

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4800 GIBRALTAR Thursday 24th December 2020

LEGAL NOTICE NO. 524 OF 2020.

EUROPEAN UNION (WITHDRAWAL) ACT 2019

EUROPEAN FREEZING ORDERS AND CONFISCATION ORDERS (AMENDMENT etc) (EU EXIT) REGULATIONS 2020

In exercise of the powers conferred upon her by sections 11, 11B, 15 and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019, and section 25 of the European Union (Withdrawal Agreement) Act 2020, the Minister has made the following Regulations-

Title.

1. These Regulations may be cited as the European Freezing Orders and Confiscation Orders (Amendment etc) (EU Exit) Regulations 2020.

Commencement.

2. These Regulations come into operation on 1 January 2021.

Revocation of the European Freezing and Confiscation Orders Regulations 2014

3. Subject to regulation 5 (saving provisions) the European Freezing and Confiscation Orders Regulations 2014 are revoked.

Revocation of the Cooperation Between Asset Recovery Offices Regulations 2014.

4. The Cooperation Between Asset Recovery Offices Regulations 2014 are revoked.

Transition and saving provisions.

5. Regulation 3 does not apply in relation to a case where, before commencement, any of the following has occurred (and see Articles 6 and 62(1)(c) and (e) and Title VII of Part 3 of the withdrawal agreement and sections 10A and 10C of the European Union (Withdrawal) Act 2019 and, in relation to the continued application of Framework Decisions 2003/577/JHA and 2006/783/JHA in respect of certificates received by Gibraltar before 19 December 2020, see Article 40(2) of Regulations 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders) -

- (a) the Supreme Court has made a certificate under regulation 15(2) or regulation 20(2) of the European Freezing and Confiscation Orders Regulations 2014;

- (b) the Minister with responsibility for Justice has received an overseas restraint order under regulation 17 or an overseas confiscation order under regulation 22.

Revocation of Council Decision 2000/642/JHA and Council Decision 2007/845/JHA.

6. Subject to regulation 7 (saving provision), the following are revoked—

- (a) Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information;
- (b) Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime.

Saving provision.

7.(1) Article 5 of Council Decision 2000/642/JHA (use of information or documents) continues to have effect in relation to information or documents obtained under Article 1 of that Council Decision (cooperation of financial intelligence units) before 1 January 2021.

(2) Article 5 of Council Decision 2007/845/JHA (data protection) continues to have effect in relation to information exchanged under Article 3 (exchange of information between Asset Recovery Offices on request) or 4 (Spontaneous exchange of information between Asset Recovery Offices) of that Council Decision before 1 January 2021.

Revocation of Regulation (EU) 2018/1805.

8. Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders is revoked (but see Article 62(1)(c) and (e) and Title VII of Part 3 of the withdrawal agreement and sections 10A and 10C of the European Union (Withdrawal) Act 2019).

Dated: 24th December 2020

S. SACRAMENTO
Minister for Justice