

# Consumer Protection (EU Cooperation) Act 2007

## Principal Act

Act. No. 2007-34	<i>Commencement</i>	5.7.2007
	<i>Assent</i>	3.7.2007

Amending enactments	Relevant current provisions	Commencement date
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LN. 2020/048	Long Title, ss. 2(1), 4, 4A-4B, 5, 7A-7B	17.1.2020
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## Implementing:

Regulation (EU) 2017/2394

**ARRANGEMENT OF SECTIONS**

## Section

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AN ACT TO FACILITATE THE IMPLEMENTATION IN GIBRALTAR OF REGULATION (EU) 2017/2324 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 12 DECEMBER 2017 ON COOPERATION BETWEEN NATIONAL AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF CONSUMER PROTECTION LAWS AND REPEALING REGULATION (EC) NO 2006/2004, AND MATTERS CONNECTED THERETO.

**Title and commencement.**

1. This Act may be cited as the Consumer Protection (EU Cooperation) Act 2007 and comes into operation on the day of publication.

**Interpretation.**

2.(1) In this Act and unless the context otherwise requires—

“CPC Regulation” means Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004;

“Minister” means the Minister responsible for consumer affairs.

(2) Any term used but not defined shall be interpreted in accordance with the provisions of the CPC Regulation.

(3) A reference to an article, without further, constitutes a reference to an article of the CPC regulation.

**Competent authority and single liaison office.**

3.(1) The competent authority for all purposes connected with the operation of the CPC Regulation is the Minister or such other person as the Minister may, from time to time, appoint.

(2) The single liaison office for all purposes connected with the operation of the CPC Regulation is the office of the Chief Secretary.

4. *Deleted.*

**Minimum powers of competent authority.**

4A.(1) For the purposes of investigations relating to the CPC Regulation, the competent authority or a named police officer shall have the investigation powers referred to in Article 9(3).

(2) For the purpose of enforcement of the CPC Regulation, the competent authority or a named police officer shall have the enforcement powers referred to in Article 9(4)(a) to (h) of the CPC Regulation.

(3) The competent authority or a named police officer shall have the power to start investigations or proceedings in accordance with Article 9(6) of the CPC Regulation.

(4) In order for the powers referred to under subsections (1), (2) and (3) to be used by the competent authority or a named police officer, the competent authority must apply for an order to the Justice of the Peace.

(5) The Justice of the Peace may issue an order pursuant to subsection (4) where he reasonably suspects that an infringement covered by the CPC Regulation exists.

(6) Where an officer of the competent authority or a police officer enters premises pursuant to an order issued under this section, he may take with him such persons and equipment as he considers appropriate.

(7) An officer of the competent authority or police officer who enters premises by virtue of this section shall, if the premises are unoccupied or the occupier is temporarily absent, take reasonable steps to ensure that when he leaves the premises they are as secure as they were before he entered.

#### **External Alerts.**

4B.(1) Designated bodies, European Consumer Centres, consumer organisations and associations, and, where appropriate, trader associations, that have the necessary expertise and have been designated by the Minister, may issue an alert to the competent authorities of the relevant Member States under Article 27 of the CPC Regulations.

(2) The Minister may designate a body, European Consumer Centre, consumer organisation or association, or, where appropriate, trader association for the purposes of subsection (1).

5. *Deleted.*

#### **Retention of documents and goods.**

6. Documents or goods seized pursuant to a order issued under section 4 may be retained for such period as the Justice of the Peace may order.

#### **Data protection.**

7. Nothing in the Data Protection Act 2004 shall oblige the competent authority or the Royal Gibraltar Police to disclose personal data processed by it for the purpose of discharging any

function conferred on it by or under this Act or the CPC Regulation where disclosure would be likely to prejudice the proper discharge of that function.

**Offences.**

7A.(1) For the purposes of Article 9(4)(h) of the CPC Regulation and the powers of enforcement conferred on the competent authority or a named police officer under section 4(A)(2), a person who fails to comply with a decision, order, interim measure, trader's commitment or other measure specified in Article 9(4)(a) to (g) of the CPC Regulation commits an offence.

(2) Where a person commits an intra-Union infringement, a widespread infringement or a widespread infringement with a Union dimension, he or she commits an offence.

(3) Where a person, without reasonable excuse, intentionally obstructs, or fails to cooperate with, an officer of the competent authority or a police officer who is exercising or seeking to exercise a power under this Act, he or she commits an offence.

**Penalties.**

7B. A person guilty of an offence under section 7A is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Regulations.**

8.(1) The Minister may, by regulations, make such provision for the enforcement of this Act as he may deem appropriate.

(2) Regulations made under subsection (1) may provide for such offences and penalties therefor as the Minister may deem appropriate.

**Rules of court.**

9. The Chief Justice may make rules of court in respect of any matter connected with the application for, and grant of, an order under this Act.