

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

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Subsidiary Legislation made under s.5(1).

**Canada Trade Continuity Regulations 2021**

**LN.2021/003**

*Commencement*

**1.1.2021**

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**ARRANGEMENT OF REGULATIONS.**

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

## **2021/003** Canada Trade Continuity Regulations 2021

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*In the 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 the Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada done at Ottawa on 9 December 2020, the Chief Minister has made these Regulations-*

### **Title.**

1. These Regulations may be cited as the Canada 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-Canada Agreement” or “CETA” means the Canada-European Union Comprehensive Economic and Trade Agreement done at Brussels on 30 October 2016;

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

“mutatis mutandis” means with the technical changes necessary to apply the EU-Canada Agreement as if it had been concluded between Gibraltar and Canada, taking into account the purpose of the UK-Canada 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-Canada Agreement” means the Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada done at Ottawa on 9 December 2020.

### **Purpose.**

4. The purpose of these Regulations is to preserve the preferential conditions relating to trade between Gibraltar and Canada and the other links between them resulting from CETA as it applied to Gibraltar.

### **Source of application.**

5. The UK-Canada Agreement applies to Gibraltar under paragraph 3(i) of Chapter 1 in Part B of Annex A in that Agreement.

**Incorporation and modification.**

6.(1) The provisions of CETA 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 CETA in these Regulations includes Chapter Eight (Investment), Chapter Nine (Cross-Border Trade in Services), Chapter Ten (Temporary Entry and Stay of Natural Persons for Business Purposes), Chapter Eleven (Mutual Recognition of Professional Qualifications) and Chapter Nineteen (Government Procurement) but does not include Chapters or other provisions regarding trade in goods.

(3) CETA is incorporated into these Regulations except as modified by the UK-Canada 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 CETA has not yet ended, the remainder of that period is incorporated into these Regulations; and

(b) if a time period in CETA has ended, any ongoing right or obligation in CETA applies and that period is not incorporated into these Regulations.

(2) Notwithstanding subregulation (1), a reference in CETA to a time period relating to a procedure or other administrative matter, such as review, committee procedure or notification, is not be affected.

**References to the euro.**

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

**References to European Union law.**

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9. A reference in the UK-Canada 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. An obligation in CETA regarding the convergence, harmonisation, integration or approximation of Gibraltar law or practice to the laws of the European Union is not appropriate for application and is not incorporated into these Regulations.