

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

Subsidiary Legislation made under s.5(1).

**Southern African Customs Union and Mozambique Trade
Continuity Regulations 2021**

LN.2021/024

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 Economic Partnership Agreement between the Southern African Customs Union Member States and Mozambique, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part done at London on 9 October 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Southern African Customs Union and Mozambique 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-Southern African Customs Union and Mozambique Agreements” means the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the Southern African Development Community Economic Partnership Agreement States, of the other part, signed on 10 June 2016; the Trade, Development and Cooperation Agreement between South Africa and the European Community and its Member States, signed on 11 October 1999 and the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States of the other part, signed on 23 June 2000 and revised on 25 June 2005 and further revised on 22 June 2010;

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

“Mozambique” means the Republic of Mozambique;

“mutatis mutandis” means with the technical changes necessary to apply the EU-Southern African Customs Union and Mozambique Agreements as if they had been concluded between Gibraltar and the Southern African Customs Union and Mozambique, taking into account the objective and purpose of the UK-Southern African Customs Union and Mozambique Agreement, and any reference to a

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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;

“Southern African Customs Union Member States” means the Republic of Botswana, the Kingdom of Eswatini, the Kingdom of Lesotho, the Republic of Namibia and the Republic of South Africa;

“UK-Southern African Customs Union and Mozambique Agreement” means the Economic Partnership Agreement between the Southern African Customs Union Member States and Mozambique, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part done at London on 9 October 2019.

Purpose.

4. The purpose of these Regulations is to preserve the preferential conditions relating to trade between Gibraltar and the Southern African Customs Union Member States and Mozambique.

Source of application.

5. The UK-Southern African Customs Union and Mozambique Agreement applies to Gibraltar under Article 114.1 (a)(i) of that Agreement.

Incorporation and modification.

6.(1) The provisions of the EU-Southern African Customs Union and Mozambique Agreements are incorporated, *mutatis mutandis*, into these Regulations to the extent that, and under the conditions under which, those Agreements applied to Gibraltar immediately before they ceased to do so, subject to subregulation (2).

(2) The EU-Southern African Customs Union and Mozambique Agreements are incorporated into these Regulations as modified by the UK-Southern African Customs Union and Mozambique Agreement and regulations 7, 8, 9 and 10.

Continuation of time periods.

7.(1) Unless these Regulations provide otherwise-

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(a) if a period in the EU-Southern African Customs Union and Mozambique Agreements has not yet ended, the remainder of that period is incorporated into these Regulations, and

(b) if a period in the EU-Southern African Customs Union and Mozambique Agreements 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-Southern African Customs Union and Mozambique Agreements 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-Southern African Customs Union and Mozambique Agreements is incorporated as such in these Regulations.

References to European Union law.

9. A reference in the UK-Southern African Customs Union and Mozambique 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-Southern African Customs Union and Mozambique Agreements 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.