

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

Subsidiary Legislation made under s.5(1).

Faroe Islands Trade Continuity Regulations 2021

LN.2021/009

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 Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark in respect of the Faroe Islands done at London on 31 January 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Faroe Islands 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-

“EU-Faroe Islands Agreement” means the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part, signed in Brussels on 6 December 1996;

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

“mutatis mutandis” means with the technical changes necessary to apply the EU- Faroe Islands Agreement as if it had been concluded between Gibraltar and Faroe Islands, taking into account the object and purpose of the UK-Faroe Islands 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-Faroe Islands Agreement” means the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark in respect of the Faroe Islands done at London on 31 January 2019.

Purpose.

4. The purpose of these Regulations is to implement the UK-Faroe Islands Agreement and preserve such preferential conditions relating to trade between Gibraltar and Faroe Islands

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and the other links between them as resulted from the EU-Faroe Islands Agreement as applicable to Gibraltar.

Source of application.

5. The UK-Faroe Islands Agreement applies to Gibraltar under Article 6 (a) of that Agreement.

Incorporation and modification.

6.(1) The EU-Faroe Islands Agreement is incorporated, mutatis mutandis, into these Regulations to the extent that, and under the conditions under which, it applied to Gibraltar immediately before it ceased to do so, subject to the qualification in subregulation (2).

(2) The qualification referred to in subregulation (1) is that the EU-Faroe Islands Agreement is incorporated into these Regulations as modified by the UK- Faroe Islands Agreement and regulations 7, 8, 9 and 10.

Continuation of time periods.

7.(1) Unless these Regulations provides otherwise-

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

(2) Notwithstanding subregulation (1), a reference in the EU-Faroe Islands 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. For greater certainty, any references to the euro (including “EUR”) and to the ECU (the European Currency Unit) in the EU-Faroe Islands Agreement are incorporated as such in these Regulations.

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References to European Union law.

9. Except as otherwise provided, a reference in the UK-Faroe Islands 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-Faroe Islands 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.