

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5320 GIBRALTAR Friday 3rd July 2026

LEGAL NOTICE NO. 146 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (POLICE COOPERATION INFORMATION EXCHANGE) 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 Article 54 of the Agreement in respect of Gibraltar 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 these Regulations-

Title.

1. These Regulations may be cited as the TGEU Implementation (Police Cooperation Information Exchange) Regulations 2026.

Commencement.

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

Interpretation.

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

“Article” means a numbered Article of the TGEU;

“competent authority of a Member State” means police, customs or any other domestic authority that is competent under the law of the Member State to undertake the functions in Article 54;

“competent authority in Gibraltar” means the Royal Gibraltar Police, His Majesty’s Customs, the Gibraltar Co-ordinating Centre for Criminal Intelligence and Drugs (GCID) and the Gibraltar Financial Intelligence Unit (GFIU);

“data protection legislation” has the meaning set out in section 2(1) of the Data Protection Act 2004;

“information” means any type of information or data, and includes intelligence, which is held by a competent authority of a Member State, or a competent authority in Gibraltar, and that falls within the objective in Article 54(1);

“request” means a request for information in accordance with Article 54.

Purpose.

4.(1) The purpose of these Regulations is to give effect to Article 54.

(2) These Regulations apply to the extent that provision is not made in relation to assistance through the provision of information elsewhere in Chapter 3 of Title III of Part Two of the TGEU or Chapter 2 of Title V of Part Two of the TGEU.

Requests for information from and spontaneous provision of information to Gibraltar.

5.(1) For the purposes set out in Article 54(1), a competent authority in Gibraltar may send a request for information to a competent authority of a Member State.

(2) A competent authority in Gibraltar may, at the time of making a request under these Regulations or at any point after making the request, seek the requested competent authority’s consent to the use of the information received or to be received from the competent authority of a Member State, in proceedings before a court in Gibraltar.

(3) Where a competent authority in Gibraltar requests information which it wishes to use in proceedings before a court in Gibraltar, it must be satisfied that the following conditions are met-

- (a) the request is necessary and proportionate for the purpose of the proceedings, taking into account the rights of the suspected or accused person; and
- (b) the investigative measure or investigative measures indicated in the request could have been ordered under the same conditions in respect of a case in Gibraltar.

(4) Where the competent authority of a Member State communicates to the competent authority in Gibraltar that it does not consider that the conditions in subregulation (3) are met for the use of information in proceedings in Gibraltar, the competent authority in Gibraltar may provide such further information as it considers necessary.

(5) Further to subregulation (4), if after consultation with a competent authority of a Member State, a competent authority in Gibraltar chooses to do so, it may withdraw its request for information.

(6) A competent authority in Gibraltar must use information received by it in response to a request under subregulation (1) in accordance with Article 54 and these Regulations, and only for the purposes for which, and subject to the conditions on which, it has been supplied unless further processing is authorised by the competent authority of a Member State which has provided the information.

(7) Unless consent is received by the competent authority in Gibraltar under subregulation (2), the competent authority in Gibraltar may not use the information for proceedings before a court in Gibraltar.

(8) A competent authority in Gibraltar may, without the need for any prior request, receive any relevant information from a competent authority of a Member State.

(9) Where information is provided spontaneously to a competent authority in Gibraltar, it may only be used before a court in Gibraltar if the transmitting Member State gives consent to that use of the information.

(10) A competent authority in Gibraltar which receives information from a competent authority of a Member State must give that competent authority, information about the use and further processing of the transmitted information if requested to do so by that competent authority.

Provision of information from Gibraltar.

6.(1) Subject to regulation 9, a competent authority in Gibraltar which receives a request for information from a competent authority of a Member State may provide any relevant information to that competent authority, within its competence, where the competent authority in Gibraltar has reasonable grounds to believe that the information can assist for the purposes set out in Article 54(1).

(2) A competent authority in Gibraltar may impose conditions or restrictions on the use of the information it provides and must not disclose any information until the competent authority which is to receive that information agrees to comply with such restrictions and conditions on the use of that information.

(3) A competent authority in Gibraltar which provides information to a competent authority of a Member State may request information from that competent authority about the use and further processing of the transmitted information.

(4) Subject to regulation 9, a competent authority in Gibraltar may, without the need for any prior request, provide such relevant information to a competent authority of a Member State, within its competence, where the competent authority in Gibraltar has reasonable grounds to believe that the information can assist for the purposes set out in Article 54(1).

(5) Where a competent authority in Gibraltar intends to provide information to a competent authority of a Member State under subregulation (4) it—

- (a) may impose conditions or restrictions on the use of the information it provides;
- (b) shall clarify whether that information may be used before a court in the receiving Member State.

(6) A competent authority in Gibraltar which provides information to a competent authority of a Member State may, subject to the provisions of Chapter 6 of Title V of Part 2 of the TGEU and any other law to the contrary, consent to the competent authority using it for proceedings before a judicial authority in a Member State.

(7) Further to subregulation (6), where a request is made by a competent authority of a Member State for information to be used in judicial proceedings, that competent authority must provide information to the competent authority in Gibraltar showing that-

- (a) the request is necessary and proportionate for the purpose of the judicial proceedings, taking into account the rights of the suspected or accused person; and
- (b) the investigative measure or investigative measures indicated in the request could have been ordered under the same conditions in a similar domestic case.

(8) A competent authority in Gibraltar may consult the requesting competent authority of a Member State if it is of the view that the conditions in subregulation (7) are not met.

Urgent cases.

7. Without prejudice to regulation 6, in an urgent case the competent authority in Gibraltar shall, as soon as possible, respond to a request for information from a competent authority of a Member State or provide any information without the need for a prior request.

Transmission of requests.

8.(1) Any official communications and notifications under these Regulations must be sent by the competent authority in Gibraltar in accordance with Article 6(1).

(2) Subregulation (1) does not apply to communications and decisions which relate to urgent operational or logistical matters.

(3) Subject to Article 73, as implemented by the TGEU Implementation (Europol) Regulations 2026, any information provided in accordance with these Regulations may be transmitted through any appropriate communications channel, including, but not limited to, transmissions through Europol.

Reasons to withhold information.

9.(1) A competent authority in Gibraltar may refuse to provide information where it has reasonable grounds to believe that the provision of information would-

- (a) harm essential national security interests of Gibraltar;
- (b) jeopardise a criminal investigation or a criminal intelligence operation or the safety of individuals;
- (c) interfere with criminal proceedings in Gibraltar;
- (d) clearly be disproportionate or irrelevant with regard to the purposes for which it has been requested;
- (e) be prohibited without first seeking an order from a court in Gibraltar;

(f) be contrary to the fundamental principles of Gibraltar law.

(2) Where a request pertains to an offence punishable by a term of imprisonment of one year or less under the law of Gibraltar, the competent authority in Gibraltar may refuse to provide the requested information.

(3) A competent authority in Gibraltar may refuse to transmit information received from a Member State or third country where it does not have the consent of that Member State or third country to do so.

(4) A competent authority in Gibraltar may refuse to transmit information where otherwise prohibited by law.

Data protection.

10.(1) Nothing in these Regulations requires a competent authority in Gibraltar to disclose any information if that disclosure would contravene the data protection legislation (but, in determining whether the disclosure would contravene that legislation, the duties imposed by these Regulations are to be taken into account).

Dated: 3rd July 2026.

N FEETHAM KC,
Minister with responsibility for justice,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations implement Article 54 of the Agreement in respect of Gibraltar entered into on between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar.