

# **2019-34** European Union Withdrawal (Application of International Agreements)

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Subsidiary Legislation made under s.5(1).

## **Republic of Chile Trade Continuity Regulations 2021**

**LN.2021/001**

*Commencement* **1.1.2021**

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### **ARRANGEMENT OF REGULATIONS.**

#### Regulation

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*In exercise of powers conferred on him by section 5(1) of the European Union Withdrawal (Application of International Agreements) Act 2019, and all other enabling powers, and for the purposes of further implementing into the law of Gibraltar the Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Chile done at Santiago on 30 January 2019, the Chief Minister has made these Regulations-*

**Title.**

1. These Regulations may be cited as the Republic of Chile Trade Continuity Regulations 2021.

**Commencement.**

2. These Regulations come into operation on the 1<sup>st</sup> day of January 2021.

**Definitions and interpretation.**

3. In these Regulations, unless the context otherwise so requires-

“EU-Republic of Chile Agreement” means the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, done at Brussels on 18 November 2002;

“Government” means Her Majesty’s Government of Gibraltar;

“mutatis mutandis” means with the technical changes necessary to apply the EU-Republic of Chile Agreement as if it had been concluded between Gibraltar and the Republic of Chile, taking into account the object and purpose of the UK-Republic of Chile Agreement, and any reference to a European Union body, office or institution shall in particular be read as a reference to the Gibraltar equivalent and any reference to the European Commission shall be read as a reference to the Government;

“UK-Republic of Chile Agreement” means the Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Chile, done at Santiago on 30 January 2019.

**Purpose.**

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4. The purpose of these Regulations is to preserve the preferential conditions relating to trade between Gibraltar and the Republic of Chile and the other links between them resulting from the EU-Republic of Chile Agreement as applicable to Gibraltar.

**Source of application.**

5. The UK-Republic of Chile Agreement applies to Gibraltar under Article 6(a)(i) of that Agreement.

**Incorporation and modification.**

6.(1) The provisions of the EU-Republic of Chile Agreement are incorporated, *mutatis mutandis*, into these Regulations to the extent that, and under the conditions under which, that Agreement applied to Gibraltar immediately before it ceased to do so, subject to subregulation (3).

(2) For greater certainty, the incorporation of the EU-Republic of Chile Agreement into these Regulations includes Title I (Economic Cooperation) and Title III (Trade in Services and Establishment) but does not include Titles, Chapters or other provisions on trade in goods.

(3) The EU-Republic of Chile Agreement is incorporated into these Regulations as modified by the UK-Republic of Chile Agreement and regulations 7, 8, 9 and 10.

**Continuation of time periods.**

7(1) Unless these Regulations provide otherwise-

- (a) if a time period in the EU-Republic of Chile Agreement has not yet ended, the remainder of that period is incorporated into these Regulations; and
- (b) if a time period in the EU-Republic of Chile Agreement has ended, any ongoing right or obligation in the EU-Chile Agreement applies and that period is not incorporated into these Regulations.

(2) Notwithstanding subregulation (1), a reference in the EU-Republic of Chile Agreement to a time period relating to a procedure or other administrative matter (such as review, committee procedure or notification) shall not be affected.

**References to the euro.**

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8. Any references to the euro (including “EUR”) and to the ECU (the European Currency Unit) in the EU-Republic of Chile Agreement are incorporated as such in these Regulations.

**References to European Union law.**

9. A reference in the UK-Republic of Chile Agreement or these Regulations to European Union law is to be read as a reference to that European Union law in force as incorporated or implemented in the law of Gibraltar as retained European Union law on the day after Gibraltar ceases to be bound by the relevant European Union law.

**References to approximation to European Union law.**

10. Any obligations in the EU-Republic of Chile Agreement regarding the convergence, harmonisation, integration or approximation of Gibraltar law or practice to the laws of the European Union are not appropriate for application and are not incorporated into these Regulations.