

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5320 GIBRALTAR Friday 3rd July 2026

LEGAL NOTICE NO. 141 OF 2026

TREATY ON GIBRALTAR AND THE EUROPEAN UNION ACT 2026

TGEU IMPLEMENTATION (ROAD TRANSPORT) 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 Chapter 2 of Title III of Part Three, Articles 276 to 285 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 all other enabling powers, the Government has made these Regulations-

Title.

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

Commencement.

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

Amendment of the Transport Act 1998.

3.(1) The Transport Act 1998 is amended in accordance with this regulation.

(2) Insert after Part IVA-

“PART IVB

LICENCES UNDER THE TGEU

Interpretation.

66ZC.(1) For the purposes of this Part and Part IVC-

“Annex 26” means Annex 26 to the TGEU;

“Annex 27” means Annex 27 to the TGEU;

“Appendix” means a numbered Appendix to Annex 27;

“Article” means an Article in the TGEU;

“competent authority” means the Transport Commission constituted under section 3;

“contiguous frontier zone” means the municipalities which make up the Mancomunidad de Municipios del Campo de Gibraltar, in the Kingdom of Spain;

“the EU” or “the Union” has the same meaning as in section 3(2) of the Treaty on Gibraltar and the European Union Act 2026;

“Article 276(1) road haulage operation” means an operation involving the carriage of goods by road within the Union, in accordance with Article 276;

“Article 277 road haulage operation” means an operation involving the carriage of goods by road for a commercial purpose, to and from Gibraltar through the Union, and includes transit through the EU and unladen journeys made in conjunction with this operation, in accordance with Article 277;

“licence” means a licence issued under section 66ZF;

“Member State” has the same meaning as in Article 3 of the TGEU;

“Gibraltar road transport operator” means a person that holds a licence issued in accordance with section 66ZF;

“road transport operator” means a person to whom a road haulage operator licence has been granted by the competent authorities of either the United Kingdom or of a Member State and that complies with Part A of Annex 27;

“Specialised Committee on Economy and Trade” means the Committee that is established under Article 23(1)(b); and

“the Treaty on Gibraltar and the European Union” (or “TGEU”) has the meaning given by section 5 of the Treaty on Gibraltar and the European Union Act 2026.

- (2) Any references in this Part and Part IVC to Annexes 26 or 27 include any amendment or modification made to any of the Annexes by the Specialised Committee on Economy and Trade under Article 283 of the TGEU.

Purpose.

66ZD. This Part implements Article 278 of Chapter 2 of Title III of Part Three of the TGEU and, in part, Part A of Annex 27.

Use of goods without a licence.

66ZE. A person who uses a vehicle in Gibraltar for the purposes of an Article 276(1) road haulage operation or an Article 277 road haulage operation without a licence under section 66ZF is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Entitlement to a licence.

66ZF.(1) On an application by a person who wishes to engage in-

- (a) an Article 276(1) road haulage operation; or
- (b) an Article 277 road haulage operation,

the competent authority must issue to the applicant, in the case of a category C vehicle or a category C1 vehicle, a licence where the competent authority-

- (i) is satisfied that the applicant meets the requirements of Part A of Annex 27;
 - (ii) is in receipt of an application in the prescribed form; and
 - (iii) has received payment of the prescribed fee.
- (2) A person who makes an application to the competent authority for a licence under this section, must provide to the competent authority any evidence that it may require for the purpose of establishing the facts to be stated in the licence.
- (3) The competent authority may revoke a licence issued under subsection (1) where the holder of the licence no longer meets the requirements referred to in that subsection.
- (4) The competent authority must attach to any licence granted under this section any conditions which are required under Annex 27.
- (5) For the purposes of this section, licences must-
- (a) correspond to the model in Appendix 27-A-1-3 of Part B to Annex 27;
 - (b) contain conditions on the use of the licence; and

- (c) contain at least two of the security features listed in Appendix 27-A-1-4 of Part A of Annex 27.
- (6) A certified true copy of the licence referred to in subsection (1) must be kept on board the vehicle and must, where requested, be presented to-
 - (a) any inspecting inspector referred to in section 66ZJ; or
 - (b) any inspecting officer from the Union or within the contiguous frontier zone.
- (7) The certification of the licence issued under subsection (1) must be done by the Licensing Authority.

Rights of appeal.

66ZG. A person who—

- (a) being entitled to be issued with a licence under section 66ZF, is aggrieved by the failure or refusal of the competent authority to issue the licence to them; or
- (b) being the holder of a licence, is aggrieved by the decision of the competent authority to revoke it,

may appeal on a point of law to a judge of the Supreme Court, seeking any relief as may be appropriate in the circumstances.

Effect of failure to comply with the conditions governing the use of the licence.

66ZH. A person who uses a vehicle in Gibraltar under a licence and who, without reasonable excuse, fails to comply with any of the conditions governing the use of that licence under this Part is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Exemption.

66ZI. A licence under section 66ZF is not required for the purposes of an Article 276(1) road haulage operation in respect of the-

- (a) transport of mail as a universal service;
- (b) transport of vehicles which have suffered damage or breakdown;
- (c) transport of goods in motor vehicles, the permissible laden mass of which, including that of trailers, does not exceed 2,5 tonnes;

- (d) transport of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters and humanitarian assistance;
- (e) transport of goods in vehicles provided that the following conditions are fulfilled-
 - (i) the goods carried are the property of the Gibraltar road transport operator or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the operator;
 - (ii) the purpose of the journey is to carry the goods to or from the Gibraltar road transport operator's premises or to move them, either inside or outside the operator's premises for its own requirements;
 - (iii) the vehicles used for such transport are driven by personnel employed by, or put at the disposal of, the Gibraltar road transport operator under a contractual obligation;
 - (iv) the vehicles carrying the goods are owned by the Gibraltar road transport operator, have been bought by it on deferred terms or have been hired; and
 - (v) such transport is no more than ancillary to the overall activities of the Gibraltar road transport operator;
- (f) transport of goods by means of motor vehicles with a maximum authorised speed not exceeding 40 km/h.

Authorised inspecting officers.

66ZJ. Authorised inspecting officers for the purposes of this Part must be a police officer, a transport inspector, a person authorised by the Minister under Part IVA to carry out checks and inspections of recording equipment or an inspector appointed under section 10 of the Shop Hours Act.

Return of documents.

66ZK.(1) The holder of a licence which is revoked by the competent authority must, within 7 days of revocation, return to the competent authority the original licence and all certified true copies of it.

(2) The holder of a licence must return to the competent authority certified true copies of the licence as it may require pursuant to any reduction in the number of vehicles at the disposal of the holder, or any decision of the competent authority to suspend certified true copies of that licence.

- (3) A person who, without reasonable excuse, fails to comply with any provision of subsections (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Supply of information.

66ZL.(1) The holder of a licence issued under section 66ZF must provide any information as the competent authority may reasonably require from time to time, to enable the competent authority to decide whether the holder is entitled to retain that licence.

- (2) A person who, without reasonable excuse, fails to supply any information required under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART IVC.

ROAD TRANSPORT UNDER THE TGEU

Interpretation.

66ZM. In this Part-

“ambulance operator” means a person who provides ambulance transport services to and from a place of medical treatment, to a sick or injured person in an ambulance;

“ambulance services from Gibraltar” means –

- (a) emergency ambulance services; or
- (b) ambulance services required for the specialist handling of serious and acute medical conditions between Gibraltar and the medical establishments listed in Annex 26,

provided by the Gibraltar Health Authority or in accordance with arrangements made with ambulance operators established in Gibraltar, acting under the direction of the Gibraltar Health Authority; and

“ambulance services from the Union” means-

- (a) emergency ambulance services; or
- (b) ambulance services required for the specialist handling of serious and acute medical conditions between Gibraltar and the medical establishments listed in Annex 26,

provided by operators within the Union, established in the contiguous frontier zone, and acting in accordance with the direction of competent authorities under the applicable legislation.

Purpose.

66ZN. This Part gives effect to Chapter 2 of Title III of Part Three, Articles 276 to 284 and relies on the definitions set out in section 66ZC.

Article 276 road haulage operation.

66ZO. An Article 276 road haulage operation is limited to Gibraltar and the contiguous frontier zone.

Use of licence under section 66ZF.

66ZP.(1) Vehicles used-

- (a) by a Gibraltar road transport operator;
- (b) for the purposes of an Article 276 road haulage operation or an Article 277 road haulage operation,

may leave and return to Gibraltar for the duration of the operation.

- (2) Vehicles used by a road transport operator for the purposes of an Article 276 road haulage operation or an Article 277 road haulage operation may enter and leave Gibraltar for the duration of the relevant operation if they have a licence which complies with the requirements referred to in Article 278(3).

Requirements for drivers.

66ZQ. For the purposes of an Article 276 road haulage operation or an Article 277 road haulage operation, a driver must –

- (a) hold a valid certificate of professional competence in accordance with the applicable requirements in Section 1 of Part B in Annex 27; and
- (b) comply with the requirements of Sections 2 to 4 of Part B in Annex 27.

Vehicle Requirements.

66ZR.(1) No person may refuse the entry and circulation in Gibraltar of a vehicle undertaking an Article 276 road haulage operation or an Article 277 road haulage operation, if the vehicle complies with the requirements set out in Section 1 of Part C in Annex 27.

- (2) Vehicles of Gibraltar road transport operators undertaking either of the operations referred to in subsection (1) must be equipped with a tachograph constructed, installed, used, tested and controlled in accordance with Section 2 of Part C in Annex 27 when they leave or return to Gibraltar under section 66ZP(1).
- (3) Vehicles of road transport operators undertaking either of the operations referred to in subsection (1) must be equipped with a tachograph constructed, installed, used, tested and controlled in accordance with Section 2 of Part C in Annex 27 when they enter or leave Gibraltar under section 66ZP(2).

Application of law.

66ZS. Nothing in this Part affects-

- (a) any other laws, regulations and rules in force in Gibraltar;
- (b) the exercise of any powers, duties, discretions, enforcement measures and penalties,

that apply to any of the persons involved in the operations referred to in section 66ZP.

New measures.

66ZT.(1) When the Government proposes a new regulatory measure in accordance with Article 283, it must-

- (a) notify the Union and any Member State of the proposed regulatory measure as soon as possible; and
 - (b) keep the Union and any Member State informed of the progress of the regulatory measures.
- (2) Where the Government adopts a new regulatory measure, it must notify the Union and any Member State, and provide each of them with the text of the new regulatory measure within one week of its publication in the Gazette.
 - (3) The Government may upon being notified by the Union or any Member State in accordance with Article 283(1) of the Agreement, make a request under Article 283(2).
 - (4) Where the Government receives a notification from the Union or any Member State under Article 283(3) of the Agreement, it may send a request under Article 283(4).
 - (5) The Government may by regulations implement any amendments, decisions or modifications made by the Specialised Committee on Economy and Trade in accordance with Article 283(5).

Remedial measures.

66ZU.(1) Where the Government considers that-

- (a) the Union or a Member State have adopted a new regulatory measure that does not comply with the requirements of Annex 27 (in particular, in cases where the Specialised Committee on Economy and Trade have not reached a decision under Article 283); and
- (b) the Union or a Member State have proceeded to apply the new regulatory measure to Gibraltar road transport operators and road transport operators, their drivers or vehicles,

the Government may, after notifying the Union and the Member State, adopt appropriate remedial measures in accordance with the requirements in Article 284(1) of the Agreement.

(2) Any remedial measures adopted by the Government under subsection (1) must cease to apply-

- (a) when the Government is satisfied that the Union and the Member State are complying with their obligations under Annex 27; or
- (b) when in accordance with a ruling by an arbitration tribunal.

(3) The Government may by regulations –

- (a) implement any changes that are required to be made arising from Article 284;
- (b) implement or set aside any remedial measures adopted by the Government in accordance with Article 284.

(4) The Government must not invoke the WTO Agreement, nor any rights or remedies arising thereunder, for the purpose of suspending its obligations or rights under Article 284.

Ambulance services.

Ambulance services from Gibraltar.

66ZV.(1) Ambulance services from Gibraltar may leave Gibraltar for the Union and return to Gibraltar, subject to compliance with subsection (2).

(2) In the application of the services referred to in subsection (1), the Government must ensure that the procedures regarding the provision of those services are

conducted in a reasonable manner, and may not constitute arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

Ambulance services from the contiguous frontier zone.

66ZW.(1) Subject to the requirements in subsection (2), ambulance services from the Union may enter and leave Gibraltar.

- (2) The services referred to in subsection (1) may be permitted to enter and leave Gibraltar as long as the procedures regarding the provision of those services within the Union are conducted in a reasonable manner, that does not lead to arbitrary or unjustifiable discrimination or a disguised restriction on trade in services.

Taxes and duties.

66ZX.(1) This section implements Article 285.

- (2) Vehicles used in Gibraltar by road transport operators for the purposes of an Article 276 road haulage operation or an Article 277 road haulage operation, are exempt from taxes and duties on the possession or circulation of their vehicles in Gibraltar, on the basis that reciprocal treatment is given to vehicles used in the Union by Gibraltar road transport operators for the purposes of those same operations.

- (3) Any fuel-

- (a) contained in the standard tanks of the vehicles and of special containers admitted temporarily into Gibraltar; and
- (b) used solely for the purpose of propulsion and, where appropriate, for the operation during transport of refrigeration systems and other systems, as well as lubricants present in the motor vehicles and required for their normal operation during an Article 276 road haulage operation or an Article 277 road haulage operation,

will be exempt from taxes, duties and import restrictions, on the basis that a reciprocal exemption applies to vehicles entering the Union for the purposes of the same operations as those referred to in paragraph (b).

- (4) The exemptions referred to in subsections (2) and (3) do not apply to-

- (a) a tax or charge on fuel consumption;
- (b) a charge for the use of a road or network of roads; or
- (c) a charge for the use of specific bridges, tunnels or ferries.

- (5) The spare parts imported for repairing a vehicle in Gibraltar that has been registered or put into circulation in the Union must be exempt from any taxes, duties or import restrictions, provided that Gibraltar law is complied with at all times.
- (6) The replaced parts of the vehicle to which subsection (5) applies are subject to the applicable taxes and duties under Gibraltar law, on the re-exportation from Gibraltar into the Union.”.

Amendment to the Traffic Act 2005.

- 4.(1) The Traffic Act 2005 is amended in accordance with this regulation.
- (2) In section 2, before the definition of “bicycle” insert-

““ambulance” means a vehicle which is constructed or adapted for, and used for no purpose other than, the carriage of sick, injured or disabled persons to or from hospitals, centres or places where medical treatment is given, and is readily identifiable as a vehicle used for the carriage of these persons by being marked “Ambulance” on both sides;”.

Amendment to the Transport Regulations 2000.

- 5.(1) Schedule 5 of the Transport Regulations 2000 is amended in accordance with this regulation.
- (2) In Schedule 5, under the heading “OPERATOR LICENCES” add the following items after item 6-

“7	For every application for a licence under section 66ZF of the Act	65.00
8	For every licence under section 66ZF of the Act	257.50
9	For a duplicate licence under section 66ZF of the Act	28.00
10	For every renewal of a licence under section 66ZF of the Act	144.00”.