

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

Subsidiary Legislation made under s.5(1).

Swiss Confederation Trade Continuity Regulations 2021

LN.2021/025

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 further implementing into the law of Gibraltar the Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation done at Bern on 11 February 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Swiss Confederation 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-Switzerland Agreements” means –

- (a) Agreement in the form of an Exchange of Letters of 21 July 1972 between the Swiss Confederation and the European Community concerning certain agricultural and fishery products, as subsequently adapted by the further Agreements of 5 February 1981, 14 July 1986 and 18 January 1996 (“the Fisheries and Agriculture Exchanges of Letters”),
- (b) Agreement between the European Economic Community and the Swiss Confederation, done at Brussels on 22 July 1972 (“the Free Trade Agreement”),
- (c) Agreement between the European Community and the Swiss Confederation on certain aspects of government procurement, done at Luxembourg on 21 June 1999 (“the Procurement Agreement”),
- (d) Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment, done at Luxembourg on 21 June 1999 (“the Mutual Recognition Agreement”),
- (e) Agreement between the European Community and the Swiss Confederation on trade in agricultural products, done at Luxembourg on 21 June 1999 (“the Agriculture Agreement”),

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- (f) Agreement in the form of an Exchange of Letters between the Community and each of the EFTA countries that grants tariff preferences under the GSP (Norway and Switzerland), providing that goods originating in Norway or Switzerland shall be treated on their arrival on the customs territory of the Community as goods with content of Community origin (reciprocal agreement), done at Brussels on 14 December 2000 (“the GSP Exchange of Letters”),
- (g) Cooperation Agreement between the European Community and its Member States and the Swiss Confederation to combat fraud and any other illegal activity to the detriment of their financial interests, done at Luxembourg on 26 October 2004 (“the Anti-Fraud Agreement”), and
- (h) Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures, done at Brussels on 25 June 2009 (“the Customs Security Agreement”);

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

“mutatis mutandis” means with the technical changes necessary to apply the EU-Switzerland Agreements as if they had been concluded between Gibraltar and the Swiss Confederation, taking into account the object and purpose of the UK-Switzerland 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-Switzerland Agreement” means the Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation done at Bern on 11 February 2019;

“Switzerland” and “Swiss Confederation” have the same meaning.

Purpose.

4. The purpose of these Regulations is to preserve such preferential trade terms between Gibraltar and Switzerland as resulted from the EU-Switzerland Agreements.

Source of application.

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5. The UK-Switzerland Agreement applies to Gibraltar under Article 4(a) of that Agreement.

Incorporation and modification.

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

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

References to European Union law.

9. A reference in the UK-Switzerland 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 obligation in the EU-Switzerland Agreements regarding the convergence, harmonisation, integration or approximation of Gibraltar law or practice to the laws of the European Union is not appropriate for application and is not incorporated into these Regulations.