

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4653 GIBRALTAR Friday 17th January 2020

LEGAL NOTICE NO. 48 OF 2020

INTERPRETATION AND GENERAL CLAUSES ACT

CONSUMER PROTECTION (EU COOPERATION) (AMENDMENT) REGULATIONS 2020

In exercise of the powers conferred on it by section 23(g)(ii) of the Interpretation and General Clauses Act, and all other enabling powers, and for the purpose of implementing 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, the Government has made the following Regulations—

Title.

1. These Regulations may be cited as the Consumer Protection (EU Cooperation) (Amendment) Regulations 2020.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment of the Consumer Protection (EU Cooperation) Act 2007.

3.(1) The Consumer Protection (EU Cooperation) Act 2007 is amended in accordance with this regulation.

(2) Substitute the following for the long title—

“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.”.

(3) In section 2(1), substitute the following for the definition of “CPC Regulation”—

““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;”.

(4) Delete section 4.

(5) After section 4, insert the following–

“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).”.

(6) Delete section 5.

(7) After section 7, insert the following–

“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.”.

Dated 17th January, 2020.

V DARYANANI,
Minister with responsibility for Business,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations implement 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.

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