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European Union Withdrawal (Application of International Agreements) Act 2019

Principal Act

Act. No. 2019-34		<i>Commencement (LN.2021/042)</i>	1.1.2021
		<i>Assent</i>	4.9.2019
Amending enactments		Relevant current provisions	Commencement date
LN.2021/041	Sch		1.1.2021
2021/168	Sch		4.3.2021

ARRANGEMENT OF SECTIONS

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INTERNATIONAL AGREEMENTS APPLYING IN GIBRALTAR AFTER THE RELEVANT DAY

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AN ACT TO PROVIDE FOR THE APPLICATION OF CERTAIN EU-THIRD COUNTRY AGREEMENTS AND UK-THIRD COUNTRY AGREEMENTS AFTER GIBRALTAR'S EXIT FROM THE EUROPEAN UNION OR WHERE THERE IS AN AGREEMENT UNDER ARTICLE 50(2) OF THE TREATY ON EUROPEAN UNION, AT THE END OF ANY TRANSITIONAL/IMPLEMENTATION PERIOD.

Title and commencement.

1. This Act may be cited as the European Union Withdrawal (Application of International Agreements) Act 2019 and comes into operation on such day as the Chief Minister specifies by Notice in the Gazette.

Interpretation.

2. In this Act-

“EU-third country agreement” means an international agreement between the European Union and a third State or States or other subject of international law;

"international agreement" includes non-binding arrangements between the United Kingdom and a third State or States or other subject of international law;

“successor agreement” means a UK-third country agreement that replaces an EU-third country agreement after the relevant day;

“the relevant day” means the day of commencement of this Act;

“UK-third country agreement” means an international agreement between the United Kingdom and a third State or States or other subject of international law and which has been extended to or otherwise applies to Gibraltar.

International agreements to which Act applies.

3.(1) Except as regards section 5 of this Act, this Act applies to international agreements listed or described in the Schedule that are in force or effect for the United Kingdom, or are being provisionally applied by the United Kingdom, and extend to Gibraltar, to the same extent that such agreements or (in the case of successor agreements) the EU-third country agreements they replace or may replace, applied to Gibraltar before the relevant day.

(2) International agreements to which this Act applies by virtue of subsection (1) shall constitute part of the law of Gibraltar after the relevant day and shall be applied directly.

(3) The reference in subsection (1) to agreements being applied to the same extent as EU-third country agreements applied to Gibraltar is to be interpreted as meaning that the scope of

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such international agreements is the same provided for by the EU treaties and EU law as it applied to Gibraltar before the relevant day, but an agreement does not fall outside the scope of subsection (1) if the successor agreement is not identical to the agreement that it replaces or may replace.

(4) For the purposes of subsection (1), the reference to “provisionally applied” includes application of an international agreement by the negotiating States to that agreement by way of a memorandum of understanding or other temporary arrangement or agreement pending the entry into force of that agreement.

(5) The Chief Minister, in consultation with the Governor, may by Order amend the Schedule to add or modify-

- (a) an international agreement which applied to Gibraltar before the relevant day by virtue of EU law; or
- (b) a successor agreement.

(6) An Order made pursuant to subsection (5) must be laid before Parliament at the next meeting thereof after it is made.

Interpretation of and giving effect to international agreements.

4.(1) In any proceedings before a court or tribunal must so far as it is possible to do so read and give effect to any provision of Gibraltar law in a way that is compatible with the terms of an international agreement listed in the Schedule.

(2) Where a compatible reading under subsection (1) is not possible, the terms of an international agreement listed in the Schedule shall take precedence over anything contained in or done under the authority of any law enacted before the relevant day.

Power to make regulations.

5.(1) The Chief Minister may by regulations provide for any matter which arises from or under an obligation in an international agreement listed or described in the Schedule, including but not limited to-

- (a) the designation of a competent authority or any other body for the purposes of administering or implementing any obligation;
- (b) the conferral of powers on a competent authority or any other body referred to in paragraph (a);
- (c) the provision of administrative penalties, criminal penalties or both;

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(d) the charging of fees, if applicable.

(2) Regulations under subsection (1) may amend any Act or subsidiary legislation for the purposes of giving effect to or implementing an international agreement listed or described in the Schedule.

Governor's Constitutional responsibility.

6. Nothing in this Act or in any order or regulations made under this Act shall derogate from the responsibility of the Governor under the Constitution for defence, internal security, external affairs or any other matter for which the Governor may have responsibility under the Constitution.

SCHEDULE

Section 3

**INTERNATIONAL AGREEMENTS APPLYING IN GIBRALTAR
AFTER THE RELEVANT DAY**

Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, done at The Hague

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Georgia concerning Air Services, signed at Tbilisi on 18 November 2010

Memorandum of Understanding between the Aeronautical Authorities of the Kingdom of Morocco and of the United Kingdom of Great Britain and Northern Ireland, signed at Rabat on 15 November 2017

Memorandum of Understanding between the Aeronautical Authorities of the Government of the State of Israel and of the United Kingdom of Great Britain and Northern Ireland, signed at Colombo on 8 December 2017

Agreed Minutes of the meeting between representatives of the Aeronautical Authorities of the Republic of Kosovo and the Aeronautical Authorities of the United Kingdom of Great Britain and Northern Ireland, signed at Prishtina on 5 April 2018

Agreed Record of the meeting between representatives of the Aeronautical Authorities of the Republic of Albania and the Aeronautical Authorities of the United Kingdom of Great Britain and Northern Ireland, signed at Tirana on 31 May 2018

Memorandum of Consultations of the meeting between representatives of the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland, signed at Ottawa on 30 November 2018

Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation relating to Scheduled Air Services, signed at Zurich on 17 December 2018

Agreement on Trade in Wine between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Australia, signed at London on 18 January 2019

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Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Swiss Federal Council on the International Carriage of Passengers and Goods by Road, signed at Davos on 25 January 2019

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Chile, signed at Santiago on 30 January 2019

Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America on Trade in Wine, signed at Washington on 31 January 2019

Agreement between the United Kingdom of Great Britain and Northern Ireland and the United States of America on the Mutual Recognition of certain distilled Spirits/Spirit Drinks, signed at Washington on 31 January 2019

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark in respect of the Faroe Islands, signed at London on 31 January 2019

Agreement establishing an Economic Partnership Agreement between the Eastern and Southern Africa States and the United Kingdom of Great Britain and Northern Ireland, signed at London on 31 January 2019

Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation, signed at Bern on 11 February 2019

Additional Agreement between the United Kingdom of Great Britain and Northern Ireland, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein certain provisions of the Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation, signed at Bern on 11 February 2019

Interim Political, Trade and Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, signed at Ramallah on 18 February 2019

Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel, signed at Tel Aviv on 18 February 2019

Interim Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Pacific States, of the other part, signed at London on 14 March 2019

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Record of Discussions between the Aeronautical Authorities of the Hashemite Kingdom of Jordan and the United Kingdom of Great Britain and Northern Ireland, signed at Amman on 14 March 2019

Economic Partnership Agreement between the CARIFORUM States, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, signed at Saint Lucia on 22 March 2019

Trade Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Colombia, the Republic of Ecuador and the Republic of Peru, of the other part, signed at Quito on 15 May 2019

Agreement Establishing an Association between the United Kingdom of Great Britain and Northern Ireland and Central America, signed at Managua on 18 July 2019

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Korea (with Exchange of Notes), signed at London on 22 August 2019

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Montenegro concerning Air Services, signed at London on 3 September 2019

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Tunisia, signed at London on 4 October 2019

Economic Partnership Agreement between the Southern African Customs Union Member States and Mozambique, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, signed at London on 9 October 2019

Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and Georgia, signed at London on 21 October 2019

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco, signed at London on 26 October 2019

Partnership and Cooperation Agreement establishing a Partnership between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Uzbekistan, of the other part, signed at Tashkent on 31 October 2019

Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Kosovo, signed at Pristina on 3 December 2019

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Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Lebanon, signed at London on 19 September 2019

Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine, signed at London on 8 October 2020

Stepping Stone Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and Côte d'Ivoire, of the other part, signed at London on 15 October 2020

Air Transport Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America, signed at Washington on 10 November 2020 and at London on 17 November 2020

Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of North Macedonia, signed at Skopje on 3 December 2020

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Arab Republic of Egypt, signed at Cairo on 5 December 2020

Agreement on Trade in Goods between the United Kingdom of Great Britain and Northern Ireland, Iceland and the Kingdom of Norway, signed at London on 8 December 2020

Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Kenya, a Member of the East African Community, of the other part, signed at London on 8 December 2020

Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada, signed at Ottawa on 9 December 2020

Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Iceland Concerning Air Services, signed at Reykjavik on 9 December 2020 and at London on 16 December 2020

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Singapore, signed at Singapore on 10 December 2020

Temporary Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Services Mobility, signed at London on 14 December 2020

Trade Continuity Agreement between the United Kingdom of Great Britain and Northern Ireland and the United Mexican States, signed at Mexico City on 15 December 2020

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Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government the Kingdom of Norway Concerning Air Services, signed at Oslo on 16 December 2020

Strategic Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Moldova, signed at Chisinau on 24 December 2020

Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Socialist Republic of Vietnam, signed at London on 29 December 2020

Memorandum of understanding between the United Kingdom of Great Britain and Northern Ireland and the Republic of Cameroon concerning the arrangements for applying the effects of the Interim Agreement establishing an Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, on the one part, and the Republic of Cameroon, on the other part, signed at Yaoundé on 28 December 2020

Interim Trade Partnership Agreement between the Republic of Ghana, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, signed at London on 2 March 2021