

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4519 of 15 November, 2018

LEGAL NOTICE NO.256 OF 2018.

INTERPRETATION AND GENERAL CLAUSES ACT

**EUROPEAN COMMUNITIES ACT (AMENDMENT)
REGULATIONS 2018**

In exercise of the powers conferred upon it by section 23(g)(ii) of the Interpretation and General Clauses Act, the Government has made the following Regulations-

Title.

1. These Regulations may be cited as the European Communities Act (Amendment) Regulations 2018.

Commencement.

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

Amendment of Act.

3.(1) The European Communities Act is amended in accordance with this regulation.

(2) In section 2(1)-

(a) after the definition of “the Communities” insert –

““the EU” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by any later Treaty);”;

(b) in the definition of “the Treaties” for ““the Community Treaties”” substitute ““the EU Treaties””;

(c) after paragraph (d) insert-

“(da) the decisions of the Council of 7 May 1985, 24 June 1988, 31 October 1994, 29 September 2000 and 7 June 2007 on the Communities' system of own resources, and the decision of the Council of 26 May 2014 on the EU's system of own resources;”;

(d) after paragraph (g) insert-

“(ga) the decision, of 1st February 1993, of the Council amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20th September 1976; and”;

(e) in paragraph (j) delete “, as modified by the Decision of the Council of the European Union of 1st January, 1995 adjusting the instruments concerning the accession of new Member States to the European Union”;

(f) after paragraph (l) insert-

“(la) the following provisions of the Treaty signed at Nice on 26th February 2001 amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts-

(i) Articles 2 to 10, and

(ii) the other provisions of the Treaty so far as they relate to those Articles,

and the Protocols adopted on that occasion; and”;

(g) after paragraph (n) insert –

“(na) the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007 (together with its Annex and protocols), excluding any provision that relates to, or in so far as it relates to or could be applied in relation to, the Common Foreign and Security Policy; and

(nb) the Protocol amending the Protocol (No 36) on transitional provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, signed at Brussels on 23 June 2010; and

(nc) the treaty concerning the accession of the Republic of Croatia to the European Union, signed at Brussels on 9 December 2011; and

(nd) the Protocol on the concerns of the Irish people on the Treaty of Lisbon, adopted at Brussels on 16 May 2012; and”;

(h) in paragraph (o) for “any of the Communities” substitute “the EU (except in so far as it relates to, or could be applied in relation to, the Common Foreign and Security Policy)”;

(i) after subsection (1A) insert-

“(1B) A reference to the EU in an Act or instrument made under an Act includes, if and in so far as the context permits or requires, a reference to the European Atomic Energy Community.

(1C) A reference in any enactment to the terms defined in this section and in Schedule 1 shall, unless the context otherwise requires, be construed as amended from time to time.”.

(3) In section 2(2) for “Community Treaties” substitute “EU Treaties”.

(4) In section 3(1)-

(a) in the words before the proviso for “community right” substitute “EU right”;

(b) in paragraph (a) for “the Communities” substitute “the EU” in the three places where it occurs and delete “one of”.

(5) In section 4-

- (a) in the heading for “Community obligations” substitute “EU obligations”;
- (b) in subsection (1) for “Community obligation” substitute “EU obligation”;
- (c) in subsections (1) and (9) for “the Communities” substitute “the EU”;
- (d) in subsection (10) for “a Community institution” substitute “an EU institution”.

(6) In section 5-

- (a) in the heading for “Community obligations” substitute “EU obligations”;
- (b) for “Community obligation” substitute “EU obligation”.

(7) In section 6-

- (a) in the heading for “Community Instruments” substitute “EU instruments”;
- (b) in subsections (1) and (4) for “Community instrument” substitute “EU instrument”;
- (c) in subsections (1), (2) and (3) for “European Court or any court attached thereto” substitute “European Court”;
- (d) in subsection (2) for “the Communities” substitute “the EU” in the two places where it occurs;
- (e) in subsection (2) for “Community institution” substitute “EU institution”;
- (f) in subsections (3) and (5) for “a Community institution” substitute “an EU institution”;
- (g) in subsection (3) for “instrument issued by a Community institution” substitute “EU instrument”.

(8) In Schedule 1-

- (a) in the heading for “Communities” substitute “EU”;
- (b) for ““Community customs duty”” substitute ““EU customs duty”” and in that definition for “Community provision” substitute “EU provision”;
- (c) for the definition of “Community institution” substitute-
 ““EU Institution” means any institution of the EU.”;
- (d) for ““Community instrument”” substitute ““EU instrument”” and in that definition for “a Community institution” substitute “an EU institution”;
- (e) for ““Community obligation”” substitute ““EU obligation”” and in that definition for “Community obligation” substitute “EU obligation”;
- (f) for ““Enforceable Community right”” substitute ““Enforceable EU right””;
- (g) in the definition of “European Court” for “European Communities” substitute “European Union”;
- (h) in the definition of “Member” for “the Communities” substitute “the EU”.

(9) In Schedule 3 after “the Republic of Bulgaria” insert “the Republic of Croatia”.

Dated 15th November, 2018.

DR J GARCIA,
Deputy Chief Minister,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the European Communities Act so as to update all definitions relating to the EU and in particular the definition of ‘the Treaties’ and references to the ‘Community’.