

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4546 of 21 February, 2019

LEGAL NOTICE NO.037 OF 2019.

EUROPEAN UNION (WITHDRAWAL) ACT 2019

PROTOCOL 1 TO THE EEA AGREEMENT (AMENDMENT) (EU EXIT) REGULATIONS 2019

In exercise of the powers conferred on the Minister by section 11 of the European Union (Withdrawal) Act 2019, the Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Protocol 1 to the EEA Agreement (Amendment) (EU Exit) Regulations 2019.

Commencement.

2. These Regulations come into operation on exit day.

Amendment of Protocol 1.

3.(1) Protocol 1 to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as it forms part of domestic law by virtue of section 6(2)(c) of the European Union (Withdrawal) Act 2019, is amended as follows.

(2) For the unnumbered paragraph before paragraph 1 substitute-

“APPLICATION AND INTERPRETATION

(a) The provisions of the acts referred to in the Annexes shall be applicable in accordance with this Protocol, unless otherwise provided in the respective Annex. The specific adaptations necessary for individual acts are set out in the Annex where the act concerned is listed.

(b) In this Protocol-

“act” means any instrument so far as it contains anything which forms part of domestic law by virtue of section 6(2)(a) of the European Union (Withdrawal) Act 2019;

“the Annexes” means the Annexes to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, so far as those Annexes form part of domestic law by virtue of section 6(2)(b) of the European Union (Withdrawal) Act 2019.”.

(3) In paragraph 1 (introductory parts of the acts)-

(a) for “purposes of the Agreement” substitute “purposes of the application of those acts by virtue of the Annexes”;

(b) for “within the framework of the Agreement” substitute “by virtue of the Annexes”.

(4) Omit paragraphs 2, 3, 4, 5, and 6.

(5) For paragraph 7, substitute-

“(a) Rights conferred on Member States, their public entities, undertakings or individuals are to be treated as also conferred on Contracting Parties, their competent authorities, public entities, undertakings or individuals.

(b) Obligations imposed in relation to Member States, their public entities, undertakings or individuals are to be treated as also imposed in relation to Contracting Parties, their competent authorities, public entities, undertakings or individuals.”.

(6) In paragraph 8, for “purposes of the Agreement” substitute “purposes of the application of those acts by virtue of the Annexes”.

(7) In paragraph 9, for “purposes of the Agreement” substitute “purposes of the application of those acts by virtue of the Annexes”.

(8) Omit paragraphs 10, 11 and 12.

(9) Protocol 1 to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as amended is set out in the Schedule for information purposes only.

SCHEDULE

PROTOCOL 1

ON HORIZONTAL ADAPTATIONS

APPLICATION AND INTERPRETATION

(a) The provisions of the acts referred to in the Annexes shall be applicable in accordance with this Protocol, unless otherwise provided in the respective Annex. The specific adaptations necessary for individual acts are set out in the Annex where the act concerned is listed.

(b) In this Protocol-

“act” means any instrument so far as it contains anything which forms part of domestic law by virtue of section 6(2)(a) of the European Union (Withdrawal) Act 2019;

“the Annexes” means the Annexes to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, so far as those Annexes form part of domestic law by virtue of section 6(2)(b) of the European Union (Withdrawal) Act 2019.

1. INTRODUCTORY PARTS OF THE ACTS

The preambles of the acts referred to are not adapted for the purposes of the application of those acts by virtue of the Annexes. They are relevant to the extent necessary for the proper interpretation and application, by virtue of the Annexes, of the provisions contained in such acts.

2. Omitted

3. Omitted

4. Omitted

5. Omitted

6. Omitted

7. RIGHTS AND OBLIGATIONS

(a) Rights conferred on Member States, their public entities, undertakings or individuals are to be treated as also conferred on Contracting Parties, their competent authorities, public entities, undertakings or individuals.

(b) Obligations imposed in relation to Member States, their public entities, undertakings or individuals are to be treated as also imposed in relation to Contracting Parties, their competent authorities, public entities, undertakings or individuals.

8. REFERENCES TO TERRITORIES

Whenever the acts referred to contain references to the territory of the "Community" or of the "common market" the references shall for the purposes of the application of those acts by virtue of the Annexes be understood to be references to the territories of the Contracting Parties as defined in Article 126 of the Agreement.

9. REFERENCES TO NATIONALS OF EC MEMBER STATES

Whenever the acts referred to contain references to nationals of EC Member States, the references shall for the purposes of the application of those acts by virtue of the Annexes be understood to be references also to nationals of EFTA States.

10. *Omitted*

11. *Omitted*

12. *Omitted*

Dated 21st February, 2019.

DR J GARCIA,
Deputy Chief Minister.

EXPLANATORY MEMORANDUM

These Regulations make amendments to Protocol 1 to the EEA agreement, which will form part of domestic law by virtue of section 6(2)(c) of the European Union (Withdrawal) Act 2019.