

Subsidiary Legislation made under s.13.

**Tobacco Products (Traceability and Security Features)  
Regulations 2026**

**LN.2026/118**

*Notice of Commencement (LN.2026/121)*

**15.7.2026**

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**ARRANGEMENT OF REGULATIONS**

Regulation

1. Title.
2. Commencement.
3. Application of EU provisions.
4. Amendment of Tobacco Act 1997.
5. Amendment of Tobacco Act, 1997 (Amendment) Regulations 2020.
6. Revocation.

**SCHEDULE 1**

Commission Implementing Regulation (EU) 2018/574 of 15 December 2017 on technical standards for the establishment and operation of a traceability system for tobacco products

**SCHEDULE 2**

Commission Delegated Regulation (EU) 2018/573 of 15 December 2017 on key elements of data storage contracts to be concluded as part of a traceability system for tobacco products

**SCHEDULE 3**

Commission Implementing Decision (EU) 2018/576 of 15 December 2017 on technical standards for security features applied to tobacco products

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*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 Products (Traceability and Security Features) Regulations 2026.

**Commencement.**

2. These Regulations come into operation on the day appointed by the Government by notice in the Gazette, and different days may be appointed for different provisions and for different purposes.

**Application of EU provisions.**

3. The EU provisions, as set out in amended form in the Schedules to these Regulations have effect.

**Amendment of Tobacco Act 1997.**

4.(1) The Tobacco Act 1997 is amended in accordance with the provisions of this regulation.

(2) In section 2 of the Act after the definition of “tobacco” insert-

““tobacco for oral use” means all tobacco products for oral use, except those intended to be inhaled or chewed, made wholly or partly of tobacco, in powder or in particulate form or in any combination of those forms, particularly those presented in sachet portions or porous sachets;”.

(3) After section 10 insert-

**“Prohibition on importation and sale of tobacco for oral use.**

10A.(1) It shall be an unlawful for any person to import, sell, offer for sale, or possess for the purpose of sale tobacco for oral use.

(2) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of up to level 4 on the standard scale.”.

(4) After section 14J insert-

**“PART IVB  
TRACEABILITY AND SECURITY FEATURES**

**Scope of Part.**

14K.(1) Tobacco products supplied in Gibraltar on or after the Implementation Date shall comply with the requirements of this Part, except that-

- (a) cigarettes and hand-rolling tobacco manufactured-
  - (i) before the Implementation Date are not required to comply with the traceability requirements of this Part until 15 July 2027; and
  - (ii) before 1 December 2026 are not required to comply with the security feature requirements of this Part until 1 December 2026; and
- (b) tobacco products (other than cigarettes and hand-rolling tobacco) manufactured before 15 July 2028 are not required to comply with the requirements of this Part until 15 July 2028.

(2) For the avoidance of doubt-

- (a) cigarettes and hand-rolling tobacco manufactured on or after the Implementation Date shall comply with the traceability requirements of this Part;
- (b) cigarettes and hand-rolling tobacco manufactured before the Implementation Date may continue to be supplied in Gibraltar without complying with the traceability requirements of this Part until 15 July 2027;
- (c) cigarettes and hand-rolling tobacco manufactured on or after 1 December 2026 shall comply with the security feature requirements of this Part;
- (d) cigarettes and hand-rolling tobacco manufactured before 1 December 2026 may continue to be supplied in Gibraltar without complying with the security feature requirements of this Part until 1 December 2026; and
- (e) tobacco products (other than cigarettes and hand-rolling tobacco) manufactured before 15 July 2028 may continue to be supplied in Gibraltar without complying with the requirements of this Part until 15 July 2028.

**Interpretation of Part.**

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14L. In this Part-

“anti-tampering device” has the meaning given in Article 2(7) of Schedule 1 to the Traceability and Security Features Regulations;

“authentication elements” are the authentication elements set out in the Annex to Schedule 3 to the Traceability and Security Features Regulations;

“authentication elements provider” means a person meeting the description in section 14U;

“consumer” means a person who is acting for purposes which are outside that person’s trade, business, craft or profession;

“deactivation notice” means a notice given under section 14X(4);

“economic operator” has the meaning given in Article 2(2) of Schedule 1 to the Traceability and Security Features Regulations;

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

“manufacturer” means a person who-

- (a) manufactures tobacco products; or
- (b) puts a name, trademark, or other distinguishing mark, on tobacco products by which the person is held out to be the manufacturer or originator,

and “manufacture” is to be construed accordingly;

“data repository” means the data storage facility established under Article 26(1) of Schedule 1 to the Traceability and Security Features Regulations;

“retailer” means a person who sells, or offers or agrees to sell, a tobacco product to a consumer;

“security feature” means the security feature required to be carried by unit packets of tobacco products by section 14S;

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“tobacco product” means a product that can be consumed and consists, in whole or in part, of tobacco;

“the Gibraltar ID Issuer” means the entity appointed for Gibraltar in accordance with Article 3(1) of Schedule 1 to the Traceability and Security Features Regulations;

“Traceability and Security Features Regulations” means the Tobacco Products (Traceability and Security Features) Regulations 2026;

“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;

“unique identifier” has the meaning given in Article 2(1) of Schedule 1 to the Traceability and Security Features Regulations;

“unit packet” in relation to a tobacco product, means the smallest individual packaging in which that product is, or is intended to be, presented for sale by retail, but does not include any transparent wrapper.

**Meaning of tobacco products supplied in Gibraltar.**

14M.(1) For the purposes of this Part, tobacco products are supplied in Gibraltar if, in the course of a business, a person-

- (a) supplies the product-
  - (i) for consumption in Gibraltar or through the travel retail sector of Gibraltar, or
  - (ii) with a view to it being supplied for consumption in Gibraltar or through the travel retail sector of Gibraltar;
- (b) offers or agrees to supply it in those circumstances; or
- (c) exposes or possesses it for supply in those circumstances,

and “supply in Gibraltar” is to be construed accordingly.

- (2) In this section “travel retail sector” means retail outlets at which tobacco products may be purchased only by people travelling on journeys to destinations outside Gibraltar.

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*Prohibition from supply of non-compliant tobacco products*

**Prohibition from supply of non-compliant tobacco products.**

- 14N.(1) A person must not supply tobacco products in Gibraltar unless those products meet the requirements in this section.
- (2) The unit packet of a tobacco product must be marked with a unique identifier that-
- (a) has been issued by, or has been paired with a unique identifier that has been issued by, the Gibraltar ID Issuer and meets the technical specifications set out in Chapters II and IV of Schedule 1 to the Traceability and Security Features Regulations, and
  - (b) meets the requirements in-
    - (i) section 14O(2), or
    - (ii) in cases where the unique identifier has been applied by a person in the UK or a Member State, Article 15(1) of the Tobacco Products Directive.
- (3) All movements of, and all transactions relating to, and all associated traceability data required in respect of, the unit packet of a tobacco product must have been recorded and transmitted in accordance with Chapter VI of Schedule 1 to the Traceability and Security Features Regulations.
- (4) The unit packet of a tobacco product must carry a security feature.**
- (5) In this section, the “Tobacco Products Directive” means Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, as amended or replaced in future.

*Traceability system*

**Integrity requirements of a unique identifier.**

- 14O.(1) Where a manufacturer or importer of tobacco products is required to mark each unit packet with a unique identifier under Article 6 of Schedule 1 to the

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Traceability and Security Features Regulations, the manufacturer or importer must ensure that, in addition to meeting the requirements in Section 2 of Chapter II and Chapter IV of that Schedule, the requirements in subsection (2) are also met.

- (2) The unique identifier-
- (a) must be-
    - (i) irremovably printed or affixed, and
    - (ii) indelible,
  - (b) must remain intact when the packet is opened; and
  - (c) must not be partially or totally hidden or interrupted by any other item, including through tax stamps or price marks.

**Recording and transmission of traceability information.**

14P.(1) Manufacturers of tobacco products must provide all economic operators with the equipment necessary for those operators to comply with the recording and electronic transmission of information requirements in Articles 32 and 33 of Schedule 1 to the Traceability and Security Features Regulations.

- (2) For the purposes of this Part, the recording and electronic transmission of information required under Articles 32 and 33 of Schedule 1 to the Traceability and Security Features Regulations includes the transmission of any pairing message or other data required to link unique identifiers applied to unit packets with aggregated packaging identifiers.

**Access to anti-tampering device records.**

14Q. Where the Collector of Customs has made a request in writing under Article 7(5) of Schedule 1 to the Traceability and Security Features Regulations to a manufacturer or importer of tobacco products for full access to the record of the verification process created by an anti-tampering device, the manufacturer or importer must provide the Collector of Customs with such access within a period of 30 days beginning on the day on which the request is made.

**Access to stored data in duly justified cases.**

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- 14R.(1) The Collector of Customs may grant manufacturers and importers of tobacco products access to stored data in cases where the Collector of Customs is satisfied that-
- (a) access is duly justified; and
  - (b) commercially sensitive information remains adequately protected.
- (2) An application for access must be made to the Collector of Customs in such manner as the Collector of Customs may require.
- (3) The Collector of Customs must, as soon as reasonably practicable after receiving the application, give notice to the applicant-
- (a) granting access; or
  - (b) rejecting the application.
- (4) Where access is granted, the notice under subsection (3)(a) must specify the rights of access granted to the applicant, including the duration and purpose of those rights.
- (5) In this section, “stored data” means information stored in the data repository.

*Security feature system*

**Unit packets must carry a security feature.**

- 14S.(1) Manufacturers and importers of tobacco products must ensure that each unit packet that they manufacture or import for supply in Gibraltar carries a tamper-proof security feature that meets the requirements in subsections (2) to (5).
- (2) The security feature must comply with a notice issued by the Collector of Customs in accordance with Articles 3(3) and 6(2) of Schedule 3 to the Traceability and Security Features Regulations, as to-
- (a) the combination or combinations of authentication elements from which the security feature must be composed; and
  - (b) the number of authentication elements to be provided by an authentication elements provider.

- (3) The security feature must be-
  - (a) irremovably applied to a unit packet of tobacco product by-
    - (i) printing or affixing, or
    - (ii) a combination of printing and affixing, and
  - (b) indelible.
- (4) The security feature must not be partially or totally hidden or interrupted by any other item, including through tax stamps, price marks, or other marking which is required under or by virtue of any enactment or Schedule 1 to the Traceability and Security Features Regulations.
- (5) The security feature must be applied in a manner that-
  - (a) allows for the identification and verification of the authenticity of a unit packet of tobacco product for the entire time that pack is supplied; and
  - (b) protects the security feature from being replaced, reused or modified in any way.

**Verification of authenticity of tobacco products.**

14T. Where the Collector of Customs has made a request in writing under Article 7(2) of Schedule 3 to the Traceability and Security Features Regulations to a manufacturer or importer to provide samples of tobacco products currently supplied in Gibraltar, the manufacturer or importer must provide the samples to the Collector of Customs in unit packet format (including the applied security feature) within a period of 30 days beginning on the day on which the request is made.

*Independence of service providers*

**Authentication elements provider.**

14U.(1) An authentication elements provider is an independent third party provider of authentication elements who meets the criteria in Article 8(1) of Schedule 3 to the Traceability and Security Features Regulations.

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- (2) Where an authentication elements provider subcontracts the provision of authentication elements, the provider must ensure that the subcontractor meets the criteria in Article 8(1) of Schedule 3 to the Traceability and Security Features Regulations.
- (3) An authentication elements provider must without delay notify the Collector of Customs about any change in circumstances relating to the criteria referred to in Article 8(1) of Schedule 3 to the Traceability and Security Features Regulations that-
  - (a) is capable of affecting the independence of the authentication elements provider or the provider's subcontractors; and
  - (b) subsists for 2 consecutive calendar years.
- (4) An authentication elements provider must without delay notify the Collector of Customs about any occurrence of threats, or other attempts at exercising undue influence, that may actually or potentially undermine the independence of the provider or the provider's subcontractors.
- (5) A notification under this section must be given to the Collector of Customs in such manner as the Collector of Customs may require.

**Declaration of independence from the tobacco industry.**

- 14V.(1) Specified providers and authentication elements providers must provide the Collector of Customs with an annual declaration that they have conformed with the independence criteria set out in-
- (a) in the case of specified providers, Article 35(2) of Schedule 1 to the Traceability and Security Features Regulations; and
  - (b) in the case of authentication elements providers, Article 8(1) of Schedule 3 to the Traceability and Security Features Regulations.
- (2) The annual declaration referred to in subsection (1) must include-
- (a) a full list of services provided to the tobacco industry during the last calendar year
  - (b) a statement of the amount of annual worldwide turnover and the amount of that turnover generated from goods and services supplied to the tobacco

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- industry, referred to in, and determined in accordance with, Article 35(2)(a) of Schedule 1 to the Traceability and Security Features Regulations or Article 8(1)(a) of Schedule 3 to the Traceability and Security Features Regulations, as the case may be; and
- (c) individual declarations of financial independence from the tobacco industry provided by all management members of the specified provider or authentication elements provider.
- (3) For the purposes of this section, a “specified provider” is-
- (a) the Gibraltar ID Issuer;
- (b) the provider of the data repository; or
- (c) a provider of an anti-tampering device.
- (4) Where-
- (a) a specified provider subcontracts the provision of unique identifiers, the data repository or anti-tampering devices; or
- (b) an authentication elements provider subcontracts the provision of authentication elements, the subcontractor must also provide a declaration in accordance with subsection (1).
- (5) The declaration referred to in subsection (1) must be made in such form as the Collector of Customs may require.
- (6) In this section “management member” means any person responsible for the management of the undertaking or the group of undertakings, including any member of the board of directors or of any form of governing body.

*Deactivation of identifier codes*

**Discretion to deactivate identifier codes.**

14W. For the purposes of Articles 15(4), 17(4) and 19(4) of Schedule 1 to the Traceability and Security Features Regulations, the Collector of Customs may exercise the discretion set out in those Articles.

**Circumstances in which economic operator identifier codes may be deactivated.**

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14X.(1) Subject to section 14Z, the Collector of Customs may exercise the discretion set out in Article 15(4) of Schedule 1 to the Traceability and Security Features Regulations where Conditions A to C are met.

(2) Condition A is that the person whose identifier code is being considered for deactivation-

- (a) has failed to comply with a requirement of this Part or the Commission Implementing Regulation on three or more occasions within any 24-month period and, as a result of each of those failures, non-compliant tobacco products have been seized;
- (b) has failed to comply with a notice under section 14ZB by the deadline for compliance set out in that notice;
- (c) has deliberately provided false information in an application to the Gibraltar ID Issuer for an identifier code that is required or permitted to be made by that person under Chapter III of Schedule 1 to the Traceability and Security Features Regulations;
- (d) has a conviction for an offence, other than a conviction that is treated as spent for the purposes of the Criminal Procedure and Evidence Act 2011, under this Act or the Imports and Exports Act;
- (e) has, within the last 12 months, become liable to a penalty or penalties under the under this Act or the Imports and Exports Act exceeding £10,000; or
- (f) has not used the identifier code in the last 12 months.

(3) Condition B is that the Collector of Customs has given written notice to the person which-

- (a) confirms that the Collector of Customs is considering exercising the discretion in Article 15(4) of Schedule 1 to the Traceability and Security Features Regulations to require the Gibraltar ID Issuer to deactivate the economic operator identifier code allocated to that person;
- (b) identifies-

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- (i) in cases where subsection (2)(a) applies, the requirements with which the person has failed to comply and the occasions on which tobacco products were seized as a result of those failures,
  - (ii) in cases where subsection (2)(b) applies, the notice under section 14ZB with which the person has failed to comply,
  - (iii) in cases where subsection (2)(c) applies, the false information provided in an application,
  - (iv) in cases where subsection (2)(d) applies, the offence committed under this Act or the Imports and Exports Act for which the person has been convicted,
  - (v) in cases where subsection (2)(e) applies, the contravention of those Acts in relation to which the person has become liable for a penalty, or
  - (vi) in cases where subsection (2)(f) applies, the date on which the identifier code was last used;
- (c) states that the recipient may make representations in writing to the Collector of Customs; and
- (d) states the date by which any representations must be received by the Collector of Customs, being a date no earlier than 14 days after the date on which notice is given.
- (4) Condition C is that the Collector of Customs, on being satisfied that deactivation would be duly justified, must give written notice to the person of the decision to exercise the discretion stating-
- (a) the date from which the deactivation will have effect; and
  - (b) the period for which the deactivation is to remain in force, being a period no longer than-
    - (i) is reasonable to protect the traceability system for tobacco products, or
    - (ii) in cases where subsection (2)(d) applies, the period before the conviction becomes spent.

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- (5) For the purposes of subsection (2)(e), a person does not become liable to a penalty until the latest of-
- (a) the date on which the penalty becomes payable under the Act under which the penalty is imposed;
  - (b) the final determination of an appeal against that penalty; or
  - (c) the withdrawal of any appeal referred to in paragraph (b).

**Application to cancel a deactivation notice.**

14Y.(1) A person may apply to the Collector of Customs to request the cancellation of a deactivation notice given to that person.

- (2) The Collector of Customs must, as soon as reasonably practicable after receiving the application-
- (a) agree to the application;
  - (b) refuse the application in writing, giving reasons for the refusal; or
  - (c) request additional information.
- (3) Where the Collector of Customs has requested additional information, the Collector of Customs must, as soon as reasonably practicable after receiving the additional information-
- (a) agree to the application; or
  - (b) refuse the application in writing, giving reasons for the refusal.

**Restriction on re-application.**

14Z.(1) A person that is the subject of a deactivation notice must not apply for an economic operator identifier code under Article 14 of Schedule 1 to the Traceability and Security Features Regulations during the period of deactivation set out in that notice.

- (2) In cases where a person has acted contrary to the restriction imposed by subsection (1) and obtained an economic operator identifier code, the Collector of Customs may exercise the discretion set out in Article 15(4) of Schedule 1 to the

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Traceability and Security Features Regulations without the conditions referred to in section 14X being met.

*Enforcement*

**Forfeiture.**

- 14ZA.(1) Where a person fails to comply with any requirement in this Part or Schedule 1 or Schedule 3 to the Traceability and Security Features Regulations in relation to tobacco products or an item of aggregate packaging, those products or items of packaging are liable to forfeiture.
- (2) Tobacco products forfeited under this section must be destroyed in accordance with sections 16 and 16A below.

**Compliance notices.**

- 14ZB.(1) If a customs officer is satisfied that a person is not complying with one or more of the requirements in this Part or Schedule 1 or Schedule 3 to the Traceability and Security Features Regulations, the officer may give the person a notice requiring the person to remedy the non-compliance.
- (2) A notice under subsection (1) must-
- (a) state that the officer is satisfied that there is or has been a contravention of the requirements in this Part or Schedule 1 or Schedule 3 to the Traceability and Security Features Regulations;
  - (b) specify the requirements that are or have been contravened;
  - (c) give reasons in support of the statement referred to in paragraph (a); and
  - (d) specify the period within which the person is required to remedy the non-compliance.

*Reviews and appeals*

**Reviews and appeals.**

- 14ZC.(1) An appeal in respect of a decisions listed in subsection (2) may be made to the magistrates' court.

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- (2) The decisions are-
- (a) a rejection of an application under section 14R to access stored data;
  - (b) a decision under section 14X to give, or as to the period of deactivation set out in, a deactivation notice;
  - (c) a refusal of an application under section 14Y to cancel a deactivation notice;
  - (d) an issue of a notice under section 14ZB;
  - (e) a decision to require the Gibraltar ID Issuer to deactivate a facility identifier code under Article 17(4) of Schedule 1 to the Traceability and Security Features Regulations; and
  - (f) a decision to require the Gibraltar ID Issuer to deactivate a machine identifier code under Article 19(4) of Schedule 1 to the Traceability and Security Features Regulations.

*Administrative matters*

**Administration of communications and providing samples.**

14ZD.(1) The Collector of Customs may give directions as to matters of administration in relation to-

- (a) a submission, declaration or notification (“a communication”); or
- (b) a sample of tobacco products,

required to be made, given or provided to the Collector of Customs under this Part or the provisions of any of Schedule 1 to the Traceability and Security Features Regulations listed in subsection (3).

- (2) A direction under subsection (1) may prescribe-
- (a) the form and method of delivery of a communication or a sample;
  - (b) the information which must be provided with a communication or a sample;
  - (c) when a communication or a sample must be made, given or provided; and

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- (d) that a communication is to be made electronically.
- (3) The provisions of Schedule 1 to the Traceability and Security Features Regulations are-
  - (a) Article 7(2) (declaration by the provider of an anti-tampering device);
  - (b) Article 8(4) (notification by the ID Issuer of algorithms);
  - (c) Article 35(5) (notification by third-party providers of change in circumstances related to independence); and
  - (d) Article 35(7) (notification by third-party providers of threats or attempts to undermine independence).

*Provision of information*

**Information contained in the data repository.**

- 14ZE.(1) The Collector of Customs must, upon request, provide a relevant authority with any information accessible by him in the data repository in accordance with the Protocol.
- (2) The information referred to in subsection (1) shall be provided near real time, and in any case, no later than 24 hours from the receipt of the request.
  - (3) In this section-
    - “relevant authority” means any authority referred to as a competent authority for the purposes of the Protocol;

“Protocol” means the Protocol on the traceability, cooperation to fight smuggling of tobacco and additional measures related to tobacco products contained in Annex 39 of the Treaty on Gibraltar and the European Union.”.

**Amendment of Tobacco Act, 1997 (Amendment) Regulations 2020.**

5.(1) The Tobacco Act, 1997 (Amendment) Regulations 2020 are amended in accordance with the provisions of this regulation.

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(2) In regulation 3(9) delete “PART IVB TRACEABILITY AND SECURITY FEATURES” in its entirety.

**Revocation.**

6. The Tobacco Products (Traceability and Security Features) Regulations 2020 are revoked.

**SCHEDULE 1**

*Regulation 3*

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/574  
of 15 December 2017 on technical standards for the establishment and operation of a  
traceability system for tobacco products as amended by Commission Implementing  
Regulation (EU) 2023/448 of 1 March 2023**

**CHAPTER I  
SUBJECT MATTER AND DEFINITIONS**

*Article 1*  
**Subject matter**

This Regulation lays down the technical standards for the establishment and operation of the traceability system provided for in Part IVB of the Tobacco Act 1997.

*Article 2*  
**Definitions**

For the purposes of this Regulation, in addition to the definitions laid down in Part IVB of the Tobacco Act 1997, the following definitions shall apply:

- (1) ‘unique identifier’ means the alphanumeric code enabling the identification of a unit pack or an aggregated packaging of tobacco products;
- (1A) ‘associated unit level code’ means a unique identifier relating to a unit pack of tobacco products that has been issued by a person outside Gibraltar;
- (2) ‘economic operator’ means any natural or legal person who is involved in the trade of tobacco products, including for export, from the manufacturer to the last economic operator before the first retail outlet;
- (3) ‘first retail outlet’ means the facility where tobacco products are placed on the market for the first time, including vending machines used for the sale of tobacco products;
- (4) ‘export’ means shipment from Gibraltar to another country or territory;
- (5) ‘aggregated packaging’ means any packaging containing more than one unit packet of tobacco products;

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- (5a) ‘disaggregation of aggregated packaging’ means any disassembly of aggregated packaging of tobacco products;
- (6) ‘facility’ means any location, building, office or vending machine where tobacco products are manufactured, stored, logistically or financially handled or placed on the market;
- (7) ‘anti-tampering device’ means the device allowing for the recording of the verification process following the application of each unit level unique identifier, or each associated unit level code that has been paired with a unique identifier, by means of a video or a log file, which once recorded cannot be further altered by an economic operator;
- (8) ‘offline flat-files’ means the electronic files established and maintained by the ID issuer that contain data in a plain text format allowing for the extraction of information encoded in the unique identifiers (excluding the time stamp) used at the unit packet and aggregated packaging levels without accessing the data repository;
- (9) ‘registry’ means the record established and maintained by the ID issuer of all the identifier codes generated for economic operators, operators of first retail outlets, facilities and machines along with the corresponding information;
- (10) ‘data carrier’ means a carrier representing data in a form readable with the aid of a device;
- (11) ‘machine’ means assemblies of machinery that are used for the manufacture of tobacco products and are integral to the manufacturing process;
- (11a) ‘machine part’ means any identifiable fixed or mobile part of a machine provided that such a part constitutes a complete module. A mobile part may be used for one or more machines simultaneously or interchangeably;
- (12) ‘time stamp’ means the date and time of occurrence of a particular event recorded in UTC (Coordinated Universal Time) time in a prescribed format;
- (13) ‘data repository’ means a repository containing traceability data relating to tobacco products;
- (14) *Deleted.*

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- (15) ‘router’ means a device established within the data repository that transfers data to the repository;
- (16) *Deleted.*
- (17) ‘common data dictionary’ means a set of information describing the contents, format, and structure of a database and the relationship between its elements, used to control access to and manipulation of the data stored in the data repository;
- (18) ‘working day’ means any day that is not prescribed as a bank holiday or a public holiday under the Interpretation and General Clauses Act and the Banking and Financial Dealings Act;
- (19) ‘trans-loading’ means any transfer of tobacco products from one vehicle to another during which tobacco products do not enter and exit a facility;
- (20) ‘vending van’ means a vehicle used for the delivery of tobacco products to multiple retail outlets in quantities that have not been predetermined in advance of the delivery;
- (20A) ‘IT service provider’ means a service provider that is tasked by an economic operator with transmitting information on product movements and transactional information to the data repository;
- (20B) ‘Collector of Customs’ has the same meaning as in the Imports and Exports Act, 1986, and any reference to the “Collector” means the Collector of Customs;
- (20C) ‘manufacturer’ unless specified otherwise, means an entity manufacturing tobacco products in Gibraltar.

CHAPTER II  
**TECHNICAL SPECIFICATIONS RELATED TO THE UNIQUE IDENTIFIER**

*SECTION 1*  
***Common provisions***

*Article 3*  
**ID issuer**

1. The entity appointed by the Government (the ‘ID issuer’) is responsible for generating and issuing unique identifiers, in accordance with Articles 8, 9, 11 and 13.

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2. Where the ID issuer intends to have recourse to subcontractors for the performance of its functions it shall only be considered for appointment if the identity of any subcontractors proposed has been communicated to the Government.

3. The ID issuer shall be independent and comply with the criteria set out in Article 35.

4. The ID issuer shall be equipped with a unique identification code. The code shall be composed of alphanumeric characters and comply with the International Organization for Standardisation/International Electrotechnical Commission standard ('ISO/IEC') 15459-2:2015.

5. *Deleted.*

6. *Deleted.*

7. The Government shall ensure that information related to the identity of the ID issuer appointed and its identification code is made publicly available and accessible online.

8. The ID Issuer must at all times have in place an exit plan-

(a) that establishes the procedure to be followed to guarantee the continuity of the operation of the service, in the event that a successor entity is to be appointed to carry out the service, until the new ID issuer is appointed, and

(b) that has been approved by the Collector of Customs.

9. The ID issuer may establish and charge fees to economic operators solely for generating and issuing unique identifiers. Fees are to be non-discriminatory, cost-based and proportionate to the number of unique identifiers generated and issued to economic operators taking into account the mode of delivery. Fees may reflect all fixed and variable costs incurred by the ID issuer in meeting its requirements under this Regulation.

*Article 4*  
***Deleted.***

*Article 5*

**Validity of unique identifiers and deactivation**

1. Unique identifiers generated by the ID issuer may be used to mark unit packets, or to be paired with associated unit level codes to be used to mark unit packets, or mark aggregated packaging, as provided for by Articles 6 and 10, within a maximum period of six months from the date of receipt of the unique identifiers by the economic operator. After this time period

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unique identifiers shall become invalid and economic operators shall ensure that they are not used to mark unit packets, or to be paired with associated unit level codes to be used to mark unit packets, or mark aggregated packaging.

2. The data repository shall ensure that the unique identifiers that have not been used within the six months period referred to in paragraph 1 shall be automatically deactivated.

3. At any time, economic operators may obtain the deactivation of unique identifiers by transmitting a deactivation request via the router. The deactivation request to the data repository shall be introduced electronically, in accordance with Article 36, and shall contain the information listed in point 2.3 of Section 2 of Chapter II of Annex II, in the format indicated therein. The deactivation shall not interfere with the integrity of the information already stored related to the unique identifier.

*SECTION 2*

**Unique identifiers at unit packet level**

*Article 6*

**Marking by means of unit level UIs**

1. Manufacturers and importers must mark each unit packet manufactured or imported into Gibraltar with-

- (a) a unique identifier ('unit level UI') compliant with Article 8; or
- (b) an associated unit level code that relates to the same unit packet that has been paired with a unit level UI compliant with Article 8.

2. In the case of tobacco products that are manufactured outside Gibraltar, the unit level UI or the associated unit level code that is paired with a unit level UI, shall be applied or paired as the case may be on the unit packet before the tobacco product is imported into Gibraltar.

*Article 7*

**Verification of unit level UIs**

1. Manufacturers and importers shall ensure that the application of unit level UIs, or of associated unit level codes that are paired with unit level UIs, are directly followed by the verification of those unit level UIs, or those associated unit level codes that are paired with unit level UIs, in terms of correct application and readability.

2. The process referred to in paragraph 1 shall be protected with an anti-tampering device supplied and installed by an independent third party who shall provide a declaration to the

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Collector of Customs that the installed device meets the requirements of this Regulation. The record generated by the device shall provide proof of correct application and readability of each unit level unique identifier and of any associated unit level codes that are paired with unit level UIs. The device shall ensure that any omission in the marking process referred to in Article 6 is recorded.

3. Where the process referred to in paragraph 1 fails to confirm the correct application and full readability of the unit level UI, or of the associated unit level code that is paired with a unit level UI manufacturers and importers shall re-apply the unit level UI or the associated unit level code that is paired with a unit level UI.

4. Manufacturers and importers shall ensure that the information recorded by the anti-tampering device remains available for a period of nine months from the time of recording.

5. Manufacturers and importers shall, upon request from the Collector of Customs, provide full access to the record of the verification process created by the anti-tampering device.

6. By way of derogation from paragraphs 2, 4 and 5, the obligation to install an anti-tampering device shall not apply to fully manual production processes.

#### *Article 8*

#### **Structure of unit level UIs**

1. Each unit packet of tobacco products shall be marked with a unit level UI. It shall consist of as short a sequence of alphanumeric characters as possible, not exceeding 50 characters. The sequence shall be unique to a given unit packet and shall be composed of the following data elements:

- (a) in the first position, the alphanumeric characters that constitute the ID issuer identification code assigned pursuant to Article 3(4);
- (b) an alphanumeric sequence, whose probability to be guessed shall be negligible and in any case lower than one in ten thousand ('serial number');
- (c) a code ('product code') allowing for the determination of the following:
  - (i) the place of manufacturing;
  - (ii) the manufacturing facility referred to in Article 16;
  - (iii) the machine used to manufacture the tobacco products referred to in Article 18;

- (iv) the product description;
  - (v) the intended market of retail sale;
  - (vi) the intended shipment route;
  - (vii) where applicable, the importer into Gibraltar;
- (d) in the last position, the time stamp in the form of a numeric sequence of eight characters, in the format YYMMDDhh, indicating the date and time of manufacture.

2. The ID issuer shall be responsible for the generation of a code consisting of the elements listed in paragraph 1, points (a), (b), and (c).

The ID issuer shall prepare and make publicly available instructions for encoding and decoding unit level UIs in accordance with Annex III.

3. Manufacturers or importers shall add the time stamp referred to in paragraph 1, point (d), to the code generated by the ID issuer pursuant to paragraph 2.

4. Unit level UIs shall not include any data elements other than those listed in paragraph 1.

Where the ID issuer uses encryption or compression for the generation of unit level UIs, it shall inform the Collector of Customs of algorithms used for such encryption and compression. Unit level UIs shall not be reused.

#### *Article 9*

#### **Request and issuing of unit level UIs**

1. Manufacturers and importers shall send a request to the ID issuer for unit level UIs referred to in Article 8 and the corresponding human-readable codes referred to in Article 23. Requests shall be introduced electronically, in accordance with Article 36.

2. Manufacturers and importers introducing such a request shall supply the information listed in point 2.1. of Section 2 of Chapter II of Annex II, in the format indicated therein.

3. The ID issuer shall, within two working days from the receipt of the request and in the order indicated:

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- (a) generate the codes referred to in Article 8(2) and the corresponding human-readable codes referred to in Article 23;
  - (b) transmit the codes along with the information referred to in paragraph 2 of this Article via the router to the data repository, as established under Article 26; and
  - (c) electronically transmit the codes to the requesting manufacturer or importer.
4. However, the Collector of Customs may require the ID issuer to offer physical delivery of unit level UIs as an alternative to electronic delivery. In cases where physical delivery of unit level UIs is offered, manufacturers and importers shall specify whether physical delivery is requested. In that case, the ID issuer shall within 10 working days from the receipt of the request, and in the following order:
- (a) generate the codes referred to in Article 8(2) and the corresponding human readable codes referred to in Article 23;
  - (b) transmit the codes along with the information referred to in paragraph 2 via the router to the data repository, as established under Article 26;
  - (c) electronically transmit both sets of codes to the requesting manufacturer or importer;
  - (d) deliver both sets of codes to the requesting manufacturer or importer in the form of optical bar codes, compliant with Article 21, placed on physical carriers, such as adhesive labels.
5. Within one working day, manufacturers and importers may cancel a request which was sent pursuant to paragraph 1 by means of a recall message as further defined in Point 5 of Section 5 of Chapter II of Annex II.

#### *Article 9A*

#### **Request to pair associated unit level codes and unit level UIs**

1. Manufacturers and importers may send a request to the ID issuer to pair associated unit level codes, referred to in Article 6(1)(b), with unit level UIs. Requests must be sent electronically, in accordance with Article 36.
2. A request under paragraph 1 must contain the information specified in point 3A.1 of Section 3 of Chapter II of Annex II.

#### *SECTION 3*

*Unique identifiers at aggregated packaging level*

*Article 10*

**Marking by means of aggregated level UIs**

1. Where economic operators choose to comply with the recording obligations provided for under Article 32(1)(c), (d) or (e) of this Regulation by means of the recording of aggregated packaging, they shall mark aggregated packages containing tobacco products with a unique identifier ('aggregated level UI').
2. Aggregated level UIs shall be generated and issued on the basis of a request to the ID issuer or directly by the economic operator.
3. Where the aggregated level UI is generated on the basis of a request to the ID issuer, it shall comply with the structure set out in Article 11(1).
4. Where the aggregated level UI is generated directly by the economic operator, it shall consist of an individual unit code generated in accordance with ISO/IEC 15459-1:2014 or ISO/IEC 15459-4:2014 or their latest equivalents.

*Article 11*

**Structure of aggregated level UIs generated by ID issuers**

1. For aggregated level UI generated on the basis of a request to the ID issuer, the structure of the aggregated level UI shall consist of a sequence of a maximum of 100 alphanumeric characters that is unique to a given aggregated package and shall be composed of the following data elements:
  - (a) in the first position, the alphanumeric characters that constitute the ID issuer identification code assigned under Article 3(4);
  - (b) an alphanumeric sequence, whose probability to be guessed shall be negligible and in any case lower than one in ten thousand ('serial number');
  - (c) the identifier code of the facility (as set out in Article 16) in which the aggregation process took place;
  - (d) in the last position, the time stamp in the form of a numeric sequence of eight characters, in the format YYMMDDhh, indicating the date and time of aggregation.

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2. The ID issuer shall be responsible for the generation of a code consisting of the elements listed in paragraph 1, points (a), (b), and (c).

The ID issuer shall prepare and make publicly available instructions for encoding and decoding aggregated level UIs.

3. Economic operators shall add the time stamp, referred to in paragraph 1, point (d), to the code generated by the ID issuer pursuant to paragraph 2.

4. The aggregated level UI may be completed by the economic operator with additional information, provided that the maximum character limit set out in paragraph 1 is not exceeded. Any such information may only appear after the data referred to in paragraph 1.

#### *Article 12*

#### **Link between UI levels**

1. The aggregated level UI shall be capable of identifying the list of all unique identifiers contained within the aggregated packaging by means of an electronically accessible link to the data repository.

2. *Deleted.*

3. In order to establish the link referred to in paragraph 1, economic operators shall transmit via the router to the data repository the information listed in point 3.2 of Section 3 of Chapter II of Annex II, in the format indicated therein.

#### *Article 13*

#### **Request and issuing of aggregated level UIs generated by ID issuers**

1. Economic operators requesting aggregated level UIs on the basis of a request to the ID issuer shall introduce such requests electronically, in accordance with Article 36.

2. Economic operators introducing such requests shall supply the information listed in point 2.2. of Section 2 of Chapter II of Annex II, in the format indicated therein.

3. For manufacturers and importers, the ID issuer shall, within two working days from the receipt of the request and in the order indicated:

(a) generate the code referred to in Article 11(2);

(b) transmit the codes along with the information referred to in paragraph 2 via the router to the data repository; and

- (c) transmit the codes electronically to the requesting manufacturer or importer.
4. For economic operators other than manufacturers and importers, the ID issuer shall, within two working days from the receipt of the request and in the order indicated:
- (a) generate the code referred to in Article 11(2);
- (b) transmit the codes along with the information referred to in paragraph 2 via the router to the data repository; and
- (c) transmit the codes electronically to the requesting economic operators.
5. Within one working day, economic operators may cancel a request which was sent pursuant to paragraph 1 by means of a recall message as further defined in point 5 of Section 5 of Chapter II of Annex II, in the format indicated therein.
6. Aggregated level UIs issued by the ID issuer shall not be reused.

CHAPTER III  
**IDENTIFIER CODES FOR ECONOMIC OPERATORS, FACILITIES AND  
MACHINES**

*Article 14*

**Request for an economic operator identifier code**

1. Economic operators and operators of first retail outlets that operate at least one facility in Gibraltar shall apply for an economic operator identifier code from the ID issuer. Importers that place their products on the Gibraltar market shall apply for an identifier code from the ID issuer.
2. Economic operators and operators of first retail outlets introducing a request pursuant to paragraph 1 shall provide the information listed in point 1.1 of Section 1 of Chapter II of Annex II, in the format indicated therein.
3. For operators of first retail outlets the obligation to apply for an economic operator identifier code may also be discharged by any other economic operator registered with the ID issuer. Such registration by the third party shall be subject to the consent of the operator of the first retail outlet. The third party shall inform the operator of the first retail outlet of the full details of the registration, including the allocated economic operator identifier code.
4. *Deleted.*

5. Any modification of the information submitted in the initial application form and any cessation of the operator activities shall be notified by the relevant operator to the ID issuer without delay, in the formats indicated in points 1.2. and 1.3. of Section 1 of Chapter II of Annex II accordingly. In case the operator ceases to exist, the ID issuer shall de-register the economic operator identifier code.

The de-registration of an economic operator identifier code shall lead to the automatic de-registration of related facility identifier codes and machine identifier codes by the ID issuer.

*Article 15*

**Issuing and registration of economic operator identifier codes**

1. Upon receipt of a request pursuant to Article 14, the ID issuer shall generate an economic operator identifier code, which consists of the following data elements, to be placed in the following order:

- (a) in the first position, the alphanumeric characters that constitute the ID issuer identification code assigned under Article 3(4); and
- (b) in the second position, an alphanumeric sequence which is unique within the code pool of the ID issuer.

2. Within two working days, the ID issuer shall transmit the code to the requesting operator.

3. All the information submitted to the ID issuer in accordance with Article 14(2), and the corresponding identifier codes, shall form part of a registry to be established, managed and kept up to date by the competent ID issuer. The competent ID issuer shall keep a record of the information stored in the register for as long as the traceability system is operational.

4. In duly justified cases, the Collector of Customs may by notice in writing require the ID issuer to deactivate an economic operator identifier code. In such cases the Collector of Customs shall inform the economic operator or the operator of a first retail outlet of the deactivation, together with the grounds for such deactivation. The deactivation of an economic operator identifier code shall lead to the automatic deactivation of related facility identifier codes and machine identifier codes.

5. Economic operators and operators of first retail outlets shall exchange information on their respective economic operator identifier codes in order to allow economic operators to record and transmit the transactional information, as provided under Article 33.

*Article 16*

**Request for a facility identifier code**

1. All facilities from manufacturing to the first retail outlet in Gibraltar shall be identified by a single code ('facility identifier code') generated by the ID issuer.

By way of derogation from the first subparagraph, a first retail outlet that is integrated into a non-retail type of facility shall be identified with a separate facility identifier code that corresponds to its function.

2. Economic operators and operators of first retail outlets shall apply for a facility identifier code providing to the ID issuer the information listed in point 1.4. of Section 1 of Chapter II of Annex II, in the format indicated therein.

3. For first retail outlets, the obligation to apply for a facility identifier code shall lie with the operator of the first retail outlet. This obligation may also be discharged by any other economic operator registered with the ID issuer, who may act on behalf of the operator of the first retail outlet. The registration by the third party shall be subject to the consent of the operator of the first retail outlet. The third party shall inform the operator of the first retail outlet about the full details of the registration, including the allocated facility identifier code.

4. The obligation to apply for a facility identifier code related to manufacturing facilities located outside Gibraltar shall lie with the importer. The registration by the importer shall be subject to the consent of the entity responsible for the manufacturing facility outside Gibraltar. The importer shall inform the economic operator responsible for the manufacturing facility outside Gibraltar about the full details of registration, including the allocated facility identifier code.

5. Any modification of the information submitted in the initial application form and any facility closure shall be notified by the economic operator to the ID issuer without delay, in the formats indicated in points 1.5 and 1.6 of Section 1 of Chapter II of Annex II.

The de-registration of a facility identifier code shall lead to the automatic de-registration of related machine identifier codes by the ID issuer.

*Article 17*

**Issuing and registration of facility identifier codes**

1. Upon receipt of a request pursuant to Article 16, the ID issuer shall generate a facility identifier code, which consists of the following data elements, to be placed in the following order:

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- (a) in the first position, the alphanumeric characters that constitute the ID issuer identification code assigned under Article 3(4); and
  - (b) in the second position, an alphanumeric sequence which is unique within the code pool of the ID issuer.
2. Within two working days from the receipt of the request, the ID issuer shall transmit the code to the requesting operator.
3. All the information submitted to the ID issuer in accordance with Article 16(2), and the corresponding identifier codes shall form part of a registry to be established, managed and kept up to date by the ID issuer. The ID issuer shall keep a record of the information stored in the register for as long as the traceability system is operational.
4. In duly justified cases, the Collector of Customs may require the ID issuer to deactivate a facility identifier code. In such cases the Collector of Customs shall inform the economic operator or the operator of a first retail outlet of the deactivation, together with the grounds for such deactivation. The deactivation of a facility identifier code shall lead to the automatic deactivation of related machine identifier codes.
5. Economic operators and operators of first retail outlets shall exchange the information on their respective facility identifier codes in order to allow economic operators to record and transmit the information on product movements, as provided under Article 32.

*Article 18*

**Request for a machine identifier code**

1. Each machine and machine part in Gibraltar shall be identified by a single code ('machine identifier code') generated by the ID issuer.
2. Manufacturers and importers shall apply for a machine identifier code by providing to the ID issuer the information listed in point 1.7. of Section 1 of Chapter II of Annex II, in the format indicated therein.
3. The obligation to apply for a machine identifier code related to machines and machine parts located in manufacturing facilities outside Gibraltar shall lie with the importer. The registration by the importer shall be subject to the consent of the entity responsible for the manufacturing facility outside Gibraltar. The importer shall inform the economic operator responsible for the manufacturing facility outside Gibraltar as to the full details of the registration, including the allocated machine identifier code.

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4. Any modification of the information submitted in the initial application form and any decommissioning of the registered machines and machine parts shall be notified by the manufacturer or the importer to the ID issuer without delay, in the formats indicated in points 1.8 and 1.9 of Section 1 of Chapter II of Annex II.

*Article 19*

**Issuing and registration of machine identifier codes**

1. Upon receipt of a request pursuant to Article 18, the ID issuer shall generate a machine identifier code, which consists of the following data elements, to be placed in the indicated position:

- (a) in the first position, the alphanumeric characters that constitute the ID issuer identification code assigned under Article 3(4); and
- (b) in the second position, an alphanumeric sequence which is unique within the code pool of the ID issuer.

2. Within two working days, the ID issuer shall transmit the code to the requesting operator.

3. All the information submitted to the ID issuer in accordance with Article 18(2), and the corresponding identifier codes shall form part of a registry to be established, managed and kept up to date by the ID issuer. The ID issuer shall keep a record of the information stored in the register for as long as the traceability system is operational.

4. In duly justified cases, the Collector of Customs may require the ID issuer to deactivate a machine identifier code. In such cases the Collector of Customs shall inform the manufacturers and importers of the deactivation, together with the grounds for such deactivation.

*Article 20*

**Transfer of offline flat-files and registries**

1. The ID issuer shall establish offline flat-files, as well as registries relating to the information referred to in Articles 14(2), 16(2) and 18(2), along with explanatory notes on the structures thereof.

2. Offline flat-files shall be no larger than two gigabytes. Each line of the flat-file shall hold one record with fields separated by delimiters such as commas or tabs.

3. The ID issuer shall ensure that an up-to-date copy of all offline flat-files, registries and related explanatory notes are electronically provided via the router to the data repository.

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4. The Collector of Customs may adapt the size limit for offline flat-files referred to in paragraph 2, taking into account both the average size of available memory installed on the verification devices used for offline checks of unique identifiers.

5. The ID issuer shall provide a secure online service for economic operators and operators of first retail outlets allowing them to consult the registries referred to in paragraph 1 as far as their own economic operator, facility and machine identifier codes are concerned. This service shall include a secure procedure for economic operators and operators of first retail outlets to reclaim their own economic operator identifier codes.

*CHAPTER IV*  
**DATA CARRIERS**

*Article 21*  
**Data carriers for the Unique Identifiers**

1. Unit level UIs, or associated unit level codes that are paired with unit level UIs shall be encoded using at least one of the following types of data carriers:

- (a) an optical device-readable Data Matrix with error detection and correction equivalent to or higher than those of the Data Matrix ECC200. Barcodes conforming to ISO/IEC 16022:2006 shall be presumed to fulfil the requirements set out in this point;
- (b) an optical device-readable QR Code with a recovery capacity of approximately 30 %. Barcodes conforming to ISO/IEC 18004:2015 with the error correction level H shall be presumed to fulfil the requirements set out in this point;
- (c) an optical device-readable DotCode with the error detection and correction equivalent to or higher than those provided with the Reed-Solomon error correction algorithm with the number of check characters (NC) equal to three plus the number of data characters (ND) divided by two ( $NC = 3 + ND/2$ ). Barcodes conforming to the ISS DotCode Symbology Specification published by the Association for Automatic Identification and Mobility ('AIM') (revision 3.0, August 2014) shall be presumed to fulfil the requirements set out in this point.

2. In the case of unit level UIs delivered electronically, manufacturers and importers are responsible for encoding unit level UIs, or associated unit level codes that are paired with unit level UIs, in accordance with paragraph 1 and with Annex III.

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3. In the case of unit level UIs delivered physically, the ID issuer is responsible for encoding the codes generated pursuant to Article 8(2), in accordance with paragraph 1 and with Annex III.

4. By way of derogation from paragraph 1, manufacturers and importers may add the time stamp separately from the data carrier in the format YYMMDDhh as a human readable code.

5. Aggregated level UIs shall be encoded by economic operators using at least one of the following types of data carriers:

- (a) an optical device-readable Data Matrix with error detection and correction equivalent to or higher than those of the Data Matrix ECC200. Barcodes conforming to ISO/IEC 16022:2006 shall be presumed to fulfil the requirements set out in this point;
- (b) an optical device-readable QR Code with a recovery capacity of approximately 30 %. Barcodes conforming to ISO/IEC 18004:2015 with the error correction level H shall be presumed to fulfil the requirements set out in this point;
- (c) an optical device-readable Code 128 with the error detection equivalent to or higher than the one provided with the algorithm based on the even/odd — bar/space character parity and the check character. Barcodes conforming to ISO/IEC 15417:2007 shall be presumed to fulfil the requirements set out in this point.

6. In order to distinguish the data carriers referred to in paragraph 1 from any other data carrier placed on unit packets, economic operators may add the marking ‘TTT’ next to such data carriers.

In order to distinguish the data carriers referred to in paragraph 5 from any other data carrier placed on aggregated packaging, economic operators shall add the marking ‘TTT’ next to such data carriers.

*Article 22*

**Quality of the optical data carriers**

1. Economic operators shall ensure high readability of the optical data carriers. A quality of the optical data carriers rated at least 3.5 in accordance with ISO/IEC 15415:2011 for the two-dimensional data carriers, or in accordance with ISO/IEC 15416:2016 for the linear symbols shall be presumed to fulfil the requirements set out in this Article.

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2. Economic operators shall ensure that the optical data carriers are capable of remaining readable for at least five years after their creation.

*Article 23*

**Human-readable code**

1. Economic operators shall ensure that each data carrier includes a human-readable code that enables electronic access to the information related to the unique identifiers stored in the data repository.
2. Where the dimensions of the packaging allow, the human-readable code shall be adjacent to the optical data carrier carrying the unique identifier.

CHAPTER V  
**DATA REPOSITORY**

*Article 24*

**Components of the data repository**

1. The data repository shall be composed of the following subsystems:
  - (a) a repository which is established for the purpose of storing data relating to tobacco products of individual manufacturers and importers; and
  - (b) a routing service (“router”) set up and managed by the provider of the data repository.
2. The sub-systems referred to in paragraph 1 shall be fully interoperable with one another.

*Article 25*

**General characteristics of the data repository**

1. The data repository shall satisfy the following conditions:
  - (a) it shall allow for functional integration of the data repository system into the traceability system, as well as uninterrupted electronic data exchange between the repository system and other relevant components of the traceability system;
  - (b) it shall allow for electronic identification and authentication of tobacco products, at unit packet and aggregation level, in accordance with the requirements set out in this Regulation;

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- (c) it shall allow for automatic deactivation of unique identifiers in accordance with the rules set out in Article 5;
- (d) it shall ensure electronic receipt and storing of information recorded and sent to the data repository by economic operators and the ID issuer, in accordance with the requirements of this Regulation;
- (e) it shall ensure storage of data for a minimum period of five years as of the moment the data are uploaded into the data repository;
- (f) it shall allow for automatic status messaging to economic operators, and to the Collector of Customs as requested, such as in the event of success, error or changes related to reporting activities, in accordance with the requirements of this Regulation;
- (g) it shall allow for automatic validation of messages received from economic operators at each entry point to the system, including refusal of incorrect or incomplete messages, in particular reporting activities related to non-registered or duplicated unique identifiers, whereby the data repository shall store the information concerning any refused message. Messages transmitted by the ID issuers to the router and the data repository shall be validated again by the recipient;
- (h) it shall ensure messaging between all of its components which shall take place instantaneously, in accordance with the requirements of this Regulation, in particular the overall response time of the data repository in sending acknowledgment messages, not considering the speed of the internet connection of the end user, which shall be no more than 60 seconds;
- (i) it shall ensure continuous availability of all components and services with a monthly uptime of at least 99,5 % and sufficient back-up mechanisms in place;
- (j) it shall be guarded by security procedures and systems ensuring that access to the data repository and download of the data stored therein is only granted to persons authorised according to this Regulation;
- (k) it shall be accessible by the Collector of Customs. Administrators designated by the Collector of Customs shall be able to grant subsequent access rights to other users under the Collector of Customs responsibility;
- (l) it shall enable the Collector of Customs to carry out downloads of full and selected sets of data stored in the data repository;

- (m) it shall maintain a complete record ('audit trail') of all operations concerning the stored data of the users performing those operations and of the nature of these operations, including the history of users access. The audit trail shall be created when the data is uploaded for the first time and, notwithstanding any additional national requirements, be maintained until at least five years after.

2. Data stored in the data repository shall be used only for the purposes referred to in Part IVB of the Tobacco Act 1997 and this Regulation.

*Article 26*

**The data repository: establishment**

1. The service provider appointed by the Government shall ensure the establishment of a data repository.
2. *Deleted.*
3. The data repository shall store the data in accordance with the common data dictionary established under Article 28(2).
4. *Deleted.*
5. *Deleted.*
6. The Collector of Customs shall be able to carry out basic query requests in relation to all data stored in the data repository.

*Article 27*

**The data repository: technical requirements**

1. The Collector of Customs must ensure that a repository containing all traceability data required under this Regulation is established.
2. The data repository shall provide for graphical and non- graphical user interfaces, including an application programming interface, stationary and mobile user interfaces containing an inspection application for the leading mobile operating systems, that enable the Collector of Customs to access and query the data stored in the data repository, using all commonly available database search functions, including Structured Query Language (SQL) or equivalent syntax for building custom queries, in particular by remotely carrying out the following operations:

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- (a) retrieval of any information concerning one or multiple unique identifier(s), including the comparison and cross-checking of multiple unique identifiers and the related information, in particular their location in the supply chain;
  - (b) creation of lists and statistics, such as product stocks and inflow/ outflow numbers, associated with one or multiple elements of reporting information listed as Data Fields in Annex II;
  - (c) identification of all tobacco products that have been reported by an economic operator to the data repository, including the products reported as recalled, withdrawn, stolen, missing or intended for destruction.
3. The user interfaces referred to in paragraph 2 shall enable the Collector of Customs to define individual rules for:
- (a) automatic alerting based on exceptions and specific reporting events, such as abrupt fluctuations or irregularities in trade, attempts to introduce duplicate unique identifiers into the system, deactivation of the identifiers referred to in Articles 15(4), 17(4) and 19(4), or where a product is indicated by economic operators as stolen or missing;
  - (b) the receipt of periodic reports based on any combination of the elements of reporting information listed as Data Field in Annex II;
  - (c) tailor-made dashboards, for stationary interfaces.
4. Automatic alerts and periodic reports referred to in paragraph 3 shall be forwarded to recipient addresses indicated by the Collector of Customs such as individual email addresses and/or internet Protocol (IP) addresses belonging to external systems used and managed by the Government.
5. The user interfaces referred to in paragraph 2 shall enable the Collector of Customs to-
- (a) connect remotely to the data stored in the data repository with the analytical software of their choice;
  - (b) flag individual data points for analytical purposes, with flags and their values stored in the data repository and made visible to all or only selected users;
  - (c) upload external data elements, such as brand normalisation patterns, that may be required for improvements in data analytical functionalities.

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6. The user interfaces referred to in paragraph 2 shall be provided in English.
7. The overall response time of the data repository to any already established type of query or alert trigger, not considering the speed of the internet connection of the end user, shall be no more than 10 seconds for the data stored for less than 2 years and no more than 15 seconds for the data stored for 2 years or more, in at least 99 % of all types of already established queries and automatic alerts foreseen under paragraphs 2 and 3. The provider of the data repository shall prepare datasets necessary for responding, in line with the prescribed timelines, to any new query or alert trigger within 4 weeks from receiving a request from the Collector of Customs. After this period, the newly requested types of queries or alert triggers shall be deemed to be already established for the purpose of the response times stipulated in this paragraph.
8. As regards individual data points and messages, the overall time between the arrival of reporting activity data and its accessibility, via the graphical and non-graphical interfaces, in the data repository shall be no more than 60 seconds in at least 99 % of all data transfer activities. As regards pre-structured analytical datasets, the overall time between the arrival of reporting activity data and its accessibility, via the graphical interfaces, in the data repository shall be no more than 24 hours in at least 99 % of all data transfer activities.
9. The data repository shall allow for the receipt, storing and making available of offline flat-files for the purpose of updating verification devices used by the Collector of Customs for offline decoding of unique identifiers.
10. The provider of the data repository shall establish and maintain a register of the information transferred to it in accordance with Article 20(3). A record of the information stored in the register shall be kept for as long as the traceability system is operational.
- The ID issuer and the provider of the data repository may have access to the register referred to in the first subparagraph in order to validate the messages sent to them by manufacturers and importers.
11. The Government shall retain the right to enter into additional service level agreements with the provider of the data repository for the purpose of contracting the latter to carry out additional services not provided for by this Regulation. The provider of the data repository may charge proportionate fees for providing such additional services.
12. *Deleted.*
13. The provider of the data repository shall organise at least one full-day technical training session per year for the Collector of Customs, on the use of the user interfaces referred to in

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paragraph 2. The provider of the data repository shall also develop and keep updated a full set of technical and user documentation, in English, for the Collector of Customs.

14. The provider of the data repository shall provide an inspection application for the leading mobile operating systems that enables the Collector of Customs to connect to the data repository via the mobile user interfaces referred to paragraph 2.

*Article 28*

**Coordination tasks of the provider of the data repository**

1. The provider operating the data repository shall communicate to the ID issuer and economic operators, the list of specifications, including common validation rules, required for the data exchange with the data repository and the router. All specifications shall be based on non-proprietary open standards.

Any newly selected replacement provider operating the data repository shall rely on the latest version of the list of specifications communicated by its predecessor. Any updates to the list of specifications going beyond the change of the provider's identity shall be made in accordance with the procedure laid down in paragraph 3.

The list referred to in the first subparagraph shall be communicated no later than two months following the date when the provider operating the data repository was selected.

2. On the basis of the information listed in Annex II, the provider operating the data repository shall establish a common data dictionary. The common data dictionary shall refer to labels of data fields in the human readable format.

Any newly selected replacement provider operating the data repository shall rely on the latest version of the data dictionary communicated by its predecessor. Any updates to the data dictionary going beyond the change of the provider's identity shall be made in accordance with the procedure laid down in paragraph 3.

3. Whenever necessary to ensure the effective operation of the data repository in accordance with the requirements of this Regulation, the provider operating the data repository shall update the list referred to in paragraph 1 and the common data dictionary referred to in paragraph 2. Any such update shall be consulted on with the ID issuer, and subsequently communicated to the ID issuer and economic operators at least 2 months before the date of implementing the update into the system.

4. *Deleted.*

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5. The provider of the data repository shall establish a helpdesk service for the Collector of Customs, the ID issuer, economic operators and IT service providers. The helpdesk service shall concern only the activities and functions of the router and the data repository and shall be available for at least 8 hours on working days, with the exception of 1 January, 25 December and 26 December, in English. The response times shall be no more than 2 working days in at least 75% of all requests. The average monthly response time per request shall be no more than 4 working days. The provider of the data repository may regulate access to the helpdesk service for economic operators as part of its fair use policy set out under the terms and conditions referred to in Article 29(6).

6. The provider of the data repository shall set up a test environment allowing the ID issuer and economic operators to perform quality assurance of their technical solutions and routines before connecting to the data repository. The test environment shall closely simulate the data repository.

The provider of the data repository shall set up a user-acceptance-testing environment allowing the ID issuer and economic operators to perform quality assurance of their technical solutions and routines in anticipation of the next version of the data repository. The user-acceptance-testing environment shall reflect any planned changes to the data repository upon their communication in accordance with paragraph 3.

#### *Article 29* **Router**

1. The provider of the data repository shall set up and manage a router.
2. Data exchange between the router and the data repository shall take place using the data format and data exchange modalities defined by the router.
3. Data exchange between the router and the ID issuer shall take place using the data format and data exchange modalities defined by the router.
4. Economic operators other than manufacturers and importers shall send the information recorded in accordance with this Regulation to the router, which shall transfer it to the data repository.
5. *Deleted.*
6. The provider of the data repository shall establish and communicate to economic operators and IT service providers the terms and conditions, including the fair use policy, applicable to the use of the data repository and the router. The terms and conditions shall guarantee the right

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of economic operators to use the data repository and the router in line with their business needs and shall prevent repeated cases of negligent use.

*Article 30*

**Costs of the data repository**

1. All costs related to the data repository referred to in Article 24(1), including those that arise from its establishment, operation and maintenance, shall be borne by manufacturers and importers of tobacco products. Those costs shall be fair, reasonable, and proportionate:

- (a) to the services rendered; and
- (b) to the amount of unit level UIs requested over a given period of time.

2. The costs, as applicable, of establishing, operating and maintaining the data repository and the router shall be transmitted to manufacturers and importers of tobacco products through the costs charged to them by the providers of the data repository.

3. *Deleted.*

*Article 31*

***Deleted***

CHAPTER VI  
**RECORDING AND TRANSMITTING**

*Article 32*

**Recording and transmission of information on product movements**

1. To allow the determination of the actual shipment route of unit packets manufactured in, or imported into Gibraltar, economic operators shall record the following events:

- (a) application of unit level UIs, or of associated unit level codes that have been paired with the unit level UIs, on unit packets;
- (b) application of aggregated level UIs on aggregated packaging;
- (c) dispatch of tobacco products from a facility;
- (d) arrival of tobacco products at a facility;
- (e) trans-loading.

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2. Economic operators shall transmit the information listed in points 3.1 to 3.5 of Section 3 of Chapter II of Annex II, in the format indicated therein to the router.

For dispatch of tobacco products to laboratories, waste disposal centres, national authorities, international governmental organisations, embassies and military bases, economic operators shall transmit the information listed in point 3.8 of Section 3 of Chapter II of Annex II, in the format indicated therein, via the router.

3. For disaggregation of aggregated packaging marked pursuant to Article 10(4), where an economic operator intends to reuse an aggregated level UI in any future operations, the economic operator shall transmit the information listed in point 3.6 of Section 3 of Chapter II of Annex II, in the format indicated therein, via the router.

4. For deliveries to multiple first retail outlets by means of a vending van, economic operators shall transmit the information listed in point 3.7 of Section 3 of Chapter II of Annex II, in the format indicated therein, via the router.

5. Where the dispatch facility is in Gibraltar, but dispatch and trans-loading of unit or aggregated packaging of tobacco products with total weight below 10 kg is destined for outside Gibraltar, the Collector of Customs may allow the recording obligation referred to in paragraph 1 in points (c) to (e) to be discharged by means of providing access to the logistic or postal operator's own track and trace system records.

6. If following the application of the unique identifier tobacco products are destroyed or stolen, economic operators shall promptly transmit a deactivation request in accordance with the scope and format specified in point 2.3 of Section 2 of Chapter II of Annex II.

If tobacco products reported as stolen are recovered, economic operators may transmit a reactivation request in accordance with the scope and format specified in point 2.4 of Section 2 of Chapter II of Annex II.

7. The information concerning the event shall be deemed to have been transmitted correctly upon the positive acknowledgement by the router. The positive acknowledgement shall include the feedback information enabling the recipient to establish the correctness of its reporting activity, in particular the number of unit-level unique identifiers concerned by the event and in the case of disaggregation referred to in paragraph 3, the subordinate unique identifiers. The acknowledgement shall include a message recall code to be applied by the economic operator if the original message needs to be cancelled.

7A. In the case of tobacco products that are marked with associated unit level codes paired with unit level UIs issued by the ID Issuer, where the information listed in Section 3 of Chapter

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2 of Annex 2, as referred to in paragraphs 2, 4 and 5, refers to “unit packet level UIs” that reference is to be treated as a reference to the associated unit level code.

8. The responsibility for recording and transmitting the information concerning the events referred to in paragraph 1 shall lie with the economic operator that is in possession of the tobacco products. To that end, all the reporting activities shall use the identifier code of this economic operator. IT service providers may also transmit this information on behalf of the economic operator that is in possession of the tobacco products.

*Article 33*

**Recording and transmission of transactional information**

1. Economic operators shall record the following events:

- (a) issuing of the order number;
- (b) issuing of the invoice;
- (c) receipt of the payment.

2. Economic operators shall transmit the information listed in Section 4 of Chapter II of Annex II, in the format indicated therein, via the router.

3. The responsibility for recording and transmitting the information referred to in paragraph 2 shall lie with the economic operator who is the vendor. To this end, all the reporting activities shall use the identifier code of this economic operator. IT service providers may also transmit this information on behalf of the economic operator who is the vendor of the tobacco products.

4. The information referred to in paragraph 2 shall be deemed to have been transmitted correctly upon the positive acknowledgement by the router. The acknowledgement shall include a message recall code to be applied by the economic operator if the original message needs to be cancelled.

5. In the case of tobacco products that are marked with associated unit level codes paired with unit level UIs issued by the ID Issuer, where the information listed in Section 4 of Chapter 2 of Annex 2, as referred to in paragraph 2, refers to “unit packet level UIs” that reference is to be treated as a reference to the associated unit level code.

*Article 34*

**Time frame for transmission of required information**

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1. Economic operators shall transmit the information referred to in Article 32(1) points (a), (b) and (d), Articles 32(3) and (4), and Article 33(1), within 3 hours from the occurrence of the event.

The information referred to in Article 32 shall be transmitted in the order of the occurrence of the events.

2. For the purposes of paragraph 1, the events referred to in Article 33 shall be deemed to occur at the moment when they can be associated with the relevant unit packets for the first time.

3. Economic operators shall transmit the information concerning the dispatch of tobacco products from a facility and trans-loading referred to in Article 32(1) points (c) and (e), within 24 hours prior to the occurrence of the event.

4. By way of derogation from paragraph 1, economic operators may transmit the information referred to in Article 32(1) points (a), (b) and (d), Articles 32(3) and (4), and Article 33(1), within 24 hours from the occurrence of the event, if they fulfil any of the following conditions:

- (a) they, or where applicable, the group of undertakings to which they belong, handled less than 120 million unit level UIs in Gibraltar during the previous calendar year;
- (b) they are small and medium enterprises within the meaning of Commission Recommendation 2003/361/EC.

5. The first subparagraph of paragraph 1 shall apply from 10 April 2028. Until that date all economic operators may transmit the information referred to in paragraph 1 within 24 hours from the occurrence of the event.

CHAPTER VII  
FINAL PROVISIONS

*Article 35*  
**Independence**

1. The ID issuer, the provider of the data repository and providers of anti-tampering devices as well as, where applicable, their subcontractors shall be independent and exercise their functions impartially.

2. For the purposes of paragraph 1, the following criteria shall be used to assess independence:

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- (a) independence from the tobacco industry in terms of legal form, organisation and decision making. In particular, it shall be assessed whether the undertaking or the group of undertakings is not under the direct or indirect control of the tobacco industry, including a minority shareholding;
- (b) independence from the tobacco industry in financial terms, which will be presumed if, before assuming their functions the undertaking or the group of undertakings concerned generates less than 10% of its annual worldwide turnover, excluding VAT and any other indirect taxes, from goods and services supplied to the tobacco sector over the past two calendar years, as may be determined on the basis of the most recent approved accounts. For each subsequent calendar year, the annual worldwide turnover, excluding VAT and any other indirect taxes, from goods and services supplied to the tobacco sector shall not exceed 20%;
- (c) absence of conflicts of interests with the tobacco industry of the persons responsible for the management of the undertaking or the group of undertakings, including members of the board of directors or any other form of governing body. In particular, they:
  - (1) shall not have participated in company structures of the tobacco industry for the last five years;
  - (2) shall act independently from any pecuniary or non-pecuniary interest linked to the tobacco industry, including possession of stocks, participation in private pension programmes or interest held by their partners, spouses or direct relatives in the ascending or descending line.

3. Where the ID issuer, the provider of the data repository and providers of anti-tampering devices have recourse to sub-contractors, they shall remain responsible for ensuring compliance by those subcontractors with the independence criteria set out in paragraph 2.

4. For the purposes of complying with their obligations under Article 3(8)(a) the Collector of Customs may require the ID issuer, the provider of the data repository and providers of anti-tampering devices, including where applicable their sub-contractors to provide them with documents necessary to assess compliance with the criteria set out in paragraph 2. Such documents may include annual declarations of conformity with the independence criteria set out in paragraph 2. The Collector of Customs may require that the annual declarations include a full list of services provided to the tobacco industry during the last calendar year as well as individual declarations of financial independence from the tobacco industry provided by all management members of the independent provider.

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5. Any change in circumstances related to the criteria referred to in paragraph 2, capable of affecting the independence of the ID issuer, the provider of the data repository and providers of anti-tampering devices (including, where applicable, their subcontractors), that subsist for two consecutive calendar years, shall be communicated without delay to the Collector of Customs.

6. Where, information obtained in accordance with paragraph 4, or the communication referred to in paragraph 5, discloses that the provider of the data repository and providers of anti-tampering devices (including, where applicable, their subcontractors), no longer meet the requirements laid down in paragraph 2, then within a reasonable time period and at the latest by the end of the calendar year following the calendar year in which the information or communication was received, the Collector of Customs shall take all measures to ensure compliance with the criteria set out in paragraph 2.

7. The ID issuer, the provider of the data repository and providers of anti-tampering devices shall inform without delay the Collector of Customs about any occurrences of threats or other attempts at exercising undue influence that may actually or potentially undermine their independence.

8. Public authorities or undertakings governed by public law along with their subcontractors shall be presumed independent from the tobacco industry.

9. The procedures governing the appointment of the ID issuer, the provider of the data repository and providers of anti-tampering devices and the monitoring of their compliance with the independence criteria set out in paragraph 2 shall be subject to periodic review by the Collector of Customs with a view to assessing their conformity with the requirements of Part IVB of the Tobacco Act 1997 and this Regulation.

*Article 36*

**Security and interoperability of communications and data**

1. All electronic communication provided for under this Regulation shall be carried out using secure means. Applicable security protocols and connectivity rules shall be based on non-proprietary open standards. They shall be established by:

- (a) the ID issuer for communications between the ID issuer, the operators of the first retail outlets and the economic operators registering with the ID issuer or requesting unique identifiers;
- (b) *Deleted.*

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- (c) the provider of the data repository for communications between the data repository and the router and:
- i. the ID issuer; and
  - ii. economic operators using the router.
2. The provider of the data repository shall be responsible for the security and integrity of hosted data. Data portability shall be secured in accordance with the common data dictionary set out in Article 28.
3. For all transfers of data, the sending party is responsible for the completeness of transferred data. In order for the sending party to discharge this obligation, the receiving party shall acknowledge the receipt of transferred data including a checksum value of actual transmitted data or any alternative mechanism allowing for validating the integrity of transmission, in particular its completeness.

*Article 36a*  
**Quality of data**

1. The Collector of Customs may, issue reports on the inadequate quality of data reported by economic operators to data repository. These reports shall be addressed to the concerned economic operators and include examples of misreporting.
2. The Collector of Customs shall require the ID issuer to perform checks of addresses and other electronically verifiable data that are provided to the system by economic operators and operators of first retail outlets.

*Article 37*  
**Deleted**

*Article 38*  
**Deleted**

*ANNEX I*  
**Deleted**

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*ANNEX II*

**Key messages to be sent by the economic operators**

The messages required for regulatory purposes shall contain at least the data fields listed in this Annex. Both the ID issuer and the provider of the data repository (including the router) may decide to extend the message content for strictly technical purposes to secure smooth functioning of the tobacco products traceability system.

The messages listed in this Annex do not include the messages to be sent back by the ID issuer and the provider of the data repository (including the router) to the economic operators, such as acknowledgments of receipt.

All the messages generated within the tobacco traceability system shall contain the identification of the originator and a timestamp up to the second (see Data Type: Time(L)). This timestamp does not replace the time of the occurrence of a reported event, which shall be reported separately in accordance with the data fields prescribed in this Annex. The identification of the message originator, which may concern a third-party IT service provider, does not replace the identification of the economic operator responsible for the reporting activity (via an EOID to be indicated in the EO\_ID field) The means of the identification of the message originator shall be specified in the technical specifications established and updated in accordance with Article 28.

The ID issuer and the provider of the data repository (including the router) shall timestamp each received message up to the millisecond.

**CHAPTER I**  
**FIELD DESCRIPTIONS**

*SECTION I*  
**Data Type**

Data Type	Description	Example
ARC	Administrative Reference Code (ARC) or any successive code adopted under the Excise Movement and Control System (EMCS)	'15GB0123456789A BCDEF0 '

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aUI	Aggregated level unique identifier coded with: either the invariant set of ISO646:1991 and composed of four blocks: (a) ID issuer's prefix in accordance with ISO15459-2:2015, (b) serialisation element in the format established by the ID issuer, (c) tobacco facility identifier code following the Data Type: FID and (d) timestamp following the Data Type: Time(s) or the invariant set of ISO646:1991 forming a code structured in accordance with ISO15459-1:2014 or ISO15459-4:2014 (or their latest equivalent)	
Boolean	Boolean value	'0' (false/disabled) '1' (true/enabled)
Country	Country name coded with ISO-3166-1:2013 alpha-2 (or its latest equivalent)	'GI'
Currency	Currency name coded with ISO 4217:2015 (or its latest equivalent)	'GIP'
Date	UTC (Coordinated Universal Time) date corresponding to the following format: YYYY- MM-DD	'2019-05-20'
Decimal	Number values, decimal allowed	'1' or '2,2' or '3,33'
EOID	Economic operator identifier code corresponding to the format established by the ID issuer coded with the invariant set of ISO646:1991	
FID	Tobacco facility identifier code corresponding to the format established by the ID issuer coded with the invariant set of ISO646:1991	
Integer	Rounded number values, no decimal numbers	'1' or '22' or '333'
MID	Machine identifier code corresponding to the format established by the ID issuer coded with the invariant set of ISO646:1991	

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MRN	Movement Reference Number (MRN) is a unique customs registration number. It contains 18 digits and is composed of the following elements: (a) last two digits of the year of formal acceptance of export movement (YY), (b) where a declaration was sent to Gibraltar, the Gibraltar country name coded with ISO-3166-1:2013 alpha-2 (or its latest equivalent), (c) unique identifier for entry/import per year and country, and (d) check digit.	'11IT9876AB88901235'
SEED	Excise number composed of: (a) country name coded with ISO-3166-1:2013 alpha-2 (or its latest equivalent) (e.g. 'LU') and (b) eleven alphanumeric characters, if needed, padded to the left with zeroes (e.g. '00000987ABC').	'LU00000987ABC'
ITU	Individual transport unit code (e.g. SSCC) generated in accordance with ISO15459-1:2014 (or its latest equivalent)	'001234560000000018'
Text	Set of characters coded with ISO8859-15:1999	'Abcde12345'
Time(L)	UTC (Coordinated Universal Time) in the following format: YYYY-MM-DDTHH:mm:ss.SSSZ	'2019-07-16T19:20:30.205Z'
Time(s)	UTC (Coordinated Universal Time) in the following format: YYMMDDhh	'19071619'
TPID	Tobacco Product Identifier (TP-ID) – numeric identifier used in the CEG system in the format: NNNNN-NN-NNNN	'02565-16-00230'
PN	Product number – numeric identifier used in the CEG system to identify product presentations (e.g. GTIN (Global Trade Identification Number) of the product)	'00012345600012'
upUI(L)	Unit packet level unique identifier coded with the invariant set of ISO646:1991 and composed of three blocks: (a) ID Issuer's prefix in accordance with ISO15459-2:2015, (b) middle block in the format established by the ID issuer and (c) timestamp following the Data Type: Time(s)	

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upUI(i)	Unit packet level unique identifier coded with the invariant set of ISO646:1991 and composed of two blocks: (i) ID issuer's prefix in accordance with ISO15459-2:2015 and (ii) middle block in the format established by the ID issuer (i.e. upUI(i) is upUI(L) without the timestamp, a code to be generated by ID issuers in accordance with Article 8(2) of this Regulation	
upUI(s)	Unit packet level unique identifier coded with the invariant set of ISO646:1991 and composed of two blocks: (a) ID issuer's prefix in accordance with ISO15459-2:2015 and (b) serialisation element in the format established by the ID issuer (i.e. UI made visible in the human readable format on the unit packets)	
upUI(M)	Unit packet level unique identifier coded with the invariant set of ISO646:1991 and composed of 2 blocks: ID issuer's prefix in accordance with ISO 154592:2015, middle block in the format established by the ID issuer	LECNlzzzz000010000SLE
Year	UTC (Coordinated Universal Time) year in the following format: YYYY	'2024'

*SECTION 2*  
**Cardinality Type**

Type	Description
Simple (S)	Single value
Multiple (M)	Multiple values

*SECTION 3*  
**Priority Type**

Type	Description
Mandatory (M)	The variable must be completed to successfully submit the message

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Optional (O)	The variable relates to supplementary fields which remain optional
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CHAPTER II

MESSAGES

SECTION I

**Identifier codes for economic operators, facilities and machines**  
**1.1 Request for an economic operator identifier code**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-1
	EO_Name1	Economic operator's registered name	Text	S	M	
	EO_Name2	Economic operator's alternative or abridged name	Text	S	O	
	EO_street	Economic operator's street name and house number (or road number and kilometre)	Text	S	M	
	EO_municipality	Economic operator's municipality (city, town or village)	Text	S	M	
	EO_postcode	Economic operator's postal code	Text	S	M	'n/a' is permitted value if no postal code has been assigned
	EO_A_info	Additional information on economic operator's address (e.g. location in the shopping mall or industrial area)	Text	S	O	

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EO_Country-Reg	Economic operator's country of registration	Country	S	M	
EO_Email	Economic operator's email address used to inform about registration process, including subsequent changes and other required correspondence	Text	S	M	
VAT_R	Indication of the VAT registration status	Boolean	S	M	0 – No VAT registration 1 – VAT number exists
VAT_N	Economic operator's VAT number	Text	S	M, if VAT_R=1	
TAX_N	Economic operator's tax registration number	Text	S	M, if VAT_R=0	
EO_Excise-Number1	Indication if the economic operator has an excise number issued by the competent authority for the purpose of identification of persons/premises	Boolean	S	M	0– No SEED number 1– SEED number exists
EO_Excise-Number2	Economic operator's excise number issued by the competent authority for the purpose of identification of persons/premises	SEED	S	M, if EO_ExciseNumber1= 1	
Reg_3RD	Indication if the registration is made on behalf of a retail outlet operator not involved otherwise in the tobacco trade	Boolean	S	M	0 – No 1– Yes
Reg_EOID	Identifier of the economic operator that acts on behalf of a retail outlet operator not involved otherwise in the tobacco trade	EOID	S	M, if Reg_3RD= 1	

**1.2 Correction of information concerning the economic operator identifier code**

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Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-2
	EO_ID	Economic operator identifier code	EOID	S	M	
	EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
	EO_Name1	Economic operator's registered name	Text	S	M	
	EO_Name2	Economic operator's alternative or abridged name	Text	S	O	
	EO_street	Economic operator's street name and house number (or road number and kilometre)	Text	S	M	
	EO_municipality	Economic operator's municipality (city, town or village)	Text	S	M	
	EO_postcode	Economic operator's postal code	Text	S	M	'n/a' is permitted value if no postal code has been assigned
	EO_A_info	Additional information on economic operator's address (e.g. location in the shopping mall or industrial area)	Text	S	O	
	EO_CountryReg	Economic operator's country of registration	Country	S	M	
	EO_Email	Economic operator's email address used to inform about registration process, including subsequent changes	Text	S	M	

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VAT_R	Indication of the VAT registration status	Boolean	S	M	0 – No VAT registration 1 – VAT number exists
VAT_N	Economic operator's VAT number	Text	S	M, if VAT_R= 1	
TAX_N	Economic operator's tax registration number -	Text	S	M, if VAT_R = 0	
EO_Excise-Number1	Indication if the economic operator has an excise number issued by the competent authority for the purpose of identification of persons/premises	Boolean	S	M	0 - No SEED number 1 - SEED number exists
EO_Excise-Number2	Economic operator's excise number issued by the competent authority for the purpose of identification of persons/premises	SEED	S	M, if EO_Excise Number1= 1	
OtherEOID_R	Indication if the economic operator has been allocated an identifier by another ID Issuer	Boolean	S	M	0 – No 1 - Yes
OtherEOID_N	Economic operator identifier codes allocated by other ID Issuers	EOID	M	M, if OtherEOID_R = 1	
Reg_3RD	Indication if the registration is made on behalf of the retail outlet operator not involved otherwise in the tobacco trade	Boolean	S	M	0 - No 1 - Yes
Reg_EOID	Identifier of the economic operator that acts on behalf of the retail outlet operator not involved otherwise in the tobacco trade	EOID	S	M, if Reg_3RD = 1	

**1.3 De-registration of economic operator identifier code**

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Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-3
	EO_ID	Economic operator identifier code	EOID	S	M	
	EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
	Reg_3RD	Indication if the registration is made on behalf of the retail outlet operator not involved otherwise in the tobacco trade	Boolean	S	M	0 - No 1 - Yes
	Reg_EOID	Identifier of the economic operator that acts on behalf of the retail outlet operator not involved otherwise in the tobacco trade	EOID	S	M, if Reg_3RD = 1	

**1.4 Request for a facility identifier code**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-4
	EO_ID	Economic operator identifier code	EOID	S	M	
	EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
	F_street	Facility's street name and house number (or road number and kilometre)	Text	S	M	

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F_municipality	Facility's municipality (city, town or village)	Text	S	M	
F_postcode	Facility's postal code	Text	S	M	'n/a' is permitted value if no postal code has been assigned
F_A_info	Additional information on facility's address (e.g. location in the shopping mall or industrial area)	Text	S	O	
F_Country	Facility's country	Country	S	M	
F_Type	Type of facility	Integer	S	M	1- manufacturing site with warehouse 2- standalone warehouse 3- retail outlet 4- other
F_Type_Other	Description of other facility	Text	S	M, if F_Type = 4	
F_Status	Indication if a part of the facility has a tax (excise) warehouse status	Boolean	S	M	0 - No 1 - Yes
F_Excise-Number1	Indication if the facility has an excise number issued by the competent authority for the purpose of identification of persons/premises	Boolean	S	M	0 - No SEED number 1 - SEED number exists
F_Excise-Number2	Facility's excise number issued by the competent authority for the purpose of identification of persons/premises	SEED	S	M, if F_ExciseNumber1 = 1	
OtherFID_R	Indication if the facility has been allocated an identifier by another ID Issuer	Boolean	S	M	0 - No 1 - Yes (possible only for non-

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						Gibraltar facilities)
OtherFID_N	Facility identifier codes allocated by other ID Issuers	FID	M	M, if OtherFID_R = 1		
PrevFID_B	Indication if the facility was acquired from another operator and had already a facility identifier code	Boolean	S	M		0 – No (first time registration) 1 - Yes
PrevFID_ID	Previous facility identifier used by the former operator of the facility	FID	S	M, if PrevFID_B=1		
Reg_3RD	Indication if the registration is made on behalf of a retail outlet operator not involved otherwise in the tobacco trade	Boolean	S	M		0 - No 1 - Yes (possible only if F_Type = 3)
Reg_EOID	Identifier of the economic operator that acts on behalf of the retail outlet operator not involved otherwise in the tobacco trade	EOID	S	M, if Reg_3RD = 1		

**1.5 Correction of information concerning the facility identifier code**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-5
	EO_ID	Economic operator identifier code	EOID	S	M	
	EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
	F_ID	Facility identifier code	FID	S	M	

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F_street	Facility's street name and house number (or road number and kilometre)	Text	S	M	
F_municipality	Facility's municipality (city, town or village)	Text	S	M	
F_postcode	Facility's postal code	Text	S	M	'n/a' is permitted value if no postal code has been assigned
F_A_info	Additional information on facility's address (e.g. location in the shopping mall or industrial area)	Text	S	O	
F_Country	Facility's country	Country	S	M	
F_Type	Type of facility	Integer	S	M	1 - manufacturing site with warehouse 2 - standalone warehouse 3 - retail outlet 4 - other
F_Type_Other	Description of other facility	Text	S	M, if F_Type = 4	
F_Status	Indication if a part of the facility has a tax (excise) warehouse status	Boolean	S	M	0 - No 1 - Yes
F_Excise-Number1	Indication if the facility has an excise number issued by the competent authority for the purpose of identification of persons/premises	Boolean	S	M	0 - No SEED number 1 - SEED number exists
F_Excise-Number2	Facility's excise number issued by the competent authority for the purpose of identification of persons/premises	SEED	S	M, if F_ExciseNumber1 = 1	

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OtherFID_R	Indication if the facility has been allocated an identifier by another ID Issuer	Boolean	S	M	0 - No 1 - Yes (possible only for non-Gibraltar facilities)
OtherFID_N	Facility identifier codes allocated by other ID Issuers	FID	M	M, if OtherFID_R = 1	
PrevFID_B	Indication if the facility was acquired from another operator and had already a facility identifier code	Boolean	S	M	0 - No (first time registration) 1 - Yes
PrevFID_ID	Previous facility identifier used by the former operator of the facility	FID	S	M, if PrevFID_B=1	
Reg_3RD	Indication if the registration is made on behalf of the retail outlet operator not involved otherwise in the tobacco trade	Boolean	S	M	0 - No 1 - Yes (possible only if F_Type = 3)
Reg_EOID	Identifier of the economic operator that acts on behalf of the retail outlet operator not involved otherwise in the tobacco trade	EOID	S	M, if Reg_3RD = 1	

**1.6 De-registration of facility identifier code**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-6
	EO_ID	Economic operator identifier code	EOID	S	M	

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EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
F_ID	Facility identifier code	FID	S	M	
Reg_3RD	Indication if the de-registration is made on behalf of a retail outlet operator not involved otherwise in the tobacco trade	Boolean	S	M	0 - No 1 - Yes
Reg_EOID	Identifier of the economic operator that acts on behalf of the retail outlet operator not involved otherwise in the tobacco trade	EOID	S	M, if Reg_3RD = 1	

**1.7 Request for a machine identifier code**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-7
	EO_ID	Economic operator identifier code	EOID	S	M	
	EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
	F_ID	Facility identifier code	FID	S	M	
	PrevMID_B	Indication if the object of this request was already registered, e.g. in relation to another facility identifier code	Boolean	S	M	0 – No (first time registration) 1 - Yes

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PrevMID_ID	Previous machine identifier used for the object of this request	MID	S	M, if PrevMID B =1	
M_entirety	Indication if this request concerns the machine (v. a part of thereof)	Boolean	S	M	0 – No (machine part) 1 – Yes (machine)
P_Producer	Part’s producer	Text	S	M, if M_entirety=0	
P_Model	Part’s model	Text	S	M, if M_entirety=0	
P_Number	Part’s serial number	Text	S	M, if M_entirety=0	
P_Mobile	Indication if this part is intended to be used with multiple machines (fixed v. mobile part)	Boolean	S	M, if M_entirety=0	0 – No (fixed part) 1 – Yes (mobile part)
P_ATD1	Indication if an anti-tampering device in the sense of Article 2(7) records the functioning of this part	Boolean	S	M, if M_entirety=0	0 - No 1 - Yes
P_ATD2	Anti-tampering device’s serial number	Text	S	M, if M_entirety=0 and P_ATD1=1	
P_Description	Part’s description explaining its technical function	Text	S	O	

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M_Producer	Machine's producer	Text	S	M, if M_entirety=1	
M_Model	Machine's model	Text	S	M, if M_entirety=1	
M_Number	Machine's serial number	Text	S	M, if M_entirety=1	
M_parts	Indication if the machine consists of multiple separately identifiable parts	Boolean	S	M, if M_entirety=1 and M_parts=1	0 - No 1 - Yes
M_plist	List of the identifiable parts	MID	M	M, if M_entirety=1 and M_parts=0	
M_ATD	Serial number of the anti-tampering device in the sense of Article 2(7)	Text	S	M, if M_entirety=1	
M_Capacity	Maximum capacity over 24-hour production cycle expressed in unit packets	Integer	S	M, if M_entirety=1	

**1.8 Correction of information concerning the machine identifier code**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-8
	EO_ID	Economic operator identifier code	EOID	S	M	

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EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
F_ID	Facility identifier code	FID	S	M	
M_ID	Machine identifier code (subject to the correct information)	MID	S	M	
PrevMID_B	Indication if the object of this request was already registered, e.g. in relation to another facility identifier code	Boolean	S	M	0 - No (first registration) 1 - Yes
PrevMID_ID	Previous machine identifier code used for the object of this request	MID	S	M, if PrevMID_B = 1	
M_entirety	Indication if this request concerns the machine (v. a part thereof)	Boolean	Text	M	0 - No (machine part) 1 - Yes (machine)
P_Producer	Part's producer	Text	S	M, if M_entirety=0	
P_Model	Part's model	Text	S	M, if M_entirety=0	
P_Number	Part's serial number	Text	S	M, if M_entirety=0	
P_Mobile	Indication if this part is intended to be used with multiple machines (fixed v. mobile part)	Boolean	S	M, if M_entirety=0	0 - No (fixed part) 1 - Yes (mobile part)
P_ATD1	Indication if an anti-tampering device in the sense of Article 2(7) records the functioning of this part	Boolean	S	M, if M_entirety=0	0 - No ) 1 - Yes
P_ATD2	Anti-tampering device's serial number	Text	S	M, if M_entirety=0 and P_ATD1=1	
P_Description	Part's description explaining its technical function	Text	S	O	
M_Producer	Machine's producer	Text	S	M, if M_entirety=1	
M_Model	Machine's model	Text	S	M, if M_entirety=1	

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M_Number	Machine's serial number	Text	S	M, if M_entirety=1
M_parts	Indication if the machine consists of multiple separately identifiable parts	Boolean	S	M, if M_entirety=1
M_plist	List of the identifiable parts	MID	M	M, if M_entirety=1
M_ATD	Serial number of the anti-tampering device in the sense of Article 2(7)	Text	S	M, if M_entirety=1 and M_parts=0
M_Capacity	Maximum capacity over 24-hour production cycle expressed in unit packets	Integer	S	M, if M_entirety=1

**1.9 De-registration of machine identifier code**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	1-9
	EO_ID	Economic operator identifier code	EOID	S	M	
	EO_CODE	Economic operator's confirmation code provided in response to the registration of economic operator	Text	S	M	
	F_ID	Facility identifier code	FID	S	M	
	M_ID	Machine identifier code	MID	S	M	

*SECTION 2*  
**Unique identifiers (UIs)**

**2.1 Request for unit level UIs**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	2-1
	EO_ID	Economic operator identifier code of the submitting entity (either manufacturer or importer)	EOID	S	M	
	F_ID	Facility identifier code	FID	S	M	

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Process_Type	Indication if the production process involves machinery	Boolean	S	M	0 – No (only for fully hand made products) 1 – Yes
M_ID	Machine identifier code	MID	S	M, if Process Type = 1	
P_Type	Type of tobacco product	Integer	S	M	1 - Cigarette 2 - Cigar 3 - Cigarillo 4. - Hand-rolling tobacco 5 - Pipe tobacco 6 - Waterpipe tobacco 7 - Oral tobacco 8 - Nasal tobacco 9 - Chewing tobacco 11 - Novel tobacco product 12 - Other (product placed on the market 24 months from the Implementation Date, not covered by categories 1-9)
P_OtherType	Description of other type of tobacco product	Text	S	M, if P_Type = 11	
P_CN	Combined Nomenclature (CN) code	Text	S	O	
P_Brand	Brand of tobacco product	Text	S	M	

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P_SubType_Exist	Indicates if the product 'subtype name' exists. Subtype name provides further product identification beyond a product's brand name	Boolean	S	M	0- No 1- Yes
P_SubType_Name	The product 'subtype name' (if any) as marketed on its intended market	Text	S	M, if P_SubType_Exist=1	
P_units	The number of individual units in the unit packet (number of sticks in the package).	Integer	S	M, if P_Type = 1 or 2 or 3	
P_weight	Average gross weight of unit packet, including packaging, in grams with 0,1 gram accuracy	Decimal	S	M	
TP_ID	Tobacco product identifier used in the CEG system	TPID	S	M, if Intended_Market is Gibraltar	
TP_PN	Tobacco product number used in the CEG system	PN	S	M, if Intended_Market is Gibraltar	
Intended_Market	Intended country of retail sale	Country	S	M	
Intended_Route1	Indication if the product is intended to be moved across country borders with terrestrial/ water/air transport	Boolean	S	M	0 – No 1 – Yes
Intended_Route2	The first country of terrestrial/ water/air transport after the product manufactured in or imported leaves the country of manufacturing or the country of importation established on the basis of a check point on the land border, next seaport or next airport respectively	Country	S	M, if Intended_Route1 = 1	
Import	Indication if the product is imported into Gibraltar	Boolean	S	M	0 – No 1 – Yes

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	Req_Quantity	Requested quantity of unit packet level UIs	Integer	S	M	
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**2.2 Request for aggregated level UIs**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	2-2
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	F_ID	Facility identifier code	FID	S	M	
	Req_Quantity	Requested quantity of aggregated level UIs	Integer	S	M	

**2.3 Request for deactivation of UIs**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	2-3
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Deact_Type	Deactivation of unit packet or aggregated level UIs	Integer	S	M	1 - Unit packet level UIs 2. - Aggregated level UIs
	Deact_Reason1	Identification of the reason for deactivation	Integer	S	M	1 - Product destroyed 2 - Product stolen 3 - UI destroyed 4 - UI stolen 5 - UI unused 6 - Other
	Deact_Reason2	Description of other reason	Text	S	M, if Deact_Reason1 = 6	
	Deact_Reason3	Additional reason of the description	Text	S	O	

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Deact_upUI	List of unit packet level UIs to be deactivated	upUI(L) or upUI(i) or upUI(s)	M	M, if Deact_Type = 1
Deact_aUI	List of aggregated level UIs to be deactivated	aUI	M	M, if Deact_Type = 2

**2.4 Request for reactivation of UIs for products reported as stolen but recovered (only permitted if in preceding message type 2-3, field Deact\_Reason1 = 2)**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	2-4
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	F_ID	Facility identifier code (facility of recovery)	FID	S	M	
	React_Type	Reactivation of unit packet or aggregated level UIs	Integer	S	M	1 – Unit packet level UIs 2 – Aggregated level UIs
	React_Reason	Description of the context of reactivation	Text	S	O	
	React_upUI	List of unit packet level UIs to be reactivated	upUI(L) or upUI(i) or upUI(s)	M	M, if React_Type = 1	
	React_aUI	List of aggregated level UIs to be reactivated	aUI	M	M, if React_Type = 2	

*SECTION 3*

**Recording and transmission of information on product movements**

**3A.1 Pairing between marked codes and virtual paired codes.**

Field	Comments	Data Type	Cardinality	Priority	Values
EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	

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Message_Time_Long	The time that the message is first submitted to the Gateway, Long format.	Time(L)	S	M	
Event_Time	Time of event occurrence	Time(s)	S	M	
upUI	List of paired codes		S	M	
upID	Code pairing detail		M	M	
upID Printed_Code	Unit packet level UID marked on packs	upUI(L)	S	M	
upID Paired Code	Paired UID	upUI(M)	S	M	

**3.1 Application of unit level UIs on unit packets**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	3-1
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	F_ID	Facility identifier code	FID	S	M	
	upUI_1	List of unit packet level UIs to be recorded (full length)	upUI(L)	M	M	
	upUI_2	List of corresponding unit packet level UIs to be recorded (as visible in human readable format) indicated in the same order as upUI_1	upUI(s)	M	M	
	upUI_comment	Comments by the reporting entity	Text	S	O	

**3.2 Application of aggregated level UIs on aggregated packaging**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
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	Message_Type	Identification of message type	Text	S	M	3-2
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	F_ID	Facility identifier code	FID	S	M	
	Event_Time	Time of event occurrence	Time(s)	S	M	
	aUI	Aggregated level UI	aUI	S	M	
	Aggregation_Type	Identification of aggregation type	Integer	S	M	1 - aggregation of only unit packet level UIs 2 - aggregation of only aggregated level UIs 3 - aggregation of both unit packet and aggregated level UIs
	Aggregated_UIs1	List of unit packet level UIs subject to aggregation	supUI(L)	M	M, if Aggregation_Type = 1 or 3	
	Aggregated_UIs2	List of aggregated level UIs subject to further aggregation	aUI	M	M, if Aggregation_Type = 2 or 3	
	aUI_comment	Comments by the reporting entity	Text	S	O	

**3.3 Dispatch of tobacco products from a facility**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	3-3

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	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Event_Time	Intended time of event occurrence	Time(s)	S	M	
	F_ID	Dispatch facility identifier code	FID	S	M	
	Destination_ID1	Indication of destination type: if the destination facility is located in Gibraltar and if it is delivery to a vending machine (VM) or by means of a vending van (VV) delivering to multiple retail outlets in quantities that have not been predetermined in advance of the delivery	Integer	S	M	1 - Non Gibraltar dest. 2 - Gibraltar destination other than VM – fixed quantity delivery 3 - Gibraltar VM(s) 4 - Gibraltar destination other than VM – delivery with VV
	Destination_ID2	Destination facility identifier code	FID	S	M, if Destination_ID1 = 2	
	Destination_ID3	Destination facility identifier code(s) possible multiple vending machines	FID	M	M, if Destination_ID1 = 3	
	Destination_ID4	Destination facility identifier code(s)	FID	M	M, if Destination_ID1 = 4	
	Destination_ID5	Destination facility's full address: street, house number, postal code, city	Text	S	M, if Destination_ID1 = 1	

Transport_mode	Mode of transport by which the product leaves the facility	Integer	S	M	0 - Other 1 - Sea Transport 2 - Rail transport 3 - Road transport 4 - Air transport 5 - Postal consignment 6 - Fixed transport installations 7 - Inland waterway transport
Transport_vehicle	Identification of the vehicle (i.e. number plates, train number, plane/flight number, ship name or other identification)	Text	S	M	'n/a' is permitted value if Transport_mode = 0 and product movement takes place between adjacent facilities and is delivered manually
Transport_cont1	Indication if the transport is containerised and uses an individual transport unit code (e.g. SSCC)	Boolean	S	M	0 - No 1 - Yes
Transport_cont2	Individual transport unit code of the container	ITU	S	M, if Transport_cont1 = 1	
Transport_s1	Indication if the dispatch takes place with the logistic/ postal operator who operates its own track and trace system. Only for small quantities of tobacco products (net weight of the products dispatched below 10kg) destined for exports to other countries	Boolean	S	M	0 - No 1 - Yes
Transport_s2	The logistic operator's tracking number	Text	S	M, if Transport_s1 = 1	
Exp_Declaration	Indication if the Movement Reference Number (MRN) has been issued by the customs office	Boolean	S	M	0 - No 1 - Yes

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Exp_Declaration-Number	Movement Reference Number (MRN)	MRN	S	M, if Exp_Declaration = 1	
UI_Type	Identification of UI types in the dispatch (recorded at the highest level of available aggregation)	Integer	S	M	1 - only unit packet level UIs 2 - only aggregated level UIs 3 - both unit packet and aggregated level UIs
upUIs	List of unit packet level UIs subject to the dispatch	upUI(L)	M	M, if UI_Type = 1 or 3	
aUIs	List of aggregated level UIs subject to the dispatch	aUI	M	M, if UI_Type = 2 or 3	
Dispatch_comment	Comments by the reporting entity	Text	S	O	

**3.4 Arrival of tobacco products at a facility**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	3-4
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	F_ID	Arrival facility identifier code	FID	S	M	
	Event_Time	Time of event occurrence	Time(s)	S	M	
	Product_Return	Indication if the arriving products are a return following complete or partial non-delivery	Boolean	S	M	0 – No 1 – Yes

UI_Type	Identification of UI types received (recorded at the highest level of available aggregation)	Integer	S	M	1 - only unit packet level UIs 2 - only aggregated level UIs 3 - both unit packet and aggregated level UIs
upUIs	List of Unit packet level UIs received	supUI(L)	M	M, if UI_Type = 1 or 3	
aUIs	List of aggregated level UIs received	saUI	M	M, if UI_Type = 2 or 3	
Arrival_comment	Comments by the reporting entity	Text	S	O	

### 3.5 Trans-loading

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	3-5
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Event_Time	Intended time of event occurrence	Time(s)	S	M	
	Destination_ID1	Indication if the destination facility is located in Gibraltar	Boolean	S	M	0 - No 1 - Yes
	Destination_ID2	Destination facility identifier code	FID	S	M, if Destination_ID1=1	
	Destination_ID3	Destination facility's street name and house number (or road number and kilometre)	Text	S	M, if Destination_ID1=0	

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Destination_ ID4	Destination facility's municipality (city, town or village)	Text	S	M, if Destination_ID1=0	
Destination_ ID5	Destination facility's postal code	Text	S	M, if Destination_ID1=0	'n/a' is permitted value if no postal code has been assigned
Destination_ ID6	Destination facility's country	Country	S	M, if Destination_ID1=0	
Transport_ mode	Mode of transport to which the product is trans-loaded	Integer	S	M	0 - Other 1 - Sea Transport 2 - Rail transport 3 - Road transport 4 - Air transport 5 - Postal consignment 6 - Fixed transport installations 7 - Inland waterway transport
Transport_ vehicle	Identification of the vehicle (i.e. number plates, train number, plane/flight number, ship name or other identification)	Text	S	M	
Transport_ cont1	Indication if the transport is containerised and uses an individual transport unit code (e.g. SSCC)	Boolean	S	M	0 - No 1 - Yes
Transport_ cont2	Individual transport unit code of the container	ITU	S	M, if Transport_cont1 = 1	
EMCS	Dispatch under the Excise Movement and Control System (EMCS)	Boolean	S	M	0 - No 1 - Yes
EMCS_ARC	Administrative Reference Code (ARC)	ARC	S	M, if EMCS = 1	

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UI_Type	Identification of UI types subject to the trans-loading (recorded at the highest level of available aggregation)	Integer	S	M	1 - only unit packet level UIs 2 - only aggregated level UIs 3 - both unit packet and aggregated level UIs
upUIs	List of unit packet level UIs subject to the trans-loading	supUI(L)	M	M, if UI_Type = 1 or 3	
aUIs	List of aggregated level UIs subject to the trans-loading	aUI	M	M, if UI_Type = 2 or 3	
Transloading_comment	Comments by the reporting entity	Text	S	O	

**3.6 Disaggregation of aggregated level UIs**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	3-6
	EO_ID	Economic operator's identifier	EOID	S	M	
	F_ID	Facility's identifier	FID	S	M	
	Event_Time	Time of event occurrence	Time(s)	S	M	
	aUI	Aggregated level UI subject to disaggregation	aUI	S	M	
	disaUI_comment	Comments by the reporting entity	Text	S	O	

**3.7 Report of delivery carried out with a vending van to retail outlet (required if in message type 3-3, field Destination\_ID1 = 4)**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	3-7

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EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
F_ID	Facility identifier code of retail outlet	FID	S	M	
Event_Time	Time of event occurrence	Time(s)	S	M	
UI_Type	Identification of UI types delivered (recorded at the highest level of available aggregation)	Integer	S	M	1 - only unit packet level UIs 2 - only aggregated level UIs 3 - both unit packet and aggregated level UIs
upUIs	List of unit packet level UIs delivered	supUI(L)	M	M, if UI_Type = 1 or 3	
aUIs	List of aggregated level UIs delivered	aUI	M	M, if UI_Type = 2 or 3	
Delivery_comment	Comments by the reporting entity	Text	S	O	

**3.8 Dispatch of tobacco products from a facility to laboratories, waste disposal centres, national authorities, international governmental organisations, embassies and military bases**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	3-8
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Event_Time	Intended time of event occurrence	Time(s)	S	M	
	F_ID	Despatch facility identifier code	FID	S	M	

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Destination_1	Indication of destination type	Integer	S	M	1 – Laboratory 2 – Waste disposal centre 3 – National authority 4 – International governmental organisation 5 – embassy 6 – military base
Destination_2	Destination's street name and house number (or road number and kilometre)	Text	S	M	
Destination_3	Destination's municipality (city, town or village)	Text	S	M	
Destination_4	Destination's postal code	Text	S	M	'n/a' is permitted if no postal code has been assigned
Destination_5	Destination's country	Country	S	M	
Transport_mode	Mode of transport by which the product leaves the facility, see Annex II, Code List 7 of Regulation (EC) No 684/2009	Integer	S	M	0 – Other 1 – Sea Transport 2 – Rail transport 3 – Road transport 4 – Air transport 5 Postal consignment 6 – Fixed transport installations 7 – Inland waterway transport
Transport_vehicle	Identification of the vehicle (i.e. number plates, train number, plane/flight number, ship name or other identification)	Text	S	M	'n/a' is permitted if Transport_mode = 0 and product movement takes place between adjacent facilities and is delivered manually

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Transport_cont1	Indication if the transport is containerised and uses an individual transport unit code (e.g. SSCC)	Boolean	S	M	0 - No 1 - Yes
Transport_cont2	Individual transport unit code of the container	Integer	S	M, if Transport_cont1 = 1	
UI_Type	Identification of UI types delivered (recorded at the highest level of available aggregation)	Integer	S	M	1 - only unit packet level UIs 2 - only aggregated level UIs 3 - both unit packet and aggregated level UIs
upUIs	List of unit packet level UIs delivered	supUI(L)	M	M, if UI_Type = 1 or 3	
aUIs	List of aggregated level UIs delivered	aUI	M	M, if UI_Type = 2 or 3	
S_Dispatch_comment	Comments by the reporting entity	Text	S	O	

*SECTION 4*  
**Transactional events**

**4.1 Issuing of the invoice**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	4-1
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Event_Time	Time of event occurrence	Time(s)	S	M	
	Invoice_Type1	Type of the invoice	Integer	S	M	1 - Original 2 - Correction 3 - Other

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Invoice_Type2	Description of the other type of the invoice	Text	S	M, if Invoice_Type1 = 3	
Invoice_Number	Number of the invoice	Text	S	M	
Invoice_Date	Date of the invoice	Date	S	M	
Invoice_Seller	Identity of the seller	EOID	S	M	
Invoice_Buyer1	Indication if the buyer is located in Gibraltar	Boolean	S	M	0 – No 1 - Yes
Invoice_Buyer2	Identity of the buyer	EOID	S	M, if Invoice_Buyer1 = 1	
Buyer_Name	Buyer's registered legal name	Text	S	M, if Invoice_Buyer1 = 0	
Buyer_Address_1	Buyer's street name and house number (or road number and kilometre)	Text	S	M, if Invoice_Buyer1 = 0	
Buyer_Address_2	Buyer's municipality (city, town or village)	Text	S	M, if Invoice_Buyer1 = 0	
Buyer_Address_3	Buyer's postal code	Text	S	M, if Invoice_Buyer1 = 0	if 'n/a' is permitted value if no postal code has been assigned
Buyer_CountryReg	Buyer's country of registration	Country	S	M, if Invoice_Buyer1 = 0	
Buyer_TAX_N	Buyer's tax registration number	Text	S	M, if Invoice_Buyer1 = 0	
First_Seller_GI	Indication if the invoice is issued by the first seller in Gibraltar, i.e. the Gibraltar manufacturer or the importer, and the product is destined for the Gibraltar market	Boolean	S	M	0 – No 1 - Yes
Product_Items_1	List of TPIDs corresponding to the product items listed on the invoice	TPID	M	M, if First_Seller_GI = 1	

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Product_Items_2	List of product numbers corresponding to the product items listed on the invoice (in the same order as Product_Items_1)	PN	M	M, if First Seller_GI = 1	
Product_Price	Net unit packet price per each pair of TPID and product number (in the same order as Product_Items_1)	Decimal	M	M, if First Seller_GI = 1	
Invoice_Net	Total net amount of the invoice	Decimal	S	M	
Invoice_Currency	Currency of the invoice	Currency	S	M	
UI_Type	Identification of UI types covered by the invoice (recorded at the highest level of available aggregation)	Integer	S	M	1 – only unit packet level UIs 2 – only aggregated level UIs 3 – both unit packet and aggregated level UIs
upUIs	List of unit packet level UIs covered by the invoice	supUI(L)	M	M, if UI_Type = 1 or 3	
aUIs	List of aggregated level UIs covered by the invoice	aUI	M	M, if UI_Type = 2 or 3	
Invoice_comment	Comments by the reporting entity	Text	S	O	

**4.2 Issuing of the order number**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	4-2
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Event_Time	Time of event occurrence	Time(s)	S	M	
	Order_Number	Number of the purchase order	Text	S	M	
	Order_Date	Date of the purchase order	Date	S	M	

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UI_Type	Identification of UI types covered by the purchase order (recorded at the highest level of available aggregation)	Integer	S	M	1 – only unit packet level UIs 2 – only aggregated level UIs 3 – both unit packet and aggregated level UIs
upUIs	List of unit packet level UIs covered by the purchase order	upUI(L)	M	M, if UI_Type = 1 or 3	
aUIs	List of aggregated level UIs covered by the purchase order	aUI	M	M, if UI_Type = 2 or 3	
Order_comment	Description of the reason for delayed recording of the purchase order	Text	S	O	

**4.3 Receipt of the payment**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	4-3
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Event_Time	Time of event occurrence	Time(s)	S	M	
	Payment_Date	Date of the payment receipt	Date	S	M	
	Payment_Type	Type of payment	Integer	S	M	1 – bank transfer 2 – bank card 3 - cash 4 - other
	Payment_Amount	Amount of the payment	Decimal	S	M	
	Payment_Currency	Currency of the payment	Currency	S	M	
	Payment_Payer1	Indication if the payer is located in Gibraltar	Boolean	S	M	0 – No 1 - Yes

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Payment_Payer2	Identity of the payer	EOID	S	M, Payment_Payer1 = 1	if
Payer_Name	Payer's registered legal name	Text	S	M, Payment_Payer1 = 0	if
Payer_Address_1	Payer's street name and house number (or road number and kilometre)	Text	S	M, Payment_Payer1 = 0	if
Payer_Address_2	Payer's municipality (city, town or village)	Text	S	M, Payment_Payer1 = 0	if
Payer_Address_3	Payer's postal code	Text	S	M, Payment_Payer1 = 0	if 'n/a' is permitted value if no postal code has been assigned
Payer_Country - Reg	Payer's country of registration	Country	S	M, Payment_Payer1 = 0	if
Payer_TAX_N	Payer's tax registration number	Text	S	M, Payment_Payer1 = 0	if
Payment_Recipient	Identity of the recipient	EOID	S	M	
Payment_Invoice	Indication if the payment corresponds to the existing invoice	Boolean	S	M	0 – No 1 - Yes
Invoice_Paid	Number of the invoice paid with the payment	Text	S	M, Payment_Invoice = 1	if
UI_Type	Identification of UI types covered by the payment (recorded at the highest level of available aggregation)	Integer	S	M, Payment_Invoice = 0	if 1– only unit packet level UIs 2– only aggregated level UIs 3 – both unit packet and aggregated level UIs
upUIs	List of unit packet level UIs covered by the payment	upUI(L)	M	M, Payment_Invoice = 0 and UI_Type = 1 or 3	if

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aUIs	List of aggregated level UIs covered by the payment	aUI	M	M, if Payment_Invoice = 0 and UI_Type = 2 or 3	
Payment_comment	Comments by the reporting entity	Text	S	O	

*SECTION 5*  
**Recalls**

**5. Recalls of requests, operational and transactional messages (possible for message types 2-1, 2-2, 2-3 (only within 24 hours from the original reporting of message 2-3, for Deact\_Reason1 other than ‘2 – Product stolen’), 3-1 to 3-8, 4-1, 4-2 and 4-3)**

Item #	Field	Comments	Data Type	Cardinality	Priority	Values
	Message_Type	Identification of message type	Text	S	M	5
	EO_ID	Economic operator identifier code of the submitting entity	EOID	S	M	
	Recall_CODE	Message recall code provided to the message sender in the acknowledgement of the original message to be recalled	Text	S	M	Recall_CODE
	Recall_Reason1	Reason for recalling the original message	Integer	S	M	1 - reported event did not materialise (only for message types 3-3, 3-5 and 3-8)  2 - message contained erroneous information  3 - other
	Recall_Reason2	Description of the reason for recalling the original message	Text	S	M, if Recall_Reason1 = 3	
	Recall_Reason3	Any additional explanations on the reason for recalling the original message	Text	S	O	

*Notice:* A recall with respect to operational and logistic events results in flagging the recalled message as cancelled but does not lead to the deletion of the existing database record.

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*ANNEX III*

**Structure of a unit-level unique identifier**

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Element:	Symbol og y identi fier	Mandat ory data qualifier	ID issuer's identi fication code	Option al data qualifie r	Serial number	Option al data qualifie r	Product code	Option al data qualifie r	Time stamp
Type:	Qualifie r	Qualifie r	String (data element)	Qualifi er	String (data element)	Qualifi er	String (data element)	Qualifi er	String (data element)
Position within the unique identifier :	Fixed	Fixed	Fixed	Non- fixed	Non- fixed	Non- fixed	Non- fixed	Fixed	Fixed
Regulate d by:	Art. 21(1) and ID issuer's coding structur e	Art.3(4), Art.8(1) (a), Art. 21(1) and ID issuer's coding structure	Art.3(4) and Art.8(1) (a)	Art. 21(1) and ID issuer's coding structur e	Art.8(1) (b)	Art. 21(1) and ID issuer's coding structur e	Art.8(1) (c)	Art. 21(1), Art. 21(4) and ID issuer's coding structur e	Art.8(1) (d) and Art.21(4 )
Applicab le inter national standards:	ISO/ IEC 1602 2:2006, or ISO/ IEC 1800 4:2015, or ISS DotCod e Symbol og y Spec.	ISO 15459- 2:2015 and ISO 15459- 3:2014	ISO 15459- 2:2015 and ISO 15459- 3:2014						
Process:	Applied by econom ic operator s	Applied by econo mic operator s	Generat ed by ID issuers	Applie d by econo mic operator s	Generat ed by ID issuers	Applie d by econo mic operator s	Generat ed by ID issuers	Applie d by econo mic operator s	Applied by econo mic operator s

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Transmission to the repositories system:	No	No	Yes	No	Yes	No	Yes	No	Yes
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**SCHEDULE 2**

*Regulation 3*

**COMMISSION DELEGATED REGULATION (EU) 2018/573  
of 15 December 2017 on key elements of data storage contracts to be concluded as part  
of a traceability system for tobacco products**

*Article 1*  
**Subject matter**

This Regulation sets out key elements to be included in the data storage contracts referred to in Article 15(8) of Directive 2014/40/EU.

*Article 2*  
**Definitions**

For the purpose of this Regulation, in addition to the definitions laid down in Part IVB of the Tobacco Act 1997 and Schedule 1, the following definitions shall apply:

- (1) ‘contract’ means a contractual agreement between a manufacturer or importer of tobacco products and a provider of data storage systems in accordance with Article 15(8) of Directive 2014/40/EU and Schedule 1;
- (2) ‘provider’ means any legal person contracted by a manufacturer or importer of tobacco products for the purpose of establishing and operating its data repository and the related services;
- (3) ‘data portability’ means the ability to move data among different repositories, by the use of technology that is readily available on the market and commonly used in the sector.

*Article 3*  
**Key responsibilities under the contract**

1. The contract shall specify the key services to be rendered by the provider, which shall include:

- (1) the establishment and operation of a data repository and router in accordance with Articles 26 to 29 of Schedule 1;
- (2) *Deleted;*

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- (3) the provision, upon request, of other ancillary technical services connected with the operation of the data repository that contributes to its proper functioning.
2. In defining the key services referred to in point (1) of paragraph 1, the contract shall contain specifications relating to the operability, availability and performance of the services meeting the minimum requirements specified in this Regulation and laid down in Chapter V of Schedule 1.

*Article 4*  
**Technical expertise**

The contract shall require providers to issue to the manufacturer or importer a written declaration that they hold, or have at their disposal, the technical and operational expertise necessary to carry out the services referred to in Article 3 and to comply with the requirements laid down in Chapter V of Schedule 1.

*Article 5*  
**Availability of the data repository**

1. The contract shall specify a guaranteed monthly uptime and availability of 99,5 % for the data repository.
2. The contract shall require that appropriate back-up mechanisms are put in place by the provider to prevent any loss of data that is stored, received or transferred at the time the data repository becomes unavailable.

*Article 6*  
**Access rights**

The contract shall specify the requirements for physical and virtual access to be granted, at server and database level, to administrators appointed by the Government and any person or authority prescribed by the Chief Minister by notice in the Gazette and appointed external auditors to the data repository, in accordance with Article 25 of Schedule 1.

*Article 7*  
**Sub-contracting**

1. Where the contract specifies that the provider may subcontract certain obligations under the contract, it shall contain a provision clarifying that the subcontract does not affect the primary responsibility of the provider for the performance of the contract.
2. The contract shall further require the provider:

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- (a) to ensure that the proposed subcontractor has the necessary technical expertise and meets the requirements of independence laid down in Article 35 of Schedule 1.
- (b) to submit to the Collector of Customs a copy of the declaration referred to in Article 8 of this Schedule 2 signed by the respective sub-contractor(s).

*Article 8*

**Legal and financial independence**

The contract shall require providers and, where applicable, their sub-contractors, to issue to the manufacturer or importer, together with the data storage contract, a written declaration that they comply with the requirements for legal and financial independence as laid down in Article 35 of Schedule 1.

*Article 9*

**Data protection and confidentiality**

1. The contract shall specify that the provider shall put in place all appropriate measures necessary to ensure the confidentiality, integrity and availability of all data stored in the performance of the contract. Such measures shall include administrative, technical and physical safety and security controls.

2. The contract shall require that personal data handled under the contract are processed in accordance with the Data Protection Act 2004 or the Gibraltar General Data Protection Regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

*Article 10*

**Information security management**

The contract shall require providers to declare that the data repository is managed in accordance with internationally recognised information security management standards. Providers certified to ISO/IEC 27001:2013 shall be presumed to meet those standards.

*Article 11*

**Costs**

The contract shall require the costs charged by providers to manufacturers or importers in accordance with Article 30 of Schedule 1 to be fair, reasonable, and proportionate to:

- (a) the services rendered; and

- (b) the number of unique identifiers requested over a given period of time by the manufacturer or importer concerned.

*Article 12*  
**Deleted**

*Article 13*  
**Duration**

The duration of the contract shall be fixed for a minimum of five years with a possibility of renewal subject to agreement of the Parties and the continuing compliance of the provider with the requirements of Part IVB of the Tobacco Act 1997 and Schedule 1.

*Article 14*  
**Communication with other parties**

The contract shall require providers to cooperate with one another, as well as with the Collector of Customs, to the extent necessary to ensure the effective organisation of the day-to-day functioning of the data repository.

*Article 15*  
**Audits**

1. The contract shall lay down terms enabling external auditors approved by the Collector of Customs, to carry out announced and unannounced audits in relation to the data repository, including an assessment of whether the provider and, if applicable, its sub-contractors comply with the relevant legislative requirements.
2. The contract shall specify that external auditors are granted unrestricted physical and virtual access to the data repository and its related services for the duration of the audit.

*Article 16*  
**Liability**

The contract shall lay down terms detailing the liability of the parties including with respect to direct and indirect damages that may arise under the contract, in accordance with the applicable law. Without prejudice to the applicable law, the contract shall further specify that no limitation of liability exists in case of breach of confidentiality or breach of data protection rules.

*Article 17*

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**Termination of contract**

1. The contract shall lay down terms regarding the termination of the contract, in accordance with the applicable law.
2. The contract shall require parties to provide a minimum notice period of five months for the termination of the contract.

By derogation to the first subparagraph, the contract shall require manufacturers and importers to terminate the contract immediately:

- (a) in the event of a serious breach by the provider of its obligations under the contract,
  - (b) where the provider becomes, or is in imminent risk of becoming, insolvent under the applicable law.
3. For the purposes of paragraph 2(a) a serious breach shall include:
- (a) the failure by the provider to carry out obligations or to perform services provided for under the contract that are critical to the effective functioning of the traceability system, including in particular, the failure to comply with requirements laid down in Chapter V of Schedule 1,
  - (b) where a provider ceases to comply with the requirements for legal and financial independence laid down in Article 35(2) of Schedule 1 and where, by the expiry of the time-period referred to in Article 35(6) of Schedule 1, compliance with the requirements could not be established.

*Article 18*

**Suspension of services**

The contract shall specify that suspension of services in case of late payments by a manufacturer or importer to the provider shall be prohibited, unless the delay exceeds the final payment deadline by thirty days or more.

*Article 19*

**Data portability**

1. The contract shall require providers to ensure full data portability in cases where a manufacturer or importer contracts a new provider to operate its data repository. The current provider shall deliver to the new provider, prior to the date of termination of the contract, an

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up-to-date copy of all data stored in the data repository. Any updates to the data after that delivery shall be migrated to the new provider without undue delay.

2. In order to ensure business continuity, the contract shall include an applicable exit plan laying down the procedure to be followed in case of the termination of the contract and a new provider is contracted by the manufacturer or importer. The plan shall include a requirement for the current provider to continue providing its services until the new provider becomes operational.

3. The contract shall contain provisions ensuring that the current provider has no right of retention with respect to any data, information or other necessary material related to the data repository after they have been delivered to the new provider.

*Article 20*  
*Deleted*

*Article 21*  
*Deleted*

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**SCHEDULE 3**

*Regulation 3*

**COMMISSION IMPLEMENTING DECISION (EU) 2018/576  
of 15 December 2017 on technical standards for security features applied to tobacco  
products**

*Article 1*  
**Subject matter**

This Decision lays down technical standards for security features applied to unit packets of tobacco products placed on the Gibraltar market.

*Article 2*  
**Definitions**

For the purposes of this Schedule 3, in addition to the definitions laid down in the Part IVB of the Tobacco Act 1997, the following definitions shall apply:

- (a) ‘authentication element’ means an element of a security feature;
- (b) ‘overt’ means directly perceptible by one or more of the human senses without recourse to external devices. The ‘overt’ category of authentication solutions referred to in ISO 12931:2012 shall be presumed to meet this definition;
- (c) ‘semi-covert’ means not directly perceptible by the human senses but detectable by those senses through the use of external devices, such as a UV torch or a special pen or marker, which do not require expert knowledge or specialist training. The ‘covert’ category of authentication solutions authenticated with off-the-shelf tools referred to in ISO 12931:2012 shall be presumed to meet this definition;
- (d) ‘covert’ means not directly perceptible by the human senses and detectable only through the use of purpose built tools or professional laboratory equipment. The ‘covert’ categories of authentication solutions requiring purpose built tools and forensic analysis referred to in ISO 12931:2012 shall be presumed to meet this definition.

*Article 3*  
**Security feature**

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1. The Collector of Customs shall require security features to be composed of no less than five types of authentication elements, of which at least:

- (a) one is overt;
- (b) one is semi-covert;
- (c) one is covert.

2. The Collector of Customs shall require at least one of the authentication elements, referred to in paragraph 1, to be provided by an independent third-party provider meeting the requirements laid down in Article 8.

3. The Collector of Customs shall communicate to manufacturers and importers of tobacco products the combination or combinations of authentication elements that are to be used in security features applied to unit packets of tobacco products placed on its market.

The authentication elements referred to in the first subparagraph may include any of the overt, semi-covert and covert types of authentication elements set out in the Annex.

4. *Deleted.*

*Article 4*

**Use of tax stamps as security feature**

1. Where the Government allows tax stamps or national identification marks for fiscal purposes to be used to develop security features it shall ensure that the final security features comply with the requirements of Article 3 of this Schedule 3 and Part IVB of the Tobacco Act 1997.

2. Where a tax stamp or national identification mark for fiscal purposes intended for use as a security feature does not comply with one or more of the requirements referred to in paragraph 1, it shall only be used as a part of the security feature. In such cases, the Government shall ensure that manufacturers and importers of tobacco products are informed of the additional types of authentication elements required to develop a compliant security feature.

3. *Deleted.*

*Article 5*

**Applying security features to unit packets**

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1. The Government shall require security features to be applied to unit packets of tobacco products using any of the following methods:
  - (a) affixing;
  - (b) printing;
  - (c) combination of affixing and printing.
2. Security features shall be applied to unit packets of tobacco products in a manner that:
  - (a) allows for the identification and verification of the authenticity of an individual unit packet of tobacco product for the entire time the tobacco product is placed on the market; and
  - (b) protects them from being replaced, reused or modified in any way.

*Article 6*

**Integrity of security features**

1. The Government may decide, at any moment, to implement or withdraw schemes for the rotation of security features.
2. If the Collector of Customs has reasons to believe that the integrity of any authentication element of a security feature currently in use on their market is compromised, he shall require that the security feature concerned be replaced or modified. If the Collector of Customs detects a compromised security feature, he shall inform the manufacturers and importers and security feature providers concerned within 5 working days thereof.
3. The Government may lay down formal guidelines or requirements on the security of production and distribution procedures, such as those relating to the use of secure equipment and other components, audits, monitoring tools for production quantities, and secure shipping, in order to avert, deter, identify and mitigate the unlawful production, distribution or theft of security features and the authentication elements of which they are composed.

*Article 7*

**Verification of authenticity of tobacco products**

1. The Government shall ensure that it possesses the means necessary to analyse each combination of authentication elements that it permits to be used to develop security features, in accordance with Articles 3 and 4 of this Schedule 3, for the purposes of determining whether or not a unit packet of a tobacco product is authentic. The analysis should be carried out in line

with internationally recognised performance criteria and evaluation methodology, such as those laid down in ISO 12931:2012.

2. The Collector of Customs shall require manufacturers and importers of tobacco products located in Gibraltar to provide, upon written request, samples of tobacco products currently placed on the market. The samples shall be provided in unit packet format and include the applied security feature.

3. The Government shall, upon request, and with the consent of the Chief Minister assist any authority or person in the verification of the authenticity of a tobacco product destined for the national market of another state, including by sharing any samples obtained pursuant to paragraph 2.

*Article 8*

**Independence of authentication element providers**

1. For the purpose of Article 3(2), a provider of authentication elements, as well as, where applicable, its subcontractors, shall be considered independent, if the following criteria are met:

- (a) independence from the tobacco industry in terms of legal form, organisation and decision making. In particular it shall be assessed whether the undertaking or the group of undertakings is not under the direct or indirect control of the tobacco industry, including a minority shareholding;
- (b) independence from the tobacco industry in financial terms, which will be presumed if, before assuming its functions, the undertaking or the group of undertakings generates less than 10 % of its annual worldwide turnover, excluding VAT and any other indirect taxes, from goods and services supplied to the tobacco sector over the past 2 calendar years, as may be determined on the basis of the most recent approved accounts. For each subsequent calendar year, the annual worldwide turnover, excluding VAT and any other indirect taxes, from goods and services supplied to the tobacco sector shall not exceed 20 %;
- (c) absence of conflicts of interests with the tobacco industry of the persons responsible for the management of the undertaking or the group of undertakings, including members of the board of directors or any other form of governing body. In particular, they:
  - (i) shall not have participated in company structures of the tobacco industry for the last 5 years;

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- (ii) shall act independently from any pecuniary or non-pecuniary interest linked to the tobacco industry, including possession of stocks, participation in private pension programmes or interest held by their partners, spouses or direct relatives in the ascending or descending line.

2. Where a provider of authentication elements has recourse to sub-contractors, it shall remain responsible for ensuring compliance by those subcontractors with the independence criteria set out in paragraph 1.

3. The Collector of Customs may require providers of authentication elements, including where applicable their sub-contractors, to provide them with documents necessary to assess compliance with the criteria set out in paragraph 1. Such documents may include annual declarations of conformity with the independence criteria set out in paragraph 1. The Collector of Customs may require that the annual declarations include a full list of services provided to the tobacco industry during the last calendar year as well as individual declarations of financial independence from the tobacco industry provided by all management members of the independent provider.

4. Any change in circumstances related to the criteria referred to in paragraph 1, capable of affecting the independence of a provider of authentication elements (including, where applicable, its subcontractors), that subsist for 2 consecutive calendar years, shall be communicated without delay to the Collector of Customs.

5. Where, information obtained in accordance with paragraph 3, or the communication referred to in paragraph 4, discloses that a provider of authentication elements (including, where applicable, its subcontractors) no longer meets the requirements laid down in paragraph 1, then within a reasonable time period and at the latest by the end of the calendar year following the calendar year in which the information or communication was received, the Government shall take all measures necessary to ensure compliance with the criteria set out in paragraph 1.

6. Providers of authentication elements shall inform without delay the Collector of Customs about any occurrences of threats or other attempts at exercising undue influence that may actually or potentially undermine their independence.

7. Public authorities or undertakings governed by public law along with their subcontractors shall be presumed independent from the tobacco industry.

8. The procedures governing the monitoring of compliance with the independence criteria set out in paragraph 1 shall be subject to periodic review by the Government with a view to assessing their conformity with the requirements of this Schedule 3.

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*Article 9*  
**Transitional provision**

1. *Deleted.*

2. Tobacco products other than cigarettes and hand-rolling tobacco that were manufactured in Gibraltar or imported into Gibraltar before the Implementation Date of the Treaty on Gibraltar and the European Union and do not carry a security feature in accordance with this Schedule 3 may remain in free circulation until the period of 24 months from the Implementation Date of the Treaty on Gibraltar and the European Union.

*Article 10*  
**Addressees**

*Deleted*

**ANNEX**

**TYPES OF AUTHENTICATION ELEMENTS**

<b>Overt</b>	<b>Semi-covert</b>	<b>Covert</b>
<p><b>Guilloche</b></p> <p>Ornamental pattern of two or more interlaced bands that are printed in multiple non-standard colours.</p>	<p><b>Laser images</b></p> <p>Image becomes visible to the human eye only when emblazed with a light of a specific wavelength, such as a laser pointer.</p>	<p><b>DNA taggants</b></p> <p>Forensic marker which uses combinatorial mathematical principles to define nucleotide sequences.</p>
<p><b>Rainbow printing</b></p> <p>Combination of two or more colours and subtly merging of colours into each other, which leads to the formation of intervening tints (taking on rainbow colours).</p>	<p><b>Polarised image</b></p> <p>Image becomes visible to the human eye only when a specific polarising filter is placed over it.</p>	<p><b>Molecular taggants</b></p> <p>Chemical marker which, often formulated in the base materials of the object tagged to, allows for the detection of dilution and mix ratios in materials. Uniquely encoded and incorporated at trace levels.</p>
<p><b>Latent image</b></p> <p>A line pattern printed by intaglio that reveals a different image when tilting the object on which it is printed. May be combined with colour-changing ink.</p>	<p><b>UV dull paper</b></p> <p>Special paper that will not reflect ultraviolet light. Suitable for printing with ultraviolet (UV) inks that will show up under special UV lamps.</p>	<p><b>Security fibres (covert)</b></p> <p>Invisible fluorescent fibres that are randomly placed on suitable paper. Cannot be scanned or photocopied and will only become visible under special UV lamps.</p>
<p><b>Colour-changing ink</b></p>	<p><b>Security fibres (semi-covert)</b></p>	<p><b>Magnetic elements</b></p>

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Reveals changing colours when viewed under different angles.	Visible fluorescent fibres fully or partially embedded in a random pattern that is non-reproducible. May come in a range of colours and shapes. Change their colour under UV light.	Pattern of magnetic elements that generate a signal or a series of signals, which can be detected remotely by special identification devices.
<b>Tactile patterns</b> Intaglio printing producing a raised tactile relief, which can be authenticated under oblique light. May be combined with latent image.	<b>Microprint</b> Print using extremely small text that requires magnification to become readable with the naked eye.	<b>Anti-Stokes inks</b> Inks with Anti-Stokes properties that can be examined using a video spectral comparator (VSC instruments).
<b>Hologram</b> Display of a fully three-dimensional photographic recording of a light field with angle of observation.	<b>Thermochromic ink</b> Heat reactive ink that is sensitive to temperature change. Ink will change colour or disappear when exposed to temperature changes.	<b>Reactive inks (covert)</b> Colourless or transparent inks that become visible upon reaction with a specific solvent that is applied by means of purpose built tools under laboratory conditions.
	<b>Reactive inks (semi-covert)</b> Colourless or transparent inks that become visible upon reaction with a specific solvent that is applied by means of a special pen or marker.	