

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

Subsidiary Legislation made under s.5(1).

Republic of Tunisia Trade Continuity Regulations 2021

LN.2021/026

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 Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Tunisia done at London on 4 October 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Republic of Tunisia 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-Tunisia Agreements” means the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, done at Brussels on 17 July 1995 and the Protocol between the European Union and the Republic of Tunisia establishing a Dispute Settlement Mechanism applicable to disputes under the trade provisions of the EU-Tunisia Association Agreement, done at Brussels on 9 December 2009;

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

“mutatis mutandis” means with the technical changes necessary to apply the EU-Tunisia Agreements as if they had been concluded between Gibraltar and Tunisia, taking into account the objects and purposes of the UK-Tunisia 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;

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

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“UK-Tunisia Agreement” means the Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Tunisia done at London on 4 October 2019.

Purpose.

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

Source of application.

5. The UK-Tunisia Agreement applies to Gibraltar under Article 6.1 (a) of that Agreement.

Incorporation and modification.

6.(1) The EU-Tunisia 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-Tunisia Agreements are incorporated into these Regulations except as modified by the UK-Tunisia 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-Tunisia Agreements has not yet ended, the remainder of that period is incorporated into these Regulations, and

(b) if a period in the EU-Tunisia Agreement has ended, any resulting right or obligation in the EU-Tunisia Agreement applies and that period is not incorporated into these Regulations.

(2) Notwithstanding subregulation (1), a reference in the EU-Tunisia 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.

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

References to European Union law.

9. A reference in the UK-Tunisia 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 obligation in the EU-Tunisia 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.