

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

Subsidiary Legislation made under s.5(1).

CARIFORUM Trade Continuity Regulations 2021

LN.2021/004

		<i>Commencement</i>	1.1.2021
Amending enactments	Relevant current provisions	Commencement date	
LN.2021/233	r. 3		14.4.2021

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International Agreements)

2021/004 CARIFORUM Trade Continuity Regulations 2021

ARRANGEMENT OF REGULATIONS.

Regulation

1. Title.
2. Commencement.
3. Definitions and interpretation.
4. Purpose.
5. Source of application.
6. Incorporation and modification.
7. Continuation of time periods.
8. References to the euro.
9. References to European Union law.
10. References to approximation to European Union law.

European Union Withdrawal (Application of International Agreements) **2019-31**

CARIFORUM Trade Continuity Regulations 2021 2021/004

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 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 done at Saint Lucia on 22 March 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the CARIFORUM Trade Continuity Regulations 2021.

Commencement.

2. These Regulations come into operation on the 1st day of January 2021.

Definitions and interpretation.

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

“CARIFORUM States” means Antigua and Barbuda, the Commonwealth of the Bahamas, Barbados, Belize, the Commonwealth of Dominica, the Dominican Republic, Grenada, the Republic of Guyana, Jamaica, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Republic of Suriname and the Republic of Trinidad and Tobago;

“CARIFORUM-EU Agreement” means the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, signed on 15 October 2008;

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

“mutatis mutandis” means with the technical changes necessary to apply the CARIFORUM-EU Agreement as if it had been concluded between Gibraltar and the CARIFORUM States, taking into account the object and purpose of the UK-CARIFORUM 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;

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

2021/004 CARIFORUM Trade Continuity Regulations 2021

“UK-CARIFORUM Agreement” means the 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, done at Saint Lucia on 22 March 2019.

Purpose.

4. The purpose of these Regulations is to preserve the rights and obligations between Gibraltar and the CARIFORUM States to the extent that, and under the conditions under which, the CARIFORUM-EU Agreement applied to Gibraltar immediately before it ceased to do so.

Source of application.

5. The UK-CARIFORUM Agreement applies to Gibraltar pursuant to Article 244 of that Agreement.

Incorporation and modification.

6.(1) The CARIFORUM-EU EPA is 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) and regulations 7, 8, 9 and 10.

(2) For greater certainty, Title II (Investment, Trade in Services and E-commerce), Title III (Current Payments and Capital Movement) and Title IV (Trade-Related Issues) are incorporated into these Regulations but provisions regarding trade in goods are not so incorporated.

(3) The EU-CARIFORUM Agreement is incorporated into these Regulations as modified by the UK-CARIFORUM 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-CARIFORUM Agreement has not yet ended, the remainder of that period is incorporated into these Regulations, and

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

(2) Notwithstanding subregulation (1), a reference in the EU-CARIFORUM 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.

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

References to European Union law.

9. A reference in the UK-CARIFORUM 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 EU law.

10. An obligation in the EU-CARIFORUM Agreement 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.