

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

Subsidiary Legislation made under s.5(1).

**Eastern and Southern Africa States Trade Continuity
Regulations 2021**

LN.2021/007

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 Economic Partnership Agreement between the Eastern and Southern Africa States and the United Kingdom of Great Britain and Northern Ireland done at London on 31 January 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Eastern and Southern Africa States Trade Continuity Regulations 2021.

Commencement.

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

Definitions and interpretation.

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

“Eastern and Southern Africa States” or “ESA States” or “ESA” means the Republic of Mauritius, the Republic of Seychelles and the Republic of Zimbabwe;

“EU-ESA Agreement” means the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part;

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

“mutatis mutandis” means with the technical changes necessary to apply the EU-ESA Agreement as if it had been concluded between the United Kingdom and the Eastern and Southern Africa States, taking into account the object of the UK-ESA Agreement;

“UK-ESA Agreement” means the Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Eastern and Southern Africa States done at London on 31 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 ESA States and the other links between them resulting from the EU-ESA Agreement as applicable to Gibraltar.

Source of application.

5. The UK-ESA Agreement applies to Gibraltar under Article 60 of that Agreement.

Incorporation and modification.

6.(1) The provisions of the EU-ESA 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 (2).

(2) The EU-ESA Agreement is incorporated into these Regulations as modified by the UK-ESA 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-ESA Agreement has not yet ended, the remainder of that period is incorporated into these Regulations; and
- (b) if a time period in the EU-ESA Agreement has ended, any ongoing right or obligation in the EU-ESA Agreement applies and that period is not incorporated into these Regulations.

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

References to European Union law.

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9. A reference in the UK-ESA 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. Any obligations in the EU-ESA 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.