

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5326 GIBRALTAR Tuesday 14th July 2026

LEGAL NOTICE NO. 198 OF 2026

CONTRACT AND TORT ACT

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

CONSUMER RIGHTS ON CONTRACTS (AMENDMENT) REGULATIONS 2026

In exercise of the powers conferred on it by section 41A of the Contract and Tort Act, section 13 of the Treaty on Gibraltar and the European Union Act 2026, and all other enabling powers, and in order to make provision for the purposes of the implementation of Article 219(4) of the Agreement 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 in respect of Gibraltar on empowering consumers for the green transition through better protection against unfair practices and through better information, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Consumer Rights on Contracts (Amendment) Regulations 2026.

Commencement.

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

Interpretation.

3. In these Regulations “Implementation Date” has the meaning given in section 3 of the Treaty on Gibraltar and the European Union Act 2026.

Amendment of the Consumer Rights on Contracts Regulations 2013.

4. The Consumer Rights on Contracts Regulations 2013 are amended in accordance with the provisions of these Regulations.

Amendment of Regulation 2.

5. In regulation 2—

(a) after the definition of “commercial guarantee” insert-

““commercial guarantee of durability” means a producer’s commercial guarantee of durability as referred to in Article 17 of Directive

(EU) 2019/771, under which the producer is directly liable to the consumer during the entire period of the commercial guarantee of durability for repair or replacement of the goods in accordance with Article 14 of Directive (EU) 2019/771, whenever the goods do not maintain their durability;”.

(b) after the definition of “distance contract” insert-

““durability” means the ability of the goods to maintain their required functions and performance through normal use;”.

(c) after the definition of “on-premises contract” insert-

““producer” means a manufacturer of goods, an importer of goods into the European Union or any person purporting to be a producer by placing its name, trademark or other distinctive sign on the goods;”.

(d) after the definition of “public auction” insert-

““reparability score” means a score expressing the capacity of a good to be repaired, based on harmonised requirements established at European Union level;”.

(e) after the definition of “service contract” insert-

““software update” means a free update, including a security update, that is necessary to keep goods with digital elements, digital content and digital services in conformity in accordance with Directives (EU) 2019/770 and (EU) 2019/771;”.

Amendment of Regulation 10.

6. Replace subregulation (2) with-

“(2) If a distance contract to be concluded by electronic means places the consumer under an obligation to pay, the trader shall make the consumer aware in a clear and prominent manner, and directly before the consumer places his order, of the information provided for in paragraphs (a), (f), (g), (o), (oa) and (p) of Schedule 2.”.

Amendment of Schedule 1.

7.(1) Paragraphs (f) and (g) are deleted.

(2) After paragraph (e) insert-

“(ea) a reminder of the existence of the legal guarantee of conformity for goods and its main elements, including its minimum duration of two years as provided in

Directive (EU) 2019/771, in a prominent manner and, if applicable, using the harmonised label referred to in Directive (EU) 2024/825;

- (eb) where the producer offers the consumer a commercial guarantee of durability at no additional cost, covering the entire good and with a duration of more than two years and makes that information available to the trader, the information that that good benefits from such a guarantee, its duration and a reminder of the existence of the legal guarantee of conformity, in a prominent manner and, if applicable, using the harmonised label referred to in Directive (EU) 2024/825;
 - (ec) a reminder of the existence of the legal guarantee of conformity for digital content and digital services;
 - (ed) where applicable, the existence and the conditions of after-sales services and commercial guarantees;
 - (ef) for goods with digital elements, for digital content and for digital services, where the producer or provider makes the information available to the trader, the minimum period, whether expressed as a period of time or by reference to a date, during which the producer or the provider provides software updates;”.
- (3) In paragraph (j) replace “.” with “;”.
- (4) After paragraph (j) insert-
- “(k) where applicable, the reparability score for the goods;
 - (l) where paragraph (k) is not applicable and provided that the producer makes the information available to the trader, information about the availability and estimated cost of, and procedure for ordering, spare parts that are necessary to keep the goods in conformity, about the availability of repair and maintenance instructions and about repair restrictions.”

Amendment of Schedule 2.

8.(1) For paragraph (i) substitute-

- “(i) the arrangements for payment, delivery, including environmentally friendly delivery options where available, performance, the time by which the trader undertakes to deliver the goods or to perform the services and, where applicable, the trader’s complaint handling policy;”.

(2) For paragraph (o) substitute-

- “(o) a reminder of the existence of the legal guarantee of conformity for goods and its main elements, including its minimum duration of two years as provided in Directive (EU) 2019/771, in a prominent manner and, if applicable, using the harmonised label referred to in Directive (EU) 2024/825;”.

(3) After paragraph (o) insert-

- “(oa) where the producer offers the consumer a commercial guarantee of durability at no additional cost, covering the entire good and with a duration of more than two years, and makes that information available to the trader, the information that that good benefits from such a guarantee, its duration and a reminder of the existence of the legal guarantee of conformity, in a prominent manner and, if applicable, using the harmonised label referred to in Directive (EU) 2024/825;
- (ob) a reminder of the existence of the legal guarantee of conformity for digital content and digital services;
- (oc) for goods with digital elements, for digital content and for digital services, where the producer or the provider makes the information available to the trader, the minimum period, whether expressed as a period of time or by reference to a date, during which the producer or the provider provides software updates;
- (od) where applicable, the reparability score for the goods;
- (oe) where paragraph (od) is not applicable and provided that the producer makes the information available to the trader, information about the availability and estimated cost of, and procedure for ordering, spare parts that are necessary to keep the goods in conformity, about the availability of repair and maintenance instructions and about repair restrictions;”.

Dated: 14th July 2026.

G ARIAS VASQUEZ,
Minister with responsibility for Consumer Affairs,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Consumer Rights on Contracts Regulations 2013 ("the 2013 Regulations") in order to make equivalent domestic provision for Directive (EU) 2024/825 of the European Parliament and of the Council of 28 February 2024, which amends Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information.

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