

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

Subsidiary Legislation made under s.5(1).

Pacific States Trade Continuity Regulations 2021

LN.2021/020

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 Interim Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Pacific States, of the other part, done at London on 14 March 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Pacific States 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-Pacific States Agreement” means the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, done at London on 30 July 2009;

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

“Pacific States” means the Republic of Fiji, the Independent State of Papua New Guinea, the Independent State of Samoa, and Solomon Islands;

“mutatis mutandis” means with the technical changes necessary to apply the EU-Pacific States Agreement as if it had been concluded between Gibraltar and Pacific States, taking into account the objects and purposes of the UK-Pacific States 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-Pacific States Agreement” means the Trade Continuity Agreement between the United Kingdom of Great Britain and Northern Ireland and the Pacific States done at London on 14 March 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 Pacific States and the other links between them resulting from the EU-Pacific States Agreement as applicable to Gibraltar.

Source of application.

5. The UK-Pacific States Agreement applies to Gibraltar under Article 76 of that Agreement.

Incorporation and modification.

6.(1) The provisions of the EU-Pacific States 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-Pacific States Agreement is incorporated into these Regulations as modified by the UK-Pacific States Agreement and regulations 7, 8, 9 and 10.

Continuation of time periods.

7.(1) Unless these Regulations provide otherwise-

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

(2) Notwithstanding subregulation (1), a reference in the EU- to a period relating to a procedure or other administrative matter (such as a review, committee procedure or notification) shall not be affected.

References to the euro.

8. Any reference to the euro (including “EUR”) and to the ECU (the European Currency Unit) in the EU-Pacific States Agreement is incorporated as such in these Regulations.

References to European Union law.

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9. A reference in the UK-Pacific States 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-Pacific States 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.