

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

Subsidiary Legislation made under s.5(1).

Republic of Korea Trade Continuity Regulations 2021

LN.2021/023

Commencement **1.1.2021**

ARRANGEMENT OF REGULATIONS.

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In 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 implementing into the law of Gibraltar the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Korea (with Exchange of Notes) done at London on 22 August 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Republic of Korea 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-Republic of Korea Agreement” means the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, signed at Brussels on 6 October 2010;

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

“Korea” and “Republic of Korea” have the same meaning;

“mutatis mutandis” means with the technical changes necessary to apply the EU-Republic of Korea Agreement as if it had been concluded between Gibraltar and Korea, taking into account the objects and purposes of the UK-Republic of Korea 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-Republic of Korea Agreement” means the Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Korea (with Exchange of Notes) done at London on 22 August 2019.

Purpose.

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4. The purpose of these regulations is to preserve and enhance the links between Gibraltar and Korea created by the EU-Republic of Korea Agreement.

Source of application.

5. The UK-Republic of Korea Agreement applies to Gibraltar under Article 15.15 of the EU-Republic of Korea Agreement and by reference to Article 1.1.3 and Article 1.3.4 of the UK-Republic of Korea Agreement.

Incorporation and modification.

6.(1) The provisions of the EU-Republic of Korea 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-Republic of Korea Agreement is incorporated into these Regulations as modified by the UK-Republic of Korea 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-Republic of Korea Agreement has not yet ended, the remainder of that period is incorporated into these Regulations, and
- (b) if a period in the EU-Republic of Korea Agreement has ended, any resulting right or obligation in the EU-Korea Agreement applies in Gibraltar and that period is incorporated into these Regulations.

(2) Notwithstanding subregulation (1), a reference in the EU-Republic of Korea 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-Republic of Korea Agreement is incorporated as such in these Regulations.

References to European Union law.

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9. A reference in the UK-Republic of Korea 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-Republic of Korea 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.