

Subsidiary Legislation made under s.13.

TGEU Implementation (Eurojust) Regulations 2026

LN.2026/137

Commencement **15.7.2026**

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SCHEDULE **FORMS OF CRIME**

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In exercise of the powers conferred upon it by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and for the purposes of implementing Chapter 2 of Title V of Part 2 of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other Part, the Government has made the following Regulations—

Title.

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

Commencement.

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

Interpretation.

3. In these Regulations—

“Assistant” means a person who may assist a National Member and the National Member's Deputy, or the Liaison Prosecutor, as referred to in regulation 9;

“competent authority” for Gibraltar, means the person or body designated under regulation 5;

“national contact point” means the contact point(s) to Eurojust, appointed or put in place by the United Kingdom pursuant to Article 584 of the Trade and Cooperation Agreement, including the contact points designated as the Domestic Correspondent for Terrorism Matters;

“Domestic Correspondent for Terrorism Matters” means the contact point designated by the United Kingdom, responsible for handling correspondence related to terrorism matters;

“EPPO” means the European Public Prosecutor’s Office;

“Eurojust” means the European Union Agency for Criminal Justice Cooperation, set up under Regulation (EU) 2018/1727 of the European Parliament and of the Council (the “Eurojust Regulation”);

“Europol” means the European Union Agency for Law Enforcement Cooperation;

“Liaison Magistrate” means the magistrate posted by Eurojust to the United Kingdom in accordance with Article 96 of the TGEU;

“Liaison Prosecutor” means the public prosecutor seconded by the United Kingdom to Eurojust and subject to the domestic law of the United Kingdom as regards the public prosecutor's status, in accordance with Article 95 of the TGEU;

“National Member” means the National Member seconded to Eurojust by each Member State, as referred to in the Eurojust Regulation;

“OLAF” means the European Anti-Fraud Office;

“Trade and Cooperation Agreement” means the Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part which entered into force on 1 May 2021.

Purpose.

4.(1) The purpose of these Regulations is to give effect to Chapter 2 of Title V of Part 2 of the TGEU and to establish and regulate cooperation between the competent authorities of Gibraltar and Eurojust for the purpose of supporting the prevention, investigation and prosecution of the forms of serious crime listed in the Schedule.

(2) The cooperation referred to in subregulation (1) includes the exchange of information, participation in coordination activities and the provision of assistance in criminal proceedings, subject to appropriate safeguards.

(3) “Appropriate safeguards” in subregulation (2) shall include those relating to data protection, confidentiality and the proper use of information.

Competent authority.

5.(1) The competent authority for the purposes of these Regulations is the Attorney General.

(2) The Attorney General may delegate the discharge of any of his functions under these Regulations to the Director of Public Prosecutions.

(3) With the consent of the Minister for Justice and after a delegation under subregulation (2), the Director of Public Prosecutions may delegate to a Crown Counsel under his charge any function, power or discretion of the Attorney General that is exercisable by the Director of Public Prosecutions.

Communication.

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6. The competent authority shall ensure that all communications and notifications made by it under these Regulations shall be performed through the national contact point, the Liaison Prosecutor or, where necessary, the Assistants.

Forms of crime.

7.(1) The cooperation referred to in regulation 4 relates to the forms of serious crime within the competence of Eurojust, as listed in the Schedule, including related criminal offences.

(2) In this regulation, “related criminal offences” means those criminal offences committed in order to procure the means of committing forms of serious crime referred to in subregulation (1), criminal offences committed in order to facilitate or commit such serious crimes, and criminal offences committed to ensure impunity for such serious crimes.

(3) The list of forms of serious crime in the Schedule shall be updated in accordance with any amendments made by the Specialised Committee on Circulation of Persons to Annex 11 of the TGEU.

Scope of cooperation.

8. The competent authority shall cooperate with Eurojust in the fields of activity set out in Articles 2 and 54 of the Eurojust Regulation, namely-

- (a) supporting and strengthening coordination between national investigating and prosecuting authorities in relation to the forms of crime listed in the Schedule where that crime affects two or more Member States, or requires prosecution on common bases, on the basis of operations conducted and information supplied by the Member States’ authorities, by Europol, by the EPPO and by OLAF; and
- (b) coordinating the execution of requests for judicial cooperation issued by a third country where such requests require execution in at least two Member States as part of the same investigation.

Liaison Prosecutor.

9.(1) For the purposes of these Regulations, the competent authority shall liaise directly with the Liaison Prosecutor and Assistants to the Liaison Prosecutor, seconded pursuant to Article 585(1) and (3) of the Trade and Cooperation Agreement.

(2) Subject to domestic law, for the purposes of Article 95(4) of the TGEU, the competent authority shall share with the Liaison Prosecutor and his Assistants information contained in the criminal records, or in any other relevant registers kept or maintained by the competent authority or any other authority in Gibraltar.

(3) The Liaison Prosecutor and any Assistants may contact the competent authority directly for the purposes of cooperation under these Regulations.

(4) The working documents of the Liaison Prosecutor and the Liaison Prosecutor's Assistants shall be held inviolable by Eurojust.

Exchange of non-personal data.

10. The competent authority may exchange with Eurojust, in accordance with regulation 12, any non-personal data in so far as those data are relevant for the cooperation referred to in regulation 4, and subject to any restrictions pursuant to regulation 15.

Exchange of personal data.

11.(1) Personal data requested and received by the competent authority under these Regulations shall be processed by them only for the objectives set out in regulation 4, for the specific purposes referred to in subregulation (2) and subject to the restrictions on access or further use referred to in subregulation (3).

(2) Where the competent authority is the transferring competent authority, it shall clearly indicate, at the latest when transferring personal data, the specific purpose or purposes for which the data are being transferred.

(3) Where the competent authority is the transferring competent authority, it may indicate, when transferring personal data, any restriction on access thereto or the use to be made thereof, in general or specific terms, including as regards its onward transfer, erasure or destruction after a certain period of time, or its further processing.

(4) Where the need for restrictions referred to in subregulation (3) becomes apparent after the personal data has been provided, the competent authority shall inform Eurojust accordingly.

(5) Where the competent authority is the receiving competent authority, it shall comply with any restriction on access or further use of the personal data indicated by Eurojust.

Channels of transmission.

12.(1) The competent authority shall ensure that its officers are authorised to exchange information at the appropriate level and in accordance with domestic law and are adequately screened.

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(2) Information may be exchanged between the Liaison Magistrate and the competent authority, if-

- (a) it is necessary;
- (b) the case is urgent;
- (c) Eurojust has posted a Liaison Magistrate to the United Kingdom; and
- (d) it is considered appropriate by both the Liaison Magistrate and the relevant competent authority.

(3) In the event of an exchange of information between the Liaison Magistrate and the competent authority, the Liaison Prosecutor or the Liaison Prosecutor's Assistants, shall be informed of any such information exchange.

Onward transfers.

13. The competent authority shall not communicate any information provided by Eurojust to any third country or international organisation without the consent of the competent authority of Eurojust that provided the information and without appropriate safeguards regarding the protection of personal data.

Liability for unauthorised or incorrect personal data processing.

14.(1) The competent authority shall be liable, in accordance with domestic law, for any damage caused to an individual as a result of inaccurate or unlawfully processed information exchanged in accordance with these Regulations.

(2) In order to avoid liability under domestic law vis-à-vis an injured party, the competent authority may not plead that Eurojust had transferred inaccurate information.

(3) If damages are awarded against the competent authority because of its use of information which was erroneously communicated to it, or communicated as a result of a failure on the part of Eurojust, to comply with their obligations, the amount paid as compensation under subregulation (1) by the competent authority shall be recoverable by the competent authority from Eurojust, unless the information was used in breach of these Regulations.

(4) The competent authority shall not require Eurojust to pay for punitive or non-compensatory damages under subregulations (1) and (3).

(5) Where an individual brings a claim against an authority which is competent for the purposes of the Eurojust Regulation, for damage caused to them as a result of legal or factual

errors in information which was sourced from the competent authority, and damages are awarded against that authority, the amount paid by that authority as compensation shall be recoverable from the competent authority, save that it shall not be liable for any punitive or non-compensatory damages.

Exchange of classified and sensitive non-classified information.

15. The exchange and protection of classified and sensitive non-classified information, if necessary under these Regulations, shall be regulated by a working arrangement as referred to in regulation 16.

Working arrangement.

16.(1) The modalities of the cooperation referred to in regulation 4, as appropriate to implement the provisions of these Regulations, shall be the subject of a working arrangement concluded between Eurojust and the competent authorities of the United Kingdom in accordance with Articles 47(3) and 56(3) of the Eurojust Regulation.

(2) The competent authorities of the United Kingdom and Eurojust may agree that any existing working arrangement between the competent authorities of the United Kingdom and Eurojust pursuant to Article 594 of the Trade and Cooperation Agreement shall also apply in respect of Gibraltar.

(3) The competent authority shall comply with existing working and administrative arrangements referenced in this regulation that Eurojust and the United Kingdom have agreed shall apply to Gibraltar.

SCHEDULE

FORMS OF CRIME

Forms of crime referred to in regulation 7 of these Regulations-

- (a) Terrorism;
- (b) Organised crime;
- (c) Drug trafficking;
- (d) Money-laundering activities;
- (e) Crime connected with nuclear and radioactive substances;
- (f) Immigrant smuggling;
- (g) Trafficking in human beings;
- (h) Motor vehicle crime;
- (i) Murder and grievous bodily injury;
- (j) Illicit trade in human organs and tissue;
- (k) Kidnapping, illegal restraint and hostage taking;
- (l) Racism and xenophobia;
- (m) Robbery and aggravated theft;
- (n) Illicit trafficking in cultural goods, including antiquities and works of art;
- (o) Swindling and fraud;
- (p) Crime against the financial interests of the Union;
- (q) Insider dealing and financial market manipulation;
- (r) Racketeering and extortion;
- (s) Counterfeiting and product piracy;

- (t) Forgery of administrative documents and trafficking therein;
- (u) Forgery of money and means of payment;
- (v) Computer crime;
- (w) Corruption;
- (x) Illicit trafficking in arms, ammunition and explosives;
- (y) Illicit trafficking in endangered animal species;
- (z) Illicit trafficking in endangered plant species and varieties;
- (aa) Environmental crime, including ship source pollution;
- (bb) Illicit trafficking in hormonal substances and other growth promoters;
- (cc) Sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes;
- (dd) Genocide, crimes against humanity and war crimes.