

Subsidiary Legislation made under s.13.

**TGEU Implementation (EU Regulation 258/2012)
Regulations 2026**

LN.2026/218

Commencement **15.7.2026**

ARRANGEMENT OF REGULATIONS

Regulation

1. Title.
2. Commencement.
3. Interpretation.
4. Application of the EU Regulation.

SCHEDULE

REGULATION (EU) No 258/2012 OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL

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In exercise of the powers conferred on the Government by section 13 of the Treaty on Gibraltar and the European Union Act 2026, and all other enabling powers, and for the purposes of implementing, in part, Article 63 and paragraph 4 of Annex 9 to 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; and for connected purposes, the Government has made the following Regulations—

Title.

1. These Regulations may be cited as the TGEU Implementation (EU Regulation 258/2012) Regulations 2026.

Commencement.

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

Interpretation.

3. In these Regulations—

“EU Regulation” means Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition.

Application of the EU Regulation.

4. The EU Regulation, as set out in amended form in the Schedule to these Regulations, has effect.

SCHEDULE

Regulation 4

**REGULATION (EU) No 258/2012 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 14 March 2012

**implementing Article 10 of the United Nations' Protocol against the illicit
manufacturing of and trafficking in firearms, their parts and components and
ammunition, supplementing the United Nations Convention against Transnational
Organised Crime (UN Firearms Protocol), and establishing export authorisation, and
import and transit measures for firearms, their parts and components and ammunition**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) In accordance with Council Decision 2001/748/EC of 16 October 2001 concerning the signing on behalf of the European Community of the United Nations Protocol on the illicit manufacturing of and trafficking in firearms, their parts, components and ammunition, annexed to the Convention against transnational organised crime, the Commission signed that Protocol (hereinafter referred to as the 'UN Firearms Protocol') on behalf of the Community on 16 January 2002.

(2) The UN Firearms Protocol, the purpose of which is to promote, facilitate and strengthen cooperation among Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, entered into force on 3 July 2005.

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(3) In order to facilitate the tracing of firearms and efficiently combat illicit trafficking in firearms, their parts and essential components and ammunition, it is necessary to improve the exchange of information between Member States, in particular through the better use of existing communication channels.

(4) Personal data must be processed in accordance with the rules laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

(5) In its Communication of 18 July 2005 on measures to ensure greater security in explosives, detonators, bomb-making equipment and firearms, the Commission announced its intention to implement Article 10 of the UN Firearms Protocol as part of the measures which need to be taken in order for the Union to be in a position to conclude that Protocol.

(6) The UN Firearms Protocol requires Parties to put in place or improve administrative procedures or systems to exercise effective control over the manufacturing, marking, import and export of firearms.

(7) Compliance with the UN Firearms Protocol also requires that illicit manufacture of or trafficking in firearms, their parts and essential components and ammunition be established as criminal offences, and that measures be taken to enable the confiscation of items so manufactured or trafficked.

(8) This Regulation should not apply to firearms, their parts and essential components or ammunition that are intended specifically for military purposes. The measures to meet the requirements of Article 10 of the UN Firearms Protocol should be adapted to provide for simplified procedures for firearms for civilian use. Consequently, some facilitation with regard to authorisation for multiple shipments, transit measures and temporary exports for lawful purposes should be ensured.

(9) This Regulation does not affect the application of Article 346 of the Treaty on the Functioning of the European Union, which refers to essential interests of the security of the Member States, nor has this Regulation any impact on Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community, or on Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons. Moreover, the UN Firearms Protocol, and consequently this Regulation, do not apply to State-to-State transactions or to State transfers in cases where the application of the Protocol would prejudice

the right of a State Party to take action in the interest of national security consistent with the Charter of the United Nations.

(10) Directive 91/477/EEC addresses transfers of firearms for civilian use within the territory of the Union, while this Regulation focuses on measures in respect of export from the customs territory of the Union to or through third countries.

(11) Firearms, their parts and essential components and ammunition when imported from third countries are subject to Union law and, in particular, to the requirements of Directive 91/477/EEC.

(12) Consistency should be ensured with regard to record-keeping provisions in force under Union law.

(13) In order to ensure that this Regulation is properly applied, Member States should take measures giving the competent authorities appropriate powers.

(14) In order to maintain the list of firearms, their parts and essential components and ammunition for which an authorisation is required under this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of aligning Annex I to this Regulation to Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, and to Annex I to Directive 91/477/EEC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(15) The Union has adopted a body of customs rules, contained in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code and its implementing provisions as laid down in Commission Regulation (EEC) No 2454/93. Consideration should also be given to Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) whose provisions are applicable in different phases according to Article 188 thereof. Nothing in this Regulation constrains any powers under and pursuant to the Community Customs Code and its implementing provisions.

(16) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that they are implemented. Those penalties should be effective, proportionate and dissuasive.

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(17) This Regulation is without prejudice to the Union regime for the control of exports, transfer, brokering and transit of dual-use items established by Council Regulation (EC) No 428/2009.

(18) This Regulation is consistent with the other relevant provisions on firearms, their parts, essential components and ammunition for military use, security strategies, illicit trafficking in small arms and light weapons and exports of military technology, including Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment.

(19) The Commission and the Member States should inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation.

(20) This Regulation does not prevent the Member States from applying their constitutional rules relating to public access to official documents, taking into account Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT, DEFINITIONS AND SCOPE

Article 1

This Regulation lays down rules governing export authorisation, and import and transit measures for firearms, their parts and essential components and ammunition, for the purpose of implementing Article 10 of the United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organised Crime (the ‘UN Firearms Protocol’).

Article 2

For the purposes of this Regulation:

(1) ‘firearm’ means any portable barrelled weapon that expels, is designed to expel or may be converted to expel, a shot, bullet or projectile by the action of a combustible propellant as referred to in Annex I.

An object is considered as capable of being converted to expel a shot, bullet or projectile by the action of a combustible propellant if:

(a) it has the appearance of a firearm, and

(b) as a result of its construction or the material from which it is made, it can be so converted,

(2) ‘parts’ means any element or replacement element as referred to in Annex I specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm;

(3) ‘essential components’ means the breech-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are included in the category of the firearms on which they are or are intended to be mounted;

(4) ‘ammunition’ means the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles that are used in a firearm, as referred to in Annex I, provided that those components are themselves subject to authorisation in Gibraltar;

(5) ‘deactivated firearms’ means objects otherwise corresponding to the definition of a firearm which have been rendered permanently unfit for use by deactivation, ensuring that all essential parts of the firearm have been rendered permanently inoperable and incapable of removal, replacement or modification that would permit the firearm to be reactivated in any way.

The Minister shall make arrangements for these deactivation measures to be verified. The Minister shall, in the context of that verification, provide for the issue of a certificate or record attesting to the deactivation of the firearm or the apposition of a clearly visible mark to that effect on the firearm;

(6) ‘export’ means any departure of goods from Gibraltar, including shipment as stores, to a third country and thus outside the customs territory:

(7) *Omitted.*

(8) ‘exporter’ means any person, resident or established in Gibraltar, who makes or on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power for determining the sending of the item out of customs territory. If no export declaration has been made, the exporter is the person who holds the contract with the consignee in the third country and has power for determining the sending of the item out of Gibraltar. If no export contract has been concluded or if the holder of the contract does not act on its own

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behalf, the exporter shall mean the person who has the power for determining the sending of the item out of Gibraltar.

Where the benefit of a right to dispose of firearms, their parts and essential components or ammunition accrues to a person established outside Gibraltar pursuant to the contract on which the export is based, the exporter shall be considered to be the contracting party established in Gibraltar;

(9) ‘customs territory’ means the customs union established by Article 240 of the TGEU;

(10) ‘export declaration’ means the act whereby a person indicates in the prescribed form and manner his intention to export firearms, their parts and essential components, and ammunition;

(11) ‘temporary export’ means the movement of firearms leaving the customs territory and intended for re-importation within a period not exceeding 24 months;

(11A) ‘third country’ means any country or territory other than-

(a) Gibraltar; and

(b) the Member States of the European Union;

(12) ‘transit’ means the operation of transport of goods leaving the customs territory and passing through the territory of one or more third countries with final destination in another third country;

(13) ‘transshipment’ means transit involving the physical operation of unloading goods from the importing means of transport followed by reloading, for the purpose of exportation, generally onto another means of transport;

(14) ‘export authorisation’ means:

(a) a single authorisation or licence granted to one specific exporter for one shipment of one or more firearms, their parts and essential components and ammunition to one identified final recipient or consignee in a third country; or

(b) a multiple authorisation or licence granted to one specific exporter for multiple shipments of one or more firearms, their parts and essential components and ammunition to one identified final recipient or consignee in a third country; or

- (c) a global authorisation or licence granted to one specific exporter for multiple shipments of one or more firearms, their parts and essential components and ammunition to several identified final recipients or consignees in one or several third countries;

(15) ‘illicit trafficking’ means the import, export, sale, delivery, movement or transfer of firearms, their parts and essential components or ammunition from Gibraltar to that of a third country, if any of the following applies:

- (a) the Minister does not authorise it in accordance with the terms of this Regulation;
- (b) the firearms are not marked in accordance with the relevant provisions of the Firearms Act;
- (c) the imported firearms are not marked at the time of import at least with a simple marking permitting identification of the first country of import within the European Union, or, where the firearms do not bear such a marking, a unique marking identifying the imported firearms;

(16) ‘tracing’ means the systematic tracking of firearms and, where possible, their parts and essential components and ammunition from manufacturer to purchaser for the purpose of the detection, investigation and analysis of illicit manufacturing and trafficking;

(17) ‘Minister’ means the minister with responsibility for Justice.

Article 3

1. This Regulation shall not apply to:

- (a) State to State transactions or State transfers;
- (b) firearms, their parts and essential components and ammunition if specially designed for military use and, in any case, firearms of the fully automatic firing type;
- (c) firearms, their parts and essential components and ammunition when destined for the armed forces, the police, or the public authorities of Gibraltar or the Member States;
- (d) collectors and bodies concerned with cultural and historical aspects of firearms, their parts and essential components and ammunition and recognised as such for

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the purpose of this Regulation by the Minister, provided that tracing measures are ensured;

- (e) deactivated firearms;
- (f) antique firearms and their replicas as defined in accordance with national legislation, provided that antique firearms do not include firearms manufactured after 1899.

2. This Regulation is without prejudice to any additional requirements, where relevant, in-

- (a) the Firearms Act;
- (b) the Imports and Exports Act and any subsidiary legislation made thereunder;
- (c) the Export Control Act 2005 and any subsidiary legislation made thereunder.

3. This Regulation shall not apply to any anything captured by Article 261 of the TGEU.

CHAPTER II

EXPORT AUTHORISATION, PROCEDURES AND CONTROLS AND IMPORT AND TRANSIT MEASURES

Article 4

1. An export authorisation established in accordance with the form set out in Annex II shall be required for the export of firearms, their parts and essential components and ammunition listed in Annex I. Such authorisation shall be granted by the Minister and shall be issued in writing or by electronic means.

2. Where the export of firearms, their parts, essential components and ammunition requires an export authorisation pursuant to this Regulation and that export is also subject to authorisation requirements in accordance with the Export of Goods (Control) Regulations, 1997, as may be amended from time to time, all authorisations must be obtained before goods can be exported.

3. If the firearms, their parts and essential components and ammunition are located in one or more States (“States” meaning any of the Member States or Gibraltar) and within the customs territory other than the one where the application for export authorisation has been made, that fact shall be indicated on that application. The Minister shall immediately consult the competent authorities of those states within the customs territory in question and provide the relevant information. The states consulted shall make known within 10 working days any

objections it or they may have to the granting of such an authorisation, which shall bind Gibraltar, being the place in which the application has been made.

Article 5

Omitted.

Article 6

Omitted.

Article 7

1. Before issuing an export authorisation for firearms, their parts and essential components and ammunition, the Minister shall verify that:

- (a) the importing third country has authorised the relevant import; and
- (b) the third countries of transit, if any, have given notice in writing — and at the latest prior to shipment — that they have no objection to the transit. This provision does not apply:
 - (i) to shipments by sea or air and through ports or airports of third countries provided that that there is no transshipment or change of means of transport,
 - (ii) in the case of temporary exports for verifiable lawful purposes, which include hunting, sport shooting, evaluation, exhibitions without sale, and repair.

2. The Minister may decide that, if no objections to the transit are received within 20 working days from the day of the written request for no objection to the transit submitted by the exporter, the consulted third country of transit shall be regarded as having no objection to the transit.

3. The exporter shall supply the Minister with the necessary documents proving that the importing third country has authorised the import and that the third country of transit had no objection to the transit.

4. The Minister shall process applications for export authorisations within a period of time which shall not exceed 60 working days, from the date on which all required information has been provided to the Minister. Under exceptional circumstances and for duly justified reasons, that period may be extended to 90 working days.

5. The period of validity of an export authorisation shall not exceed the period of validity of the import authorisation. Where the import authorisation does not specify a period of validity,

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except under exceptional circumstances and for duly justified reasons, the period of validity of an export authorisation shall be at least nine months.

6. The Minister may decide to make use of electronic documents for the purpose of processing the applications for export authorisation.

Article 8

1. For the purpose of tracing, the export authorisation and the import licence or import authorisation issued by the importing third country and the accompanying documentation shall together contain information that includes:

- (a) the dates of issue and expiry;
- (b) the place of issue;
- (c) the country of export;
- (d) the country of import;
- (e) whenever applicable, the third country or countries of transit;
- (f) the consignee;
- (g) the final recipient, if known at the time of the shipment;
- (h) particulars enabling the identification of the firearms, their parts and essential components and ammunition, and the quantity thereof including, at the latest prior to the shipment, the marking applied to the firearms.

2. The information referred to in paragraph (1), if contained in the import licence or import authorisation, shall be provided by the exporter in advance to the third countries of transit, at the latest prior to the shipment.

Article 9

1. Simplified procedures for the temporary export or the re-export of firearms, their parts, essential components and ammunition shall apply as follows:

- (a) No export authorisation shall be required for:

- (i) the temporary export by hunters or sport shooters as part of their accompanied personal effects, during a journey to a third country, provided that they substantiate to the Minister the reasons for the journey, in particular by producing an invitation or other proof of the hunting or sport shooting activities in the third country of destination, of:
 - (A) one or more firearms,
 - (B) their essential components, if marked, as well as parts,
 - (C) their related ammunition, limited to a maximum of 800 rounds for hunters and a maximum of 1 200 rounds for sport shooters;
 - (ii) the re-export by hunters or sport shooters as part of their accompanied personal effects following temporary admission for hunting or sport shooting activities, provided that the firearms remain the property of a person established outside customs territory and the firearms are re-exported to that person.
- (b) When leaving the customs territory through Gibraltar, hunters and sport shooters shall produce to customs officers a European Firearms Pass as provided for in, in the case of Gibraltar, the TGEU Implementation (Transfer of Firearms between Gibraltar and the European Union) Regulations 2026, and in the case of the Member States, as provided for the relevant national legislation which implements Directive 2021/555. In the case of travel by air, the European Firearms Pass shall be produced to customs officers where the relevant items are handed over to the airline for transport out of Gibraltar.

When leaving the customs territory through Gibraltar, hunters and sport shooters may, instead of a European Firearms Pass, choose to produce another document considered valid for this purpose by the Minister.

- (c) The Minister shall, for a period not exceeding 10 days, suspend the process of export or, if necessary, otherwise prevent firearms, their parts and essential components or ammunition from leaving Gibraltar, where they have grounds for suspicion that the reasons substantiated by hunters or sport shooters are not in conformity with the relevant considerations and the obligations laid down in Article 10. In exceptional circumstances and for duly justified reasons, the period referred to in this point may be extended to 30 days.
2. The Minister shall establish simplified procedures and apply those simplified procedures when he is satisfied that any of the following circumstances exist:

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- (a) the re-export of firearms following temporary admission for evaluation or exhibition without sale, or inward processing for repair, provided that the firearms remain the property of a person established outside the customs territory and the firearms are re-exported to that person;
- (b) the re-export of firearms, their parts and essential components and ammunition if they are held in temporary storage from the moment they enter the customs territory until their exit;
- (c) the temporary export of firearms for the purpose of evaluation and repair and exhibition without sale, provided that the exporter substantiates the lawful possession of these firearms and exports them under the outward processing or temporary exportation customs procedures.

Article 10

1. In deciding whether to grant an export authorisation under this Regulation, the Minister shall take into account all relevant considerations including, where appropriate:

- (a) Gibraltar's obligations and commitments further to relevant international export control arrangements or relevant international treaties which apply in Gibraltar;
- (b) considerations of national foreign and security policy, including considerations equivalent to those covered by Common Position 2008/944/CFSP;
- (c) considerations as to intended end use, consignee, identified final recipient and the risk of diversion.

2. In addition to the relevant considerations set out in paragraph (1), when assessing an application for an export authorisation, the Minister shall take into account the application by the exporter of proportionate and adequate means and procedures to ensure compliance with the provisions and objectives of this Regulation and with the terms and conditions of the authorisation.

In deciding whether to grant an export authorisation under this Regulation, the Minister shall respect his obligations with regard to sanctions in accordance with the Sanctions Act 2019 or by a decision of the Organisation for Security and Cooperation in Europe (OSCE) or by a binding resolution of the Security Council of the United Nations, in particular as regards arms embargoes.

Article 11

1. The Minister shall:

- (a) refuse to grant an export authorisation if the applicant has a criminal record concerning conduct constituting an offence listed in Article 2(2) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, or concerning any other conduct provided that it constituted an offence punishable by a term of imprisonment of at least four years or a more serious penalty;
- (b) annul, suspend, modify or revoke an export authorisation if the conditions for granting it are not met or are no longer met.

2.(a) Where the Minister refuses, annuls, suspends, modifies or revokes an export authorisation, he shall notify the competent authorities of the Member States and share the relevant information with them.

(b) The Minister shall have regard to any information received from Member States as regards suspensions of export authorisations.

3. Before the Minister grants an export authorisation under this Regulation, he shall take into account all refusals under this Regulation of which he has been notified, in order to ascertain whether an authorisation has been refused by him or by the competent authorities of a Member State or Member States for an essentially identical transaction (concerning an item with essentially identical parameters or technical characteristics and in respect of the same importer or consignee).

He may first consult the competent authorities of a Member State or Member States which issued refusals, annulments, suspensions, modifications or revocations under paragraphs (1) and (2). If, following such consultation, the Minister decides to grant an authorisation, he shall notify the competent authorities of the Member States, providing all relevant information to explain the decision.

4. All information shared in accordance with the provisions of this Article shall be in compliance with the provisions of Article 19(2) concerning its confidentiality.

5. Where, the Minister –

- (a) refuses to grant an export authorisation;
- (b) refuses to apply simplified procedures;

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- (c) annuls, suspends, modifies or revokes an export authorisation,

he shall notify the applicant in writing of the decision, the reason for the decision and of the appeal procedure under this Article.

6. Where a person has been notified of a decision of the Minister under Article 11(5) the person may, not later than 28 working days from the date of the decision, appeal to the Magistrate's Court that decision.

7. An appeal under this Article shall-

- (a) be in writing;
- (b) state the grounds for the appeal; and
- (c) be on notice to the Minister.

8. Where an appeal of a decision is made within the prescribed period, the decision remains in effect until the date of determination of the appeal.

9. Upon hearing the appeal, the Magistrates' Court may-

- (a) confirm the decision;
- (b) quash the decision; or
- (c) remit the matter to the Minister.

10. Upon the date of determination of the appeal, the decision of the Minister will either be confirmed or the appeal will be allowed.

11. If the appeal filed under Article 11.(5)(a) is allowed, the Minister shall grant an export authorisation, the term of which shall be extended by the time from the date of receipt of the notice of appeal to the date of determination of the appeal.

12. If the appeal is allowed in relation to an appeal under Article 11.(5)(b), the Minister shall apply simplified procedures.

13. If an appeal is allowed in relation to an appeal under Article 11.(5)(c);

- (a) where the authorisation was annulled, the authorisation will be deemed to have never been annulled and shall remain until expiry;

- (b) where the authorisation was suspended, the suspension will be deemed to have been lifted;
- (c) where the authorisation was modified, the authorisation will apply on its original terms;
- (d) where the authorisation was revoked, the authorisation will be deemed to have continued from the date of the decision and remained valid on its original terms, until the date of expiry.

Article 12

The Minister shall keep, for not less than 20 years, all information relating to firearms and, where appropriate and feasible, their parts and essential components and ammunition, which is necessary to trace and identify those firearms, their parts and essential components and ammunition, and to prevent and detect illicit trafficking therein. That information shall include the place, dates of issue and expiry of the export authorisation; the country of export; the country of import; where applicable, the third country of transit; the consignee; the final recipient if known at the time of export; and the description and quantity of the items, including any markings applied to them.

This Article shall not apply to exports as referred to in Article 9.

Article 13

1. The Minister shall, in case of suspicion, request the importing third country to confirm receipt of the dispatched shipment of firearms, their parts and essential components or ammunition.
2. Upon request of a third country of export which is a Party to the UN Firearms Protocol at the time of the export, the Minister shall confirm the receipt within Gibraltar of the dispatched shipment of firearms, their parts and essential components or ammunition, which shall be ensured in principle by producing the relevant customs importation documents.
3. *Omitted.*

Article 14

The Minister shall take such measures as may be necessary to ensure that Gibraltar's authorisation procedures are secure and that the authenticity of authorisation documents can be verified or validated.

Verification and validation may also, where appropriate, be ensured by means of diplomatic channels.

Article 15

1.(1) The Commissioner of Police is designated as the competent authority for Gibraltar for the purposes of implementation of and compliance with this Regulation, in particular to-

- (a) gather information on any order or transaction involving firearms, their parts and essential components and ammunition; and
- (b) establish that the export control measures are being properly applied.

(2) The Commissioner of Police may discharge his responsibilities under this Regulation through any officer under his command.

2.(1) For the purposes of the discharge of his functions under this Regulation, the Commissioner of Police may, by notice in writing served on any person, require that person to furnish such relevant information available to it as is specified in the notice, in such form and within such period following service of the notice as is so specified.

(2) In paragraph (1), “relevant information” means information concerning any aspects of the activities captured by this Regulation.

3.(1) In order to ensure that this Regulation is properly applied, the Commissioner of Police and police officers shall have and may exercise any of the powers specified in paragraph (5) for the purposes of the discharge of the functions of the Commissioner of Police under this Regulation.

(2) Nothing in paragraph (3)(1), (4) or (5) of this Article affects any power of search or any power to seize or detain property which is exercisable by the Commissioner of Police or any police officer under any other enactment, but any power of search and seizure must be exercised in accordance with the Criminal Procedure and Evidence Act 2011.

4. The powers specified in paragraph (5) are exercisable in relation to premises-

- (a) on which the Commissioner of Police or police officers have reason to believe a person is keeping or has kept books records or other documents relating to goods covered by this Regulation, or on any order or transaction involving firearms, their essential components and ammunition;

- (b) on which the Commissioner of Police or police officers have reason to believe there is evidence of a contravention of this Regulation.

5. The powers are-

- (a) subject to Article 15.(6), to enter at all reasonable times any premises at which the Commissioner of Police or police officers have reasonable grounds for believing that books, records or other documents or information are kept;
- (b) at such place, to inspect and take copies of books, records or other documents (including books, records or documents stored in non-legible form) that are found in the course of their duty;
- (c) to remove from such place any such books, records of other documents and retain them for such period as is reasonably considered to be necessary for the purposes of ensuring compliance with this Regulation;
- (d) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any record which are required to be kept under this Regulation and to inspect, and take copies of, or of any entry in, the records;
- (e) to require any person whom they have reasonable cause to believe to be able to give any information relevant to the scope of this Regulation to answer such questions as the Commissioner of Police or the police officers think fit to ask and to sign a declaration as to the truth of his answers.

6.(1) No power in Article 15.(5) shall be taken to compel the production by any person of a document of which he would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the Supreme Court.

- (2) No answer given by a person in pursuance of a requirement imposed under Article 15.(5)(e) shall be admissible in evidence in any proceedings against that person.

7.(1) A police officer shall not, other than with the consent of the occupier, enter a private dwelling unless a search warrant has been obtained in accordance with this Article.

(2) "Private dwelling" in Article 15.(7)(1) means any structure or part of a structure occupied as a person's home or as other living accommodation (whether the occupation is separate or shared).

8. If a justice of the peace is satisfied on information on oath that-

- (a) an offence against this Regulation has been, is being, or is about to be committed;
- (b) the Commissioner of Police or a police officer is being prevented from entering any place to undertake functions or exercise powers in compliance with this Regulation; or
- (c) there are reasonable grounds for suspecting that books, records or other documents required for inspection under this Regulation are-
 - (i) held in any place to which the occupier is refusing access; and
 - (ii) that such inspection is likely to disclose evidence of a contravention of this Regulation,

he may grant a warrant authorising any police officer named therein to enter, at any time, any premises or place named in the warrant, if necessary, by force, and to search the premises or place and perform the functions in accordance with this Regulation.

Article 16

1. A person who-

- (a) contravenes any of the provisions of this Regulation commits an offence;
- (b) in making an application for an authorisation, wilfully makes a statement which he knows to be false or does not believe to be true, commits an offence;
- (c) in making an application for a simplified procedure under Article 9, wilfully makes a statement which he knows to be false or does not believe to be true, commits an offence;
- (d) without reasonable excuse, fails to comply with any requirement made by a police officer or, in purported compliance with such a requirement, gives the police officer information which he knows to be false or does not believe to be true, commits an offence;
- (e) obstructs or interferes with an authorised officer in the exercise of his powers under Article 15, commits an offence.

2. A person who commits an offence under paragraph (1) of this Article is liable:

- (a) on summary conviction, to imprisonment for 12 months or a fine at level 4 on the standard scale, or to both,
- (b) on indictment, to imprisonment for 3 years or a fine, or to both.

CHAPTER III

CUSTOMS FORMALITIES

Article 17

1. When completing customs formalities for the export of firearms, their parts and essential components or ammunition at the customs office of export, the exporter shall furnish proof that any necessary export authorisation has been obtained.
2. The exporter may be required to provide a translation into English where the export declaration is presented of any documents furnished as proof.
3. Without prejudice to any powers conferred on him by any other enactment the Minister shall, for a period not exceeding 10 days, with such assistance as he may require from the Commissioner of Police and the Collector of Customs, suspend the process of export from Gibraltar or, if necessary, otherwise prevent firearms, their parts and essential components or ammunition which are covered by a valid export authorisation from leaving Gibraltar, where he has grounds for suspicion that:
 - (a) relevant information was not taken into account when the authorisation was granted; or
 - (b) circumstances have materially changed since the authorisation was granted.

In exceptional circumstances and for duly substantiated reasons, that period may be extended to 30 days.

4. Within the period or extended period referred to in paragraph 3, the Minister shall either release the firearms, their parts and essential components or ammunition, or take action pursuant to Article 11(1)(b).

Article 18

1. *Omitted.*

2. Omitted.

CHAPTER IV

ADMINISTRATIVE COOPERATION

Article 19

1. Gibraltar shall take all appropriate measures to establish direct cooperation and exchange of information between competent authorities with a view to enhancing the efficiency of the measures established by this Regulation. Such information may include:

- (a) details of exporters whose application for an authorisation is refused, or of exporters who are the subject of decisions taken by Member States or Gibraltar pursuant to Article 11;
- (b) data on consignees or other actors involved in suspicious activities, and, where available, routes taken.

2. Regardless of the form, any information transmitted pursuant to this Regulation shall be of a confidential nature. It shall be covered by the obligation of professional secrecy and shall enjoy the protection extended to like information under the national law of the Member State or Gibraltar receiving it.

In particular, the information referred to in the first subparagraph may not be sent to persons other than those in the Member States or within the Community institutions, or within Gibraltar, whose functions require them to know or use it. Nor may it be used for purposes other than those provided for in this Regulation, unless the Member State or Gibraltar, or the Commission, which supplied it has expressly agreed, subject to the conditions laid down by that Member State or Gibraltar or by the Commission and insofar as such communication or use is not prohibited by the provisions in force in the Member State or Gibraltar in which the recipient authority is based.

CHAPTER V

GENERAL AND FINAL PROVISIONS

Article 20

Omitted.

Article 21

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Omitted.

Article 22

Omitted.

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ANNEX I

List of firearms, their parts and essential components and ammunition

	Description	CN CODE
1	Semi-automatic or repeating short firearms	ex 9302 00 00
2	Single-shot short firearms with centre-fire percussion	ex 9302 00 00
3	Single-shot short firearms with rimfire percussion whose overall length is less than 28 cm	ex 9302 00 00
4	Semi-automatic long firearms whose magazine and chamber can together hold more than three rounds	ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
5	Semi-automatic long firearms whose magazine and chamber cannot together hold more than three rounds, where the loading device is removable or where it is not certain that the weapon cannot be converted, with ordinary tools, into a weapon whose magazine and chamber can together hold more than three rounds.	ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
6	Repeating and semi-automatic long firearms with smooth-bore barrels not exceeding 60 cm in length	ex 9303 20 10 ex 9303 20 95
7	Semi-automatic firearms for civilian use which resemble weapons with automatic mechanisms	ex 9302 00 00 ex 9303 20 10 ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
8	Repeating long firearms other than those listed in point 6	ex 9303 20 95 ex 9303 30 00 ex 9303 90 00
9	Long firearms with single-shot rifled barrels	ex 9303 30 00 ex 9303 90 00
10	Semi-automatic long firearms other than those in points 4 to 7	ex 9303 90 00
11	Single-shot short firearms with rimfire percussion whose overall length is not less than 28 cm	ex 9302 00 00
12	Single-shot long firearms with smooth-bore barrels	9303 10 00 ex 9303 20 10 ex 9303 20 95
13	Parts specifically designed for a firearm and essential to its operation, including a barrel, frame or receiver, slide or cylinder, bolt or breech block, and any device designed or adapted to diminish the sound caused by firing a firearm. Any essential component of such firearms: the breech-closing mechanism, the chamber and the barrel of a firearm which, being separate objects, are	ex 9305 10 00 ex 9305 21 00 ex 9305 29 00 ex 9305 99 00

	included in the category of the firearms on which they are or are intended to be mounted	
14	Ammunition: the complete round or the components thereof, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorisation in the relevant Member State / Gibraltar	ex 3601 00 00 ex 3603 00 90 ex 9306 21 00 ex 9306 29 00 ex 9306 30 10 ex 9306 30 90 ex 9306 90 90
15	Collections and collectors' pieces of historical interest Antiques of an age exceeding 100 years	ex 9705 00 00 ex 9706 00 00

For the purposes of this Annex:

- (a) 'short firearm' means a firearm with a barrel not exceeding 30 centimetres or whose overall length does not exceed 60 centimetres;
- (b) 'long firearm' means any firearm other than a short firearm;
- (c) 'automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire more than one round with one pull on the trigger;
- (d) 'semi-automatic firearm' means a firearm which reloads automatically each time a round is fired and can fire only one round with one pull on the trigger;
- (e) 'repeating firearm' means a firearm which, after a round has been fired, is designed to be reloaded from a magazine or cylinder by means of a manually-operated action;
- (f) 'single-shot firearm' means a firearm with no magazine which is loaded before each shot by the manual insertion of a round into the chamber or a loading recess at the breech of the barrel.
- (g) The CN Code is Based on the Combined Nomenclature of goods as laid down in Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff.
- (h) When an 'ex' code is indicated, the scope is to be determined by application of the CN code and corresponding description taken together.

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ANNEX II

(model for export authorisation forms)

(referred to in Article 4 of this Regulation)

When granting export authorisations, Member States / Gibraltar will strive to ensure the visibility of the nature of the authorisation on the form issued.

This is an export authorisation valid in all Member States of the European Union / Gibraltar until its expiry date.

EUROPEAN UNION		EXPORT OF FIREARMS (Regulation (EU) No 258/2012)	
Type of authorisation Single ☐ Multiple ☐ Global ☐			
AUTHORISATION	1. Exporter <i>(EORI number if applicable)</i>		2. Identification number of the authorisation ⁽¹⁾
			3. Expiry date
			4. Contact point details
	5. Consignee(s) <i>(EORI number if applicable)</i>		6. Issuing authority
	7. Agent(s)/Representative(s) <i>(if different from exporter) (EORI number if applicable)</i>		8. Country(ies) of export
			Code ⁽²⁾
			9. Country(ies) of import and number(s) of import authorisation(s)
			Code ⁽²⁾
	10. Final recipient(s) <i>(if known at the time of the shipment) (EORI number if applicable)</i>		11. Third countries of transit <i>(if applicable)</i>
			Code ⁽²⁾
			12. Member State(s) of intended entry into the customs export procedure
			Code ⁽²⁾
13. Description of the items		14. Harmonised System or Combined Nomenclature Code <i>(if applicable – 8 digits)</i>	
13a. Marking		15. Currency and Value	16. Quantity of the items
17. End use <i>(if applicable)</i>		18. Contract date <i>(if applicable)</i>	19. Customs export procedure
20. Additional information required by national legislation <i>(to be specified on the form)</i>			
Available for pre-printed information			
At discretion of Member States			
For completion by issuing authority			
Signature		Stamp	
Issuing Authority			
Place and date			

⁽¹⁾ For completion by the issuing authority.⁽²⁾ See Council Regulation (EC) No 1172/95 (OJ L 118, 25.5.1995, p. 10).

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EUROPEAN UNION

1a. ⁽¹⁾	1. Exporter	2. Identification number		9. Country of import and number of import authorisation
AUTHORISATION		5. Consignee		
	13.1. Description of the items	14. Commodity code <i>(if applicable with 8 digits)</i>		
	13a. Marking	15. Currency and Value	16. Quantity of the items	
	13.2. Description of the items	14. Commodity code <i>(if applicable with 8 digits)</i>		
	13a. Marking	15. Currency and Value	16. Quantity of the items	
	13.3. Description of the items	14. Commodity code <i>(if applicable with 8 digits)</i>		
	13a. Marking	15. Currency and Value	16. Quantity of the items	
	13.4. Description of the items	14. Commodity code <i>(if applicable with 8 digits)</i>		
	13a. Marking	15. Currency and Value	16. Quantity of the items	
	13.5. Description of the items	14. Commodity code <i>(if applicable with 8 digits)</i>		
	13a. Marking	15. Currency and Value	16. Quantity of the items	
13.6. Description of the items	14. Commodity code <i>(if applicable with 8 digits)</i>			
13a. Marking	15. Currency and Value	16. Quantity of the items		
13.7. Description of the items	14. Commodity code <i>(if applicable with 8 digits)</i>			
13a. Marking	15. Currency and Value	16. Quantity of the items		

Note: A separate template shall be filled in for each consignee, in line with the 1a template. In part 1 of column 22, indicate the quantity still available and in part 2 of column 22, indicate the quantity deducted at this occasion.

21. Net quantity/value (<i>Net mass/other unit with indication of unit</i>)		24. Customs document (<i>Type and number</i>) or extract (<i>Nr</i>) and date of deduction	25. Member State, name and signature, stamp of deduction
22. In numbers	23. In words for quantity/ value deducted		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

(¹) A separate template shall be filled in for each consignee.