

Subsidiary Legislation made under s.13.

Single-Use Plastics Regulations 2026

LN.2026/160

Commencement **15.7.2026**

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In exercise of the powers conferred upon him under section 13 of the Treaty on Gibraltar and the European Union Act 2026 and all other enabling powers, and in order to make provision for the purposes of the implementation of Article 219(4) of the Agreement in respect of Gibraltar between the European Union and the European Atomic Energy Community of the one part and the United Kingdom of Great Britain and Northern Ireland in respect of Gibraltar, and to make equivalent provision for the provisions of Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment and for connected purposes, the Government has made the following Regulations—

PART 1 PRELIMINARY

Title and commencement.

1.(1) These Regulations may be cited as the Single-Use Plastics Regulations 2026.

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

Interpretation.

2.(1) In These Regulations, unless the context otherwise requires—

"authorised officer" means a customs officer or any person appointed under regulation 25;

"authorised representative" means a natural or legal person established in Gibraltar appointed by a producer in accordance with regulation 20;

"Climate Action Fund" has the meaning given in the Climate Change Act 2019;

"the Collector of Customs" has the same meaning as in the Imports and Exports Act;

"competent authority" means the authority designated under regulation 24;

"customs officer" has the meaning given in section 2 of the Imports and Exports Act;

"the Directive" means Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, as it has effect from time to time;

"extended producer responsibility scheme" means a scheme established under regulation 13;

"fishing activities" means searching for fish, the shooting, setting, towing and hauling of fishing gear, taking catch on board, transshipping, retaining on board, processing on board, transferring and caging of fish and fishery products;

"fishing gear" means any item or piece of equipment that is made wholly or partly from plastic and that is used in fishing or aquaculture to target, capture or rear marine biological resources or that is floating on the sea surface, and is deployed with the objective of attracting and capturing or of rearing such marine biological resources;

"waste fishing gear" means any fishing gear comprising waste, including all separate components, substances or materials that were part of or attached to such fishing gear when it was discarded, including when it was abandoned or lost;

"harmonised standard" has the meaning given in Article 3 of the Directive;

"Implementation Date" has the meaning given in section 3 of the Treaty on Gibraltar and the European Union Act 2026;

"the Imports and Exports Act" means the Imports and Exports Act 1986;

"the 1987 Regulations" means the Imports and Exports (Control) Regulations, 1987;

"the 2017 Regulations" means the Integrated Tariff Regulations 2017 made under the Imports and Exports Act;

"making available on the market" means any supply of a product for distribution, consumption or use on the market in Gibraltar in the course of a commercial activity, whether in return for payment or free of charge;

"medical device" means —

- (a) any instrument, apparatus, appliance, software, implant, reagent, material or other article, whether used alone or in combination, intended by the manufacturer to be used for human beings for one or more of the following specific medical purposes—
 - (i) diagnosis, prevention, monitoring, prediction, prognosis, treatment or alleviation of disease,
 - (ii) diagnosis, monitoring, treatment, alleviation of, or compensation for, an injury or disability,

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- (iii) investigation, replacement or modification of the anatomy or of a physiological or pathological process or state,
- (iv) providing information by means of in vitro examination of specimens derived from the human body, including organ, blood and tissue donations, or
- (v) control or support of conception,

and which does not achieve its principal intended action in or on the human body by pharmacological, immunological or metabolic means, but which may be assisted in its function by such means; or

- (b) any product falling within the scope of Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, as it has effect from time to time;

"the Minister" means the Minister with responsibility for the Environment;

"oxo-degradable plastic" means plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition;

"packaging" has the same meaning as in Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste;

"placing on the market" means the first making available of a product on the market in Gibraltar;

"plastic" means a material consisting of a polymer, to which additives or other substances may have been added, and which can function as a main structural component of final products, with the exception of natural polymers that have not been chemically modified;

"polymer" means a substance consisting of molecules characterised by the sequence of one or more types of monomer units, and which comprises—

- (a) a simple weight majority of molecules containing at least three monomer units which are covalently bound to at least one other monomer unit or other reactant; and
- (b) less than a simple weight majority of molecules of the same molecular weight;

"producer" means—

- (a) any natural or legal person established in Gibraltar that professionally manufactures, fills, sells or imports, irrespective of the selling technique used, including by means of distance contracts, and places on the market in Gibraltar single-use plastic products or filled single-use plastic products or fishing gear containing plastic, other than persons carrying out fishing activities; or
- (b) any natural or legal person established outside Gibraltar that professionally sells in Gibraltar directly to private households or to users other than private households, by means of distance contracts, single-use plastic products or filled single-use plastic products or fishing gear containing plastic, other than persons carrying out fishing activities;

"single-use plastic product" means a product that is made wholly or partly from plastic and that is not conceived, designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived;

"tobacco " has the same meaning as in the Tobacco Act, 1997;

"tobacco product" means a product that can be consumed and consists, even partly, of tobacco, whether genetically modified or not;

"waste" has the same meaning as in the Environment (Waste) Regulations 2007.

(2) Expressions used in these Regulations and in the Directive have, unless the context otherwise requires, the same meaning as in the Directive.

(3) A reference in these Regulations to a product listed in a Schedule is a reference to a product of the description set out in that Schedule.

Scope and application.

3.(1) These Regulations applies to the single-use plastic products listed in the Schedules, to products made from oxo-degradable plastic and to fishing gear containing plastic.

(2) Nothing in these Regulations shall be construed as affecting the operation of paragraph 19 or paragraph 20 of Schedule 1 to the 1987 Regulations, or any provision of the 2017 Regulations, in so far as those provisions relate to the importation of single-use plastic products

or plastic bags; and the prohibitions, restrictions and duties imposed under those Regulations shall continue in full force and effect.

- (3) These Regulations does not apply to any—
- (a) single-use plastic product that is a medical device;
 - (b) any single-use plastic product that is a medicinal product within the meaning of section 60 of the Medical and Health Act 1997; or
 - (c) any product on board a ship or aircraft which are intended only for the use of, or for sale to, its passengers or members of the crew.
- (4) Where these Regulations conflicts with the provisions of any other enactment, these Regulations shall prevail to the extent of the conflict.

PART 2

REDUCTION OF SINGLE USE-PLASTIC PRODUCTS

Consumption reduction measures.

4.(1) The Government shall take measures to achieve an ambitious and sustained reduction in the consumption of single-use plastic products listed in Schedule 1 in Gibraltar.

(2) The measures referred to in subregulation (1) shall achieve a measurable quantitative reduction in the consumption of single-use plastic products listed in Schedule 1 by 2026 compared to 2022.

- (3) Without prejudice to the generality of subregulation (1), the measures may include—
- (a) setting consumption reduction targets;
 - (b) ensuring that re-usable alternatives to the single-use plastic products listed in Schedule 1 are made available at the point of sale to the final consumer;
 - (c) economic instruments, including instruments ensuring that such single-use plastic products are not provided free of charge at the point of sale to the final consumer; and
 - (d) agreements between the competent authority and economic sectors.
- (4) Measures adopted under these Regulations shall –

- (a) be proportionate and non-discriminatory;
- (b) comply with applicable laws relating to food;
- (c) shall not compromise food hygiene, food safety, good hygiene practices, good manufacturing practices, consumer information, or traceability requirements; and
- (d) are consistent with Gibraltar's waste management plans, waste prevention programmes, and any plans or programmes drawn up under any enactment relating to the protection of the marine environment.

(5) The Government shall make a description of the measures adopted under this regulation publicly available.

Awareness raising measures.

5.(1) The Government shall take measures to inform consumers and to incentivise responsible consumer behaviour in order to reduce litter from products to which these Regulations applies and shall take measures to inform consumers of the single-use plastic products listed in Schedule 7 and users of fishing gear containing plastic about the matters set out in subregulation (2).

(2) The Government shall in particular take measures to inform consumers and users referred to in subregulation (1) about the following—

- (a) the availability of re-usable alternatives, re-use systems and waste management options for those products, as well as best practices in sound waste management;
- (b) the impact of littering and other inappropriate waste disposal of those products on the environment, in particular on the marine environment; and
- (c) the impact of inappropriate means of waste disposal of those products on the sewer network.

(3) The information referred to in subregulation (2) shall not contain any promotional content encouraging the use of single-use plastic products.

(4) The Government shall encourage the use of sustainable alternatives to single-use plastic where possible for materials intended to come into contact with food.

Power of Minister to impose charges.

6.(1) The Minister may, by rules, provide for a charge to be imposed on the supply of any single-use plastic product listed in Schedule 1 at the point of sale to the final consumer.

(2) Rules under subregulation (1) may make provision as to—

- (a) the amount of the charge, or the method by which the amount is to be determined;
- (b) the persons liable to pay the charge;
- (c) the persons responsible for collecting the charge;
- (d) the application of sums received by way of the charge;
- (e) record-keeping and reporting requirements; and
- (f) offences and penalties for non-compliance with the regulations.

(3) Charges paid pursuant to this regulation shall be paid in to the Climate Action Fund.

Prohibition on placing on the market of certain single-use plastic products.

7.(1) No person shall place on the market in Gibraltar any single-use plastic product listed in Schedule 2.

(2) For the avoidance of doubt, this regulation applies to the placing on the market of single-use plastic products by any means, including by way of domestic manufacture, importation, distribution, or making available on the market.

(3) For the avoidance of doubt, this regulation does not apply to single-use plastic products listed in Schedule 2 which are in transit through Gibraltar or which are stored in Gibraltar solely for the purpose of onward shipment to a destination outside Gibraltar, provided that such products are not made available on the market in Gibraltar.

Prohibition on placing on the market of products made from oxo-degradable plastic.

8. No person shall place on the market in Gibraltar any product made from oxo-degradable plastic.

PART 3
PRODUCT REQUIREMENTS

Tethered caps and lids.

9.(1) No person shall place on the market in Gibraltar any single-use plastic product listed in Schedule 3 which has caps or lids made of plastic, unless the caps and lids remain attached to the container during the product's intended use stage.

(2) For the purposes of this regulation, metal caps or lids with plastic seals shall not be considered to be made of plastic.

(3) A single-use plastic product referred to in subregulation (1) which is in conformity with any relevant harmonised standard, or any standard designated by the Minister by notice in the Gazette, shall be presumed to be in conformity with the requirement laid down in subregulation (1).

(4) The Minister may, by notice in the Gazette, designate standards for the purposes of subregulation (3).

Recycled content in beverage bottles.

10.(1) A producer who places beverage bottles listed in Schedule 6 on the market in Gibraltar shall ensure that—

- (a) from 2025, beverage bottles manufactured from polyethylene terephthalate as the major component ("PET bottles") contain at least 25% recycled plastic, calculated as an average for all such PET bottles placed on the market in Gibraltar; and
- (b) from 2030, all beverage bottles listed in Schedule 6 contain at least 30% recycled plastic, calculated as an average for all such beverage bottles placed on the market in Gibraltar.

(2) The Minister may, by regulations, make provision for the methodology for the calculation and verification of the targets established in subregulation (1), including the method of data collection, reporting and audit.

(3) Regulations made under subregulation (2) shall have regard to any implementing acts adopted by the European Commission under Article 6(5) of the Directive.

Marking of specified single-use plastic products.

11.(1) No person shall place on the market in Gibraltar any single-use plastic product listed in Schedule 4 unless the product bears a conspicuous, clearly legible and indelible marking on

its packaging or on the product itself, in accordance with the marking specifications established under regulation 12, informing consumers of—

- (a) appropriate waste management options for the product or waste disposal means to be avoided for that product; and
- (b) the presence of plastics in the product and the resulting negative impact of littering or other inappropriate means of waste disposal of the product on the environment.

(2) The marking required by subregulation (1) shall, in the case of products listed in paragraphs (1), (2) and (3) of Schedule 4, be placed on the sales packaging and, where applicable, the grouped packaging of those products; and where multiple sales units are grouped at the point of purchase, each sales unit shall bear a marking on its packaging.

(3) The marking required by subregulation (2) shall not be required in respect of packaging with a printable surface area of less than 10 cm².

(4) The marking required by subregulation (1) shall, in the case of products listed in paragraph (4) of Schedule 4, be placed on the product itself.

(5) In the event of any inconsistency between subregulations (2) to (4) and the marking specifications established under regulation 12, the marking specifications shall prevail.

(6) The provisions of this regulation concerning tobacco products shall be in addition to those laid down in the Tobacco Act, 1997 and any regulations made thereunder.

Marking specifications.

12.(1) The marking specifications applicable to single-use plastic products listed in Schedule 4 shall be those established by Commission Implementing Regulation (EU) 2020/2151 of 17 December 2020 laying down harmonised marking specifications on single-use plastic products listed in Part D of the Annex to the Directive.

(2) The Minister may, by notice in the Gazette, publish supplementary or alternative marking specifications to apply in Gibraltar, provided that such specifications are consistent with any applicable harmonised marking specifications adopted under the Directive.

PART 4 EXTENDED PRODUCER RESPONSIBILITY

Establishment of extended producer responsibility schemes.

13.(1) The competent authority shall establish, or cause to be established, extended producer responsibility schemes for the single-use plastic products listed in Schedule 5 which are placed on the market in Gibraltar.

(2) Extended producer responsibility schemes established under subregulation (1) shall operate in accordance with the general requirements applicable to extended producer responsibility schemes as set out in the Directive.

(3) The Minister shall, within 12 months of the commencement of these Regulations, make regulations providing for the establishment, administration, operation and enforcement of extended producer responsibility schemes, which may include provision as to—

- (a) the registration of producers;
- (b) the financial contributions payable by producers;
- (c) the collection, management and application of financial contributions;
- (d) the governance and oversight of scheme operators;
- (e) data collection, record-keeping and reporting;
- (f) the roles and responsibilities of all relevant actors;
- (g) the resolution of disputes;
- (h) financial guarantees to be provided by producers or scheme operators to ensure the continued performance of waste management obligations in the event of insolvency or cessation of operations; and
- (i) the modulation of financial contributions having regard to the environmental impact, durability, reparability, recyclability and the presence of hazardous substances in products.

(4) The competent authority shall define in a clear way the roles and responsibilities of all relevant actors involved in an extended producer responsibility scheme

(5) The competent authority designated under regulation 23 may, with the approval of the Minister, enter into arrangements with any authority designated as competent authority under the Environment (Waste) Regulations 2007 for the purpose of—

- (a) sharing administrative functions, systems, data and resources in respect of extended producer responsibility;
- (b) maintaining a common register of producers; and
- (c) avoiding duplication of administrative requirements on producers who are subject to extended producer responsibility obligations under both these Regulations and the Environment (Waste) Regulations 2007.

Extended producer responsibility for fishing gear containing plastic.

14.(1) The competent authority shall establish, or cause to be established, an extended producer responsibility scheme for fishing gear containing plastic placed on the market in Gibraltar, in accordance with the general requirements applicable to extended producer responsibility schemes as set out in the Directive.

(2) The Government shall set a minimum annual collection rate of waste fishing gear containing plastic for recycling.

(3) The Minister shall, within 12 months of the commencement of these Regulations, make regulations prescribing—

- (a) the minimum annual collection rate referred to in subregulation (2);
- (b) the methodology for the calculation and verification of the collection rate; and
- (c) such other provision for the establishment, administration, operation and enforcement of the extended producer responsibility scheme for fishing gear containing plastic as the Minister considers necessary.

(4) The competent authority shall monitor fishing gear containing plastic placed on the market in Gibraltar and waste fishing gear containing plastic collected in Gibraltar.

Producer obligations: fishing gear containing plastic.

15.(1) The producers of fishing gear containing plastic shall cover the following costs—

- (a) the costs of the separate collection of waste fishing gear containing plastic that has been delivered to port reception facilities in Gibraltar or to other equivalent collection systems, and the costs of its subsequent transport and treatment;

- (b) the costs of the awareness raising measures referred to in regulation 5 regarding fishing gear containing plastic.

(2) The costs to be covered under subregulation (1) shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between the actors concerned.

(3) Regulation 18 shall apply to the costs referred to in subregulation (1) as it applies to the costs referred to in regulation 16 and 17.

Producer obligations: Section I products.

16. The producers of the single-use plastic products listed in Section I of Schedule 5 shall cover the following costs—

- (a) the costs of the awareness raising measures referred to in regulation 5 regarding those products;
- (b) the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste; and
- (c) the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter.

Producer obligations: Section II and Section III products.

17.(1) The producers of the single-use plastic products listed in Section II and Section III of Schedule 5 shall cover at least the following costs—

- (a) the costs of the awareness raising measures referred to in regulation 5 regarding those products;
- (b) the costs of cleaning up litter resulting from those products and the subsequent transport and treatment of that litter; and
- (c) the costs of data gathering and reporting.

(2) In addition to the costs referred to in subregulation (1), the producers of the single-use plastic products listed in Section III of Schedule 5 shall cover the costs of waste collection for those products that are discarded in public collection systems, including the infrastructure and its operation, and the subsequent transport and treatment of that waste.

(3) The costs referred to in subregulation (2) may include the setting up of specific infrastructure for the waste collection for those products, such as appropriate waste receptacles in common litter hotspots.

Costs and cost recovery.

18.(1) The costs to be covered under sections 16 and 17 shall not exceed the costs that are necessary to provide the services referred to therein in a cost-efficient way and shall be established in a transparent way between the actors concerned.

(2) The costs of cleaning up litter shall be limited to activities undertaken by public authorities or on their behalf.

(3) The competent authority may determine financial contributions towards the costs of cleaning up litter by setting appropriate multiannual fixed amounts.

Producer registration.

19.(1) A producer shall not place on the market in Gibraltar any single-use plastic product listed in Schedule 5 or any fishing gear containing plastic, unless the producer, or the producer's authorised representative, is registered with the competent authority.

(2) The Minister may, by regulations, make provision for the establishment and operation of a register of producers and authorised representatives, including—

- (a) the information to be provided on registration;
- (b) the period of validity of registration and the procedure for renewal;
- (c) fees payable on registration; and
- (d) the circumstances in which registration may be refused, suspended or cancelled.

Authorised representatives.

20.(1) A producer established outside Gibraltar who places single-use plastic products listed in Schedule 5 or fishing gear containing plastic on the market in Gibraltar may appoint a natural or legal person established in Gibraltar as an authorised representative for the purpose of fulfilling the obligations of a producer under this Part.

(2) A producer established in Gibraltar who sells single-use plastic products listed in Schedule 5 or fishing gear containing plastic in another jurisdiction in which the producer is not established shall, where required to do so under the law of that other jurisdiction, appoint an authorised representative in that other jurisdiction.

PART 5 SEPARATE COLLECTION

Separate collection targets for beverage bottles.

21.(1) The Government shall take the necessary measures to ensure the separate collection for recycling of waste single-use plastic beverage bottles listed in Schedule 6 as follows—

- (a) by 2025, an amount of waste single-use plastic beverage bottles equal to 77% by weight of such products placed on the market in Gibraltar in a given year; and
 - (b) by 2029, an amount of waste single-use plastic beverage bottles equal to 90% by weight of such products placed on the market in Gibraltar in a given year.
- (2) In order to achieve the targets set out in subregulation (1), the Government may—
- (a) establish a deposit-refund scheme in accordance with regulation 22;
 - (b) establish separate collection targets within the framework of extended producer responsibility schemes established under regulation 13; or
 - (c) take any other measure that the Government considers appropriate.

(3) The Minister may, by regulations, make provision for the methodology for the calculation and verification of the targets established in subregulation (1).

Deposit-refund schemes.

22.(1) The Minister may, by regulations, establish a deposit-refund scheme for single-use plastic beverage bottles listed in Schedule 6.

- (2) Regulations under subregulation (1) may make provision as to—
- (a) the amount of the deposit payable on each beverage bottle;
 - (b) the persons liable to charge, collect and refund the deposit;

- (c) the establishment and administration of a scheme operator;
- (d) the obligations of retailers, producers and other relevant persons;
- (e) the collection, transport and treatment of returned bottles;
- (f) record-keeping, data reporting and audit requirements;
- (g) the handling of unredeemed deposits; and
- (h) offences and penalties for non-compliance.

PART 6 ENFORCEMENT

Competent authority.

23.(1) The Minister shall, by notice in the Gazette, designate a competent authority for the purposes of these Regulations.

(2) The competent authority shall have such functions as are conferred or imposed on it by or under these Regulations.

(3) Different bodies may be designated as the competent authority for different purposes or different provisions of these Regulations.

(4) Pending designation under subregulation (1), the Minister shall be the competent authority for the purposes of these Regulations.

Appointment of authorised officers.

24.(1) The competent authority may appoint in writing such persons as it considers appropriate to be authorised officers for the purposes of these Regulations.

(2) An authorised officer shall, when exercising any power conferred by these Regulations, produce evidence of his or her appointment if required to do so.

Powers of authorised officers.

25.(1) An authorised officer may, for the purpose of ascertaining whether an offence under these Regulations has been or is being committed—

- (a) at any reasonable time enter any premises, other than premises used solely as a dwelling, at which the officer has reasonable grounds for believing that single-use plastic products are manufactured, stored, distributed, offered for sale or sold;
- (b) inspect any products, containers, packaging, marking or labelling found on those premises;
- (c) require the production of, and inspect and take copies of or extracts from, any records or documents (in whatever form) which the officer has reasonable grounds for believing to be relevant;
- (d) require any person who the officer has reasonable grounds for believing is or has been concerned in the manufacture, importation, distribution, sale or placing on the market of a product to which these Regulations applies to give such information as the officer may reasonably require;
- (e) take samples of any product for testing or analysis; and
- (f) take photographs or make recordings of anything found on the premises which the officer has reasonable grounds for believing to be relevant to an offence under these Regulations.

(2) An authorised officer may, if they have reasonable grounds for suspecting that an offence under these Regulations has been committed, seize and detain any product which appears to the officer to be a product in respect of which an offence has been or is being committed.

(3) A justice of the peace may, on the sworn information of an authorised officer, issue a warrant authorising the officer to enter premises, by force if necessary, if the justice is satisfied that there are reasonable grounds for the officer to enter the premises for a purpose referred to in subregulation (1) and that—

- (a) entry has been refused or is likely to be refused;
- (b) the premises are unoccupied; or
- (c) the purpose of the entry would be defeated by prior notice.

Obstruction of authorised officers.

26. A person who—

- (a) intentionally obstructs an authorised officer in the exercise of any power conferred by these Regulations;
- (b) without reasonable excuse fails to comply with any requirement made by an authorised officer under regulation 25; or
- (c) in purported compliance with any such requirement furnishes information which the person knows to be false or misleading in a material particular,

shall be guilty of an offence.

Powers of seizure and detention.

27.(1) Where an authorised officer has reasonable grounds for believing that any single-use plastic product has been placed on the market in contravention of regulation 7, 8, 9 or 11, the officer may seize and detain the product.

(2) Where a product has been seized and detained under subregulation (1), the competent authority shall, as soon as reasonably practicable, give notice in writing to the person from whom the product was seized stating—

- (a) that the product has been seized;
- (b) the reason for the seizure; and
- (c) the right of that person to apply to the Supreme Court for the return of the product.

(3) A product seized and detained under this regulation may be retained for a period not exceeding six months from the date of seizure, or until proceedings for an offence in connection with the product have been finally determined, whichever is the later.

Forfeiture.

28.(1) Where a person is convicted of an offence under these Regulations, the court may order the forfeiture and disposal of any product in respect of which the offence was committed.

(2) Where a product seized under regulation 27 is not the subject of proceedings within six months of seizure, or where proceedings are discontinued, the product shall be returned to the person from whom it was seized, unless a court orders otherwise.

PART 7
OFFENCES AND PENALTIES

Offences.

29.(1) A person who contravenes regulation 7(1) is guilty of an offence.

(2) A person who contravenes regulation 8 is guilty of an offence.

(3) A person who contravenes regulation 9(1) is guilty of an offence.

(4) A person who contravenes regulation 10(1) is guilty of an offence.

(5) A person who contravenes regulation 11 is guilty of an offence.

(6) A person who contravenes regulation 14(1) is guilty of an offence.

(7) A person who contravenes regulation 19(1) is guilty of an offence.

(8) A person who contravenes regulation 26 is guilty of an offence.

Penalties.

30.(1) A person guilty of an offence under regulation 29(1) or (2) shall be liable—

(a) on summary conviction, to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months, or to both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years, or to both.

(2) A person guilty of an offence under regulation 29(3), (4), (5) or (6) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) A person guilty of an offence under regulation 29(7) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) The penalties provided for in this regulation shall be effective, proportionate and dissuasive.

Offences by bodies corporate.

31.(1) Where an offence under these Regulations committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on

the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subregulation (1) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if the member were a director of the body corporate.

(3) Where an offence under these Regulations is committed by a partnership or an unincorporated association, proceedings may be brought against the partnership or association in its own name, and for the purposes of such proceedings, any rules of court relating to service of documents shall have effect as if the partnership or association were a body corporate.

Fixed penalty notices.

32.(1) The Minister may, by regulations, make provision for the imposition of fixed penalty notices in respect of offences under these Regulations which are triable summarily.

(2) Regulations under subregulation (1) may make provision as to—

- (a) the offences to which fixed penalty notices may apply;
- (b) the amount of the fixed penalty or the method by which the amount is to be determined;
- (c) the form and content of fixed penalty notices;
- (d) the period within which payment shall be made;
- (e) the consequences of non-payment; and
- (f) the application of sums received by way of fixed penalties.

Defence of due diligence.

33.(1) In any proceedings for an offence under these Regulations, it shall be a defence for the accused to prove that the accused took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) Without prejudice to the generality of subregulation (1), a person shall be taken to have established a defence under that subregulation if the person proves—

- (a) that the commission of the offence was due to a mistake, or to reliance on information supplied to

the person, or to the act or default of another person, or to an accident or some other cause beyond the person's control; and

- (b) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence.

(3) Where the defence provided by this regulation involves an allegation that the commission of the offence was due to the act or default of another person, the accused shall not, without leave of the court, be entitled to rely on that defence unless, not less than seven clear days before the date of the hearing, the accused has served on the prosecution a notice in writing giving such information identifying or assisting in the identification of that other person as was then in the accused's possession.

PART 8

MISCELLANEOUS AND SUPPLEMENTARY

Exemptions.

34.(1) The Minister may, by regulations, provide for exemptions from any provision of these Regulations in such circumstances and subject to such conditions as may be prescribed.

(2) Without prejudice to the generality of subregulation (1), the Minister may in particular provide for exemptions in respect of—

- (a) products used in connection with medical devices or medicinal products;
- (b) products placed on the market in limited quantities for the purposes of research or product development;
- (c) products in transit through Gibraltar; and
- (d) such other categories of product as the Minister considers appropriate.

Power to amend Schedules.

35. The Minister may, by notice in the Gazette, amend any Schedule to these Regulations for the purpose of—

- (a) adding, removing or varying the description of any product;
- (b) giving effect to any amendment to the Annex to the Directive; or
- (c) giving effect to any implementing act or delegated act adopted under the Directive.

Regulations.

36.(1) The Minister may make regulations for any purpose connected with or incidental to these Regulations or for the purpose of giving full effect to the Directive.

(2) Regulations under these Regulations may—

- (a) make different provision for different purposes or different areas;
- (b) contain incidental, supplementary, consequential, transitional or saving provisions;
- (c) amend, repeal or revoke any enactment (including these Regulations) for the purposes of giving full effect to the Directive;
- (d) create offences and provide for penalties not exceeding level 5 on the standard scale or imprisonment for a term not exceeding six months, or both; and
- (e) confer functions on the competent authority or any other public body.

Guidance.

37.(1) The competent authority may publish guidance as to the operation of these Regulations and any regulations made under it.

(2) In particular, and without prejudice to the generality of subregulation (1), the competent authority may publish guidance as to—

- (a) whether a product is to be considered a single-use plastic product for the purposes of these Regulations, having regard to the guidelines published by the European Commission under Article 12 of the Directive;
- (b) the operation of extended producer responsibility schemes;
- (c) the methodology for the calculation of separate collection targets and recycled content targets; and

(d) best practices for compliance with the marking requirements.

(3) The competent authority and authorised officers shall have regard to any guidance published under this section.

Savings and transitional provisions.

38.(1) Any licence, permit, approval or exemption granted under the 1987 Regulations or the 2017 Regulations in respect of single-use plastic products or plastic bags and which is in force immediately before the commencement of these Regulations shall continue in force and shall be treated as if granted under the corresponding provision of these Regulations, so far as consistent with these Regulations.

(2) Nothing in these Regulations shall affect the validity of anything done under or pursuant to the 1987 Regulations or the 2017 Regulations before the commencement of these Regulations.

(3) The Minister may, by regulations, make such further transitional or saving provisions as the Minister considers necessary or expedient in connection with the coming into operation of these Regulations.

Consequential amendments.

39. The enactments specified in Schedule 8 are amended in accordance with that Schedule.

SCHEDULE 1

Regulation 4

**SINGLE-USE PLASTIC PRODUCTS SUBJECT TO CONSUMPTION REDUCTION
MEASURES (PART A PRODUCTS)**

- (1) Cups for beverages, including their covers and lids.
- (2) Food containers, that is to say, receptacles such as boxes, with or without a cover, used to contain food which—
 - (a) is intended for immediate consumption, either on-the-spot or take-away;
 - (b) is typically consumed from the receptacle; and
 - (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

SCHEDULE 2

Regulation 7

**SINGLE-USE PLASTIC PRODUCTS PROHIBITED FROM BEING PLACED ON THE
MARKET (PART B PRODUCTS)**

- (1) Cotton bud sticks, except if they are medical devices.
- (2) Cutlery (forks, knives, spoons, chopsticks).
- (3) Plates.
- (4) Straws, except if they are medical devices.
- (5) Beverage stirrers.
- (6) Sticks to be attached to and to support balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers, including the mechanisms of such sticks.
- (7) Food containers made of expanded polystyrene, that is to say, receptacles such as boxes, with or without a cover, used to contain food which—
 - (a) is intended for immediate consumption, either on-the-spot or take-away;
 - (b) is typically consumed from the receptacle; and
 - (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.
- (8) Beverage containers made of expanded polystyrene, including their caps and lids.
- (9) Cups for beverages made of expanded polystyrene, including their covers and lids.

SCHEDULE 3

Regulation 9

**SINGLE-USE PLASTIC PRODUCTS SUBJECT TO PRODUCT REQUIREMENTS —
TETHERED CAPS AND LIDS (PART C PRODUCTS).**

Beverage containers with a capacity of up to three litres, that is to say, receptacles used to contain liquid, such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not—

- (a) glass or metal beverage containers that have caps and lids made from plastic; or
- (b) beverage containers intended and used for food for special medical purposes that is in liquid form.

SCHEDULE 4

Regulation 11

**SINGLE-USE PLASTIC PRODUCTS SUBJECT TO MARKING REQUIREMENTS
(PART D PRODUCTS)**

- (1) Sanitary towels (pads), tampons and tampon applicators.
- (2) Wet wipes, that is to say, pre-wetted personal care and domestic wipes.
- (3) Tobacco products with filters and filters marketed for use in combination with tobacco products.
- (4) Cups for beverages.

SCHEDULE 5

Regulation 13, 16 and 17

**SINGLE-USE PLASTIC PRODUCTS AND FISHING GEAR SUBJECT TO EXTENDED
PRODUCER RESPONSIBILITY**

Section I — Single-use plastic products subject to regulation 16.

(1) Food containers, that is to say, receptacles such as boxes, with or without a cover, used to contain food which—

- (a) is intended for immediate consumption, either on-the-spot or take-away;
- (b) is typically consumed from the receptacle; and
- (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

(2) Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation.

(3) Beverage containers with a capacity of up to three litres, that is to say, receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic.

(4) Cups for beverages, including their covers and lids.

(5) Lightweight plastic carrier bags.

Section II — Single-use plastic products subject to regulation 17(1).

(1) Wet wipes, that is to say, pre-wetted personal care and domestic wipes.

(2) Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers.

Section III — Other single-use plastic products subject to regulation 17(1) and (2).

This version is out of date

Tobacco products with filters and filters marketed for use in combination with tobacco products.

Section IV — Fishing gear containing plastic subject to regulations 16 and 17.

Fishing gear containing plastic, that is to say, any item or piece of equipment that is made wholly or partly from plastic and that is used in fishing or aquaculture to target, capture or rear marine biological resources or that is floating on the sea surface, and is deployed with the objective of attracting and capturing or of rearing such marine biological resources.

SCHEDULE 6

Regulations 10 and 21

**SINGLE-USE PLASTIC BEVERAGE BOTTLES SUBJECT TO SEPARATE
COLLECTION AND RECYCLED CONTENT TARGETS (PART F PRODUCTS).**

Beverage bottles with a capacity of up to three litres, including their caps and lids, but not—

- (a) glass or metal beverage bottles that have caps and lids made from plastic; or
- (b) beverage bottles intended and used for food for special medical purposes that is in liquid form.

SCHEDULE 7

Regulation 5

SINGLE-USE PLASTIC PRODUCTS SUBJECT TO AWARENESS RAISING
MEASURES (PART G PRODUCTS)

(1) Food containers, that is to say, receptacles such as boxes, with or without a cover, used to contain food which—

- (a) is intended for immediate consumption, either on-the-spot or take-away;
- (b) is typically consumed from the receptacle; and
- (c) is ready to be consumed without any further preparation, such as cooking, boiling or heating,

including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates and packets and wrappers containing food.

(2) Packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation.

(3) Beverage containers with a capacity of up to three litres, that is to say, receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have caps and lids made from plastic.

(4) Cups for beverages, including their covers and lids.

(5) Tobacco products with filters and filters marketed for use in combination with tobacco products.

(6) Wet wipes, that is to say, pre-wetted personal care and domestic wipes.

(7) Balloons, except balloons for industrial or other professional uses and applications that are not distributed to consumers.

(8) Lightweight plastic carrier bags.

(9) Sanitary towels (pads), tampons and tampon applicators.

SCHEDULE 8

Regulations 39

CONSEQUENTIAL AMENDMENTS

Imports and Exports (Control) Regulations, 1987.

1. In paragraph 19 of Schedule 1 to the Imports and Exports (Control) Regulations, 1987—

(a) at the end of sub-paragraph (b)(viii) for “.” substitute “; or”;

(b) after sub-paragraph (b)(viii) insert –

"(ix) single-use plastic products exempted from the provisions of the Single-Use Plastics Regulations 2026 pursuant to regulation 34 thereof."

2. In paragraph 19(d) of Schedule 1 to the Imports and Exports (Control) Regulations, 1987, in the definition of “single use plastic product”, for sub-paragraph (vi), substitute—

"(vi) straws;"

Integrated Tariff Regulations 2017.

3. In Chapter 39 of the Integrated Tariff Regulations 2017, after National Note 4, insert—

"5. Single-use plastic products within the meaning of the Single-Use Plastics Regulations 2026 are subject to the prohibitions and restrictions set out in those Regulations in addition to any duties and restrictions set out in this Chapter."