

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

Subsidiary Legislation made under s.5(1).

State of Israel Trade Continuity Regulations 2021

LN.2021/012

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 Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel done at Tel Aviv on the 18th day of February 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the State of Israel 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-State of Israel Agreements” mean-

- (a) the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, done at Brussels on 20th November 1995, as amended by:
 - (a) the Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States of the one part and the State of Israel of the other part, done at Brussels on 4th November 2009; and
- (b) the Agreement in the form of an Exchange of Letters between the European Union, of the one part and the State of Israel of the other part amending the Annexes to Protocols 1 and 2 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States of the one part and the State of Israel of the other part, done at Brussels on 18th June 2012;

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- (c) the Agreement between the European Community and the State of Israel on government procurement, done at Brussels on 10th July 1997 (the “EU-Israel Procurement Agreement”); and
- (d) the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States of the one part and the State of Israel, of the other part, on Conformity Assessment and Acceptance of Industrial Products, done at Brussels on 6th May 2010 (the “EU-Israel Conformity Assessment Agreement”).

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

“Israel” and “State of Israel” have the same meaning and do not include the West Bank (including East Jerusalem) and the Gaza Strip;

“mutatis mutandis” means with the technical changes necessary to apply the EU-State of Israel Agreements as if they had been concluded between Gibraltar and Israel, taking into account the object and purpose of the UK-State of Israel 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-State of Israel Agreement” means the Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel, done at Tel Aviv on the 18th day of February 2019.

Purpose.

4. The purpose of these Regulations is to preserve the preferential conditions relating to trade between Gibraltar and Israel and the other links between them resulting from the EU-State of Israel Agreements as applicable to Gibraltar.

Source of application.

5. The UK-State of Israel Agreement applies to Gibraltar under Article 4 of that Agreement.

Incorporation and modification.

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6.(1) The EU-State of Israel Agreements are incorporated, mutatis mutandis, into these Regulations to the extent that, and under the conditions under which, they applied to Gibraltar immediately before they ceased to do so, subject to subregulation (3).

(2) For greater certainty, the incorporation of the EU-State of Israel Agreements includes Title III (Right of Establishment and Supply of Services) and Title IV (Capital Movements, Payments, Public Procurement, Competition and Intellectual Property) but does not include Titles, Chapters or other provisions regarding trade in goods.

(3) The EU-State of Israel Agreements are incorporated into these Regulations as modified by the UK-State of Israel 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-State of Israel Agreements has not yet ended, the remainder of that period is incorporated into these Regulations; and
- (b) if a time period in the EU-State of Israel Agreements has ended, any resulting rights and obligations continue to be applied between Gibraltar and the State of Israel.

(2) Notwithstanding subregulation (1), a reference in the EU-State of Israel Agreements 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-State of Israel Agreements are incorporated as such in these Regulations.

References to European Union law.

9. A reference in the UK-State of Israel 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.

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10. Any references in the EU-State of Israel Agreements to 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.