro diagnostic medical devices where the following conditions apply-

(i) the devices may be lawfully placed on the market in the United Kingdom;

(ii) the devices are procured and imported by or for entities placed under the direct responsibility of the Gibraltar Health Authority;

(iii) the sole end-users of the devices are entities under the direct responsibility of the Gibraltar Health Authority and professionals employed by the Gibraltar Health Authority;

(iv) where any medical device, accessory for medical devices or in vitro diagnostic medical device imported under subregulation 3(3)(e) does not bear a "CE" marking, a clearly visible, legible and indelible marking or sticker shall be applied to each consignment of devices at the point of first handling in Gibraltar following unloading from the means of transport. This marking or sticker shall be placed on the outermost packaging of the consignment or shipping box, stating the words "Gibraltar (GHA) only". This marking or sticker shall be attached to the outermost packaging of the product in a conspicuous place in such a way that it is easily visible, clearly legible, and indelible; it shall not in any way be hidden, obscured, detracted from, or interrupted by any other written or pictorial matter or any other intervening material;

(v) for the purposes of subregulation 3(3)(e)(iv), "outermost packaging" means the first level of packaging visible upon receipt of the consignment after unloading, excluding any inner packs, cartons or individual product units contained therein;

Amendments to the Fair Trading Act 2023.

4. The Fair Trading Act 2023 is amended as follows-

(a) after section 25(4) insert-

"(5) Subsection (1)(c) shall not apply to a business providing special customs procedures within its group.

(6) In subsection (5) "special customs procedures" means warehousing, inward processing or temporary admission special customs procedures for tax purposes referred to in the TGEU.

(7) In sub-section (6) "TGEU" means 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."

(b) after section 32(h)(iii) insert-

"(i) a licence holder that produces goods in Gibraltar shall provide the OFT with a description of all products produced by them to include –

(i) a description of the products produced; and

(ii) the quantities produced during the period of six months. ".

Dated: 14th July 2026.

G ARIAS VASQUEZ,
Minister with responsibility for Business,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations implement Articles 256 and 257 of the Agreement in respect of Gibraltar entered into 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.

Copies may be purchased at 6, Convent Place, Price. £1.00