

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5313 GIBRALTAR Friday 12th June 2026

LEGAL NOTICE NO. 119 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TOBACCO CONTROL (AMENDMENT) REGULATIONS 2026

In exercise of the powers conferred on them by section 13 of the Treaty on Gibraltar and the European Union Act 2026, the Government has made these Regulations-

Title.

1. These Regulations may be cited as the Tobacco Control (Amendment) Regulations 2026.

Commencement.

2. These Regulations come into effect on 15 July 2026.

Amendment of Tobacco Control Regulations 2020.

3.(1) The Tobacco Control Regulations 2020 are amended in accordance with the provisions of this regulation.

(2) In regulation 3 -

- (a) before the definition of “package” insert-

““Implementation Date” has the meaning given in section 3(1) of the Treaty on Gibraltar and the European Union Act 2026;”;

- (b) in the definition of ““tobacco” or “tobacco products”” delete “or snuffing”;

- (c) after the definition of “tobacco industry” substitute the “.” for “;” and insert-

““Treaty on Gibraltar and the European Union” has the meaning given in section 5 of the Treaty on Gibraltar and the European Union Act 2026.”.

(3) For regulation 8 substitute-

“General health warning and information messages on tobacco products and smokeless tobacco products.

8.(1) A person must not sell, offer for sale or possess for the purpose of sale any tobacco product unless the package bears-

- (a) a general health warning stating “Smoking kills”; and
 - (b) an information message stating “Tobacco smoke contains over 70 substances known to cause cancer”.
- (2) A person must not sell, offer for sale or possess for the purpose of sale any smokeless tobacco product unless the package bears the information message stating “This tobacco product damages your health and is addictive”.
- (3) The general health warning and the information message referred to in subregulations (1) and (2) must-
- (a) in respect of subregulation (1) cover 50% of the surfaces on which they are printed;
 - (b) in respect of subregulation (2) appear on the two largest surfaces of the unit packet and any outside packaging and cover 30% of the surfaces of the unit packet and any outside packaging;
 - (c) be located on each package in such a way that the warning is not damaged when the package is opened; and
 - (d) be irremovably printed, indelible and fully visible.
- (4) The dimensions of the general health warning and the information message in subregulation (3) shall be calculated in relation to the surface concerned when the packet is closed.

Combined health warning on tobacco products and smokeless tobacco products.

- 8A.(1) A person must not sell, offer for sale or possess for the purpose of sale any tobacco product or smokeless tobacco product unless the package bears a combined health warning-
- (a) prescribed by the Competent Authority under regulation 8B; and
 - (b) consisting of a combination of:
 - (i) a text warning; and
 - (ii) a corresponding colour photograph or illustration.
- (2) The combined health warning prescribed by the Competent Authority shall-
- (a) cover 65% of both the external front and back surface of the unit packet and any outside packaging; and

- (b) include cessation information.
- (3) The dimensions of the combined health warning in subregulation (2) shall be calculated in relation to the surface concerned when the packet is closed.

Administrative notice.

8B.(1) The Competent Authority must prescribe by way of administrative notice-

- (a) the combined health warnings under regulation 8A; and
- (b) the selection and use of the combined health warnings on a rotating basis ensuring, so far as is reasonably practicable, equal visibility and market presence over time;
- (c) such other matters concerning the packaging and labelling of tobacco products or smokeless tobacco products,

and that administrative notice must be made available to the public.

- (2) Under this Part, the Competent Authority is the Collector of Customs.
- (3) The Chief Minister may, by notice in the Gazette, designate such other person as he considers fit to be the Competent Authority for Gibraltar under this Part.”.

(4) In regulation 9(1) after-

- (a) “its” insert “general or combined”;
- (b) “health warning” insert “and information message”; and
- (c) “obscured” insert “by tax stamps, price marks, security features, unique identifiers, wrappers, jackets, boxes or other items”.

(5) In regulation 9(2) after-

- (a) “alter the” insert “general or combined”;
- (b) “health warning” insert “and information message”; and
- (c) “regulation 8” insert “or regulation 8A”.

(6) After regulation 11 insert-

“Package presentation.

11A.(1)A person must not sell, offer for sale or possess for the purpose of sale any tobacco product or smokeless tobacco product where the labelling of unit packets and any outside packaging includes any element or feature that-

- (a) promotes a tobacco product or encourages its consumption by creating an erroneous impression about its characteristics, health effects, risks or emission;
- (b) includes any information about nicotine, tar or carbon monoxide content of the tobacco product;
- (c) suggests that a particular tobacco product is less harmful than others or aims to reduce the effect of some harmful components of smoke or has vitalizing, energetic, healing, rejuvenating, natural, organic properties or has other health or lifestyle benefits;
- (d) refers to taste, smell, any flavourings or other additives or the absence thereof;
- (e) resembles a food or a cosmetic product;
- (f) suggests that a certain tobacco product has improved biodegradability or other environmental advantages;
- (g) suggests economic advantages by including printed vouchers, offering discounts, free distribution, two-for-one or other similar offers.

(2) The elements and features that are prohibited in subregulation (1) include but are not limited to texts, symbols, names, trademarks, figurative or other signs.”.

(7) After regulation 12 insert-

“Transitional provision relating to packaging and labelling.

12A.(1)Cigarettes and hand-rolling tobacco that do not comply with regulations 8, 8A, 9, and 11A may continue to be sold, offered for sale or possessed for the purpose of sale in Gibraltar until 15 July 2027, provided that those products were manufactured before the Implementation Date.

(2) Tobacco products other than cigarettes and hand-rolling tobacco, and smokeless tobacco products, that do not comply with regulations 8, 8A, 9, and 11A may continue to be sold, offered for sale or possessed for the purpose of sale in Gibraltar

until 15 July 2028, provided that those products were manufactured before 15 July 2028.

- (3) After the expiry of the period specified in subregulation (1) or, as the case may be, subregulation (2), no tobacco product or smokeless tobacco product may be sold, offered for sale or possessed for the purpose of sale in Gibraltar unless it complies with the requirements of this Part.”.

- (8) For regulation 13(1) substitute-

“A person who contravenes regulation 8, 8A, 9, 10, 11, 11A, 12 and 12A commits an offence and is liable on summary conviction to a fine up to level 4 on the standard scale.”.

- (9) After regulation 13 insert-

“Enforcement.

14.(1) Tobacco products and smokeless tobacco products that do not comply with this Part are liable to forfeiture.

(2) Tobacco products forfeited under subregulation (1) must be destroyed in accordance with sections 16 and 16A of the Tobacco Act 1997.”.

Dated: 12th June 2026.

F R PICARDO,
Chief Minister,
For the Government.