

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

Subsidiary Legislation made under s.5(1).

Central America Trade Continuity Regulations 2021

LN.2021/005

Commencement **1.1.2021**

ARRANGEMENT OF REGULATIONS.

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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 Establishing an Association between the United Kingdom of Great Britain and Northern Ireland and Central America, done at Managua on 18 July 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Central America 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-

“Central America” means the Republic of Costa Rica, the Republic of El Salvador, the Republic of Guatemala, the Republic of Honduras, the Republic of Nicaragua and the Republic of Panama;

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

“EU-Central America Agreement” means the Agreement establishing an Association between the European Union and its Member States on the one hand, and Central America on the other, done at Tegucigalpa on 29 June 2012.

“mutatis mutandis” means with the technical changes necessary to apply the EU-Central America Agreement as if it had been concluded between Gibraltar and Central America, taking into account the object and purpose of the UK-Central America 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-Central America Agreement” means the Agreement Establishing an Association between the United Kingdom of Great Britain and Northern Ireland and Central America, done at Managua on 18 July 2019.

Purpose.

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4.(1) The purpose of these Regulations is to preserve the links between Gibraltar and the Republic of Costa Rica, the Republic of El Salvador, the Republic of Guatemala, the Republic of Honduras, the Republic of Nicaragua, the Republic of Panama established in the association created in Article 2 of the EU-Central America Agreement.

(2) These Regulations preserve the preferential conditions relating to trade between Gibraltar and Central America as set out in the EU-Central America Agreement.

(3) These Regulations affirm the objectives in Articles 2, 24 and 78 of the EU-Central America Agreement (as modified by the UK-Central America Agreement).

Source of application.

5. The UK-Central America Agreement applies to Gibraltar under Article 6.1 of that Agreement.

Incorporation and modification.

6.(1) The provisions of the EU-Central America 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, incorporation of the EU-Central America Agreement includes Title III (Establishment, Trade in Services and Electronic Commerce), Title III (Trade in Services and Establishment, Title V (Government Procurement) and Title VI (Economic and Trade Development) but does not include Titles, Chapters or other provisions regarding trade in goods.

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

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

(2) Notwithstanding subregulation (1), a reference in the EU-Central America 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-Central America Agreement are incorporated as such in these Regulations.

References to European Union law.

9. A reference in the UK-Central America 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 obligation in the EU-Central America 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.