

Subsidiary Legislation made under s.13.

**TGEU Implementation (Civil Aviation) (Airport Charges)
Regulations 2026.**

LN.2026/208

Commencement **15.7.2026**

ARRANGEMENT OF REGULATIONS

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In exercise of the powers conferred on it by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and for the purpose of implementing Article 273(3) of the Agreement in respect of Gibraltar entered into between the European Union and the European Atomic Energy Community and the United Kingdom of Great Britain and Northern Ireland, and for connected purposes, the Government has made the following Regulations—

Title.

1. These rules may be cited as the TGEU Implementation (Civil Aviation) (Airport Charges) Regulations 2026.

Commencement.

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

Interpretation.

3. In these Regulations, unless the context otherwise requires—

“airport charge” means a levy collected for the benefit of the operator of the Civil Airport and paid by the airport users for the use of facilities and services, which are exclusively provided by Gibraltar Airport and the operator of the Civil Airport and which are related to landing, take-off, lighting and parking of aircraft, and processing of passengers and freight;

“airport user” means any natural or legal person responsible for the carriage of passengers, mail and/or freight by air to or from Gibraltar Airport;

“Director General” means the person who has been appointed pursuant to section 17 of the Civil Aviation Authority Act 2024;

“Gibraltar Airport” has the same meaning as in the Civil Aviation Act 2024;

“operator of the Civil Airport” means the person appointed as operator of the Civil Airport pursuant to section 37 of the Civil Aviation Act 2024;

“the Civil Airport” means the aggregate of the land, buildings and works comprising the civil air terminal and associated aprons under the management and control of the Government as described in the plan as set out in Schedule 1 of the Civil Aviation Act 2024.

Scope.

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4. These Regulations shall apply to Gibraltar Airport when it handles over five million passenger movements per year.

Non-discrimination.

5.(1) Gibraltar Airport charges shall be non-discriminatory amongst airport users and this does not prevent the modulation of airport charges for issues of public and general interest, including environmental issues.

(2) The criteria used for such a modulation shall be relevant, objective and transparent.

The charging system.

6.(1) After having informed the Minister, the Director General may allow the operator of the Civil Airport to apply a transparent charging system at Gibraltar Airport provided it fully complies with the requirements on transparency set out in regulation 8.

(2) The charges set out in these Regulations shall not apply to the charges collected/levied for-

- (a) remuneration of en-route and terminal air navigation services;
- (b) remuneration of ground-handling services; or
- (c) the funding of assistance to persons with disabilities and persons with reduced mobility referred to in the TGEU Implementation (Civil Aviation) (Persons with Disabilities and Persons with Reduced Mobility) Regulations 2026.

Consultation and remedy.

7.(1) The operator of the Civil Airport shall consult annually, or more frequently as required, with airport users or their representatives or associations of airport users to discuss-

- (a) the operation of the system of airport charges;
- (b) the level of airport charges; and
- (c) as appropriate, the quality of service provided,

and where a multi-annual agreement between the operator of the Civil Airport and the airport users exists, the consultations shall take place as foreseen in such agreement.

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(2) Wherever possible, changes to the system or the level of airport charges shall be agreed between the operator of the Civil Airport and the airport users and to that end, the operator of the Civil Airport shall submit any proposal to modify the system or the level of airport charges to airport users, together with the reasons for the proposed changes, no later than four months before they enter into force, unless there are exceptional circumstances which need to be justified to airport users.

(3) The operator of the Civil Airport shall hold consultations on the proposed changes with the airport users and take their views into account before a decision is taken and the operator of the Civil Airport shall normally publish its decision or recommendation no later than two months before its entry into force. The operator of the Civil Airport shall justify its decision with regard to the views of the airport users in the event that no agreement on the proposed changes is reached between the operator of the Civil Airport and the airport users.

(4) In the event of a disagreement over a decision on airport charges taken by the operator of the Civil Airport, either party may seek the intervention of the independent supervisory authority referred to in regulation 12 who shall examine the justifications for the modification of the system, or the level of airport charges.

(5) A modification of the system or the level of airport charges decided upon by the operator of the Civil Airport shall, if brought before the independent supervisory authority, not take effect until that authority has examined the matter and the independent supervisory authority shall, within four weeks of the matter being brought before it, take an interim decision on the entry into force of the modification of airport charges, unless the final decision can be taken within the same deadline.

Transparency

8.(1) Whenever a consultation required by regulation 7(1) is commenced, the operator of the Civil Airport shall provide, at a minimum, the following information to airport users or their representatives-

- (a) a list of various services and infrastructure provided in return for the airport charge levied;
- (b) the methodology used for setting airport charges;
- (c) the overall cost structure with regard to the facilities and services which airport charges relate to;
- (d) the revenue of the different charges and the total cost of the services covered by them;

- (e) any financing from public authorities of the facilities and services which airport charges related to;
- (f) forecasts of the situation at Gibraltar Airport as regards the charges, traffic growth and proposed investments;
- (g) the actual use of Gibraltar Airport infrastructure and equipment over a given period; and
- (h) the predicted outcome of any major proposed investments in terms of their effects on Gibraltar Airport capacity.

(2) Whenever a consultation required by regulation 7(1) is commenced, the airport users shall submit the following information to the operator of the Civil Airport-

- (a) forecasts as regards traffic;
- (b) forecasts as to the composition and envisaged use of their fleet;
- (c) their development projects at Gibraltar Airport;
- (d) their requirements at Gibraltar Airport.

(3) The information provided on the basis of this regulation shall be considered as confidential or economically sensitive and handled accordingly.

New infrastructure.

9. The operator of the Civil Airport shall consult with airport users before plans for major new infrastructure projects, of a value over one million pounds sterling, are finalised.

Quality standards.

10.(1) In order to ensure smooth and efficient operations at Gibraltar Airport, the operator of the Civil Airport and the representatives or associations of airport users at Gibraltar Airport shall enter into negotiations with the view to concluding a service level agreement with regard to the quality of service provided and these negotiations on service quality may take place as part of the consultations referred to in regulation 7(1).

(2) Any such service level agreement shall determine the level of the service to be provided by the operator of the Civil Airport which takes into account the actual system or the level of

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airport charges and the level of service to which airport users are entitled in return for airport charges.

Differentiation of services.

11.(1) The operator of the Civil Airport may vary the quality and scope of particular airport services or parts of the terminal, with the aim of providing tailored services and the level of airport charges may be differentiated according to the quality and scope of such services and their costs or any other objective and transparent justification. Without prejudice to regulation 5, the operator of the Civil Airport shall remain free to set any such differentiated airport charges.

(2) Any airport user wishing to use the tailored services or dedicated part of the terminal will have access to these services or part of the terminal.

(3) In the event that more airport users wish to have access to the tailored services and/or part of the terminal than is possible due to capacity constraints, access shall be determined on the basis of relevant, objective, transparent and non-discriminatory criteria and these criteria may be set by the operator of the Civil Airport and the Director General may require these criteria to be endorsed by the independent supervisory authority.

Independent supervisory authority.

12.(1) Should the condition set out in regulation 4 be satisfied, then the Director General shall nominate or establish an independent supervisory authority in order to ensure the correct application of the measures taken to comply with these Regulations and to assume, at least, the tasks assigned under regulation 7.

(2) The independent supervisory authority may delegate, under its supervision and full responsibility, the implementation of these Regulations to other independent supervisory authorities, provided that implementation takes place in accordance with the same standards and in such circumstances approval is required from the Director General.

(3) The independent supervisory authority shall be legally distinct from and functionally independent of the operator of the Civil Airport and air carriers and shall exercise its powers impartially and transparently.

(4) The independent supervisory authority may establish a funding mechanism for its use, which may include levying a charge on airport users and the operator of the Civil Airport.

(5) The independent supervisory authority shall establish, in respect of disagreements referred to in regulation 7(3)-

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- (a) a procedure for resolving disagreements between the operator of the Civil Airport and the airport users;
- (b) conditions under which a disagreement may be brought to the independent supervisory authority (the authority shall, in particular, dismiss complaints which it deems are not properly justified or adequately documented); and
- (c) the criteria against which disagreements will be assessed for resolution,

and these procedures, conditions and criteria shall be non-discriminatory, transparent and objective.

(6) When undertaking an investigation into the justification for the modification of the system or the level of airport charges as set out in regulation 7, the independent supervisory authority shall have access to necessary information from the parties concerned and shall be required to consult the parties concerned in order to reach its decision.

(7) Without prejudice to regulation 7(4), it shall issue a final decision as soon as possible, and in any case within four months of the matter being brought before it and this period may be extended by two months in exceptional and duly justified cases.

(8) The decisions of the independent supervisory authority shall have binding effect, without prejudice to judicial review.

(9) The independent supervisory authority shall publish an annual report to the Director General concerning its activities.

Penalties.

13.(1) The Director General may impose an administrative penalty of up to a maximum of £20,000 to a party in breach and for the purposes of this regulation, a party in breach shall be-

- (a) the operator of the Civil Airport if determined they are in breach of their obligations under regulation 8(1);
- (b) an airport user if determined that they are in breach of their obligations under regulation 8(2); or
- (c) the independent supervisory authority if determined that they are in breach of their obligations placed on them under regulation 12(3) and 12(5).

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(2) When imposing a penalty under sub-regulation (1), the Director General must serve a notice unto the party in breach which must-

- (a) state the proposed amount of the penalty;
- (b) specify what act or omission which the Director General has determined constitutes a breach of obligation; and
- (c) notify the party in breach of their right to submit the decision for review in accordance with sub-regulation (6).

(3) The penalty must be paid within 28 days from the date on which the notice imposing it is served upon the party in breach, unless an extension is granted by the Director General or it has been withdrawn.

(4) A penalty imposed under this regulation may be enforced in the same manner as if it were a civil debt owed.

(5) The Director General must ensure that the penalty imposed is reasonable and proportionate to the breach caused.

(6) The party in breach who has received a notice in accordance with sub-regulation (2) may apply for a review within 28 days of the date on which the notice is issued and the application shall be in writing and shall contain all the information that the applicant considers necessary, in a clear and well-documented manner.

(7) The Director General shall consider the application supplied under sub-regulation (6) and shall have the discretion to consider any information supplied after the expiry of the period and upon consideration of this information the Director General shall determine whether to affirm, vary or withdraw the decision and, as soon as practicable thereafter, notify the applicant in writing.

(8) The party in breach aggrieved by a decision made by the Director General under sub-regulation (7) may appeal to the Supreme Court and the court may in its discretion grant a stay or other relief in respect of such a decision until the appeal has been determined.

(9) If all or part of a penalty imposed on a party in breach is not paid within the period specified in sub-regulation (3), the Director General may recover the unpaid balance of a penalty as a debt due to it from the relevant person referred to in sub-regulation (1).

(10) Any sums received by the Director General by way of a penalty under this regulation must be paid to the Gibraltar Civil Aviation Authority.

Duties owed to third parties.

14.(1) The obligation to comply with any requirement imposed on the operator of the Civil Airport by these Regulations is a duty owed to any person who may be affected by a contravention of that requirement.

(2) Where a duty is owed by virtue of sub-regulation (1) the following are actionable by a person-

- (a) any breach of the duty which causes that person to sustain loss or damage; and
 - (b) any act which, by inducing a breach of that duty or interfering with its performance, causes that person to sustain loss or damage and which is done wholly or partly for the purpose of achieving that result.
- (3) In any proceedings brought against the operator of the Civil Airport in pursuance of sub-regulation (2)(a) in relation to an obligation arising under these Regulations it shall be a defence for the operator of the Civil Airport to prove that he took all reasonable steps and exercised all due diligence to avoid contravening the obligation.