

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

Subsidiary Legislation made under s.5(1).

Kingdom of Morocco Trade Continuity Regulations 2021

LN.2021/028

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 the Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco done at London on 26 October 2019, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Kingdom of Morocco 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 requires-

“EU-Kingdom of Morocco Agreements” means the EU-Kingdom of Morocco Association Agreement and the EU-Kingdom of Morocco Dispute Settlement Mechanism Agreement;

“EU-Kingdom of Morocco Dispute Settlement Mechanism Agreement” means the Agreement between the European Union and the Kingdom of Morocco establishing a dispute settlement mechanism, done at Brussels on 13 December 2010;

“EU-Kingdom of Morocco Association Agreement means the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, done at Brussels on 26 February 1996;

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

“mutatis mutandis” means with the technical changes necessary to apply the EU-Morocco Agreements as if they had been concluded between Gibraltar and the Kingdom of Morocco, taking into account the object and purpose of the UK-Kingdom of Morocco Agreement.

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“UK-Kingdom of Morocco Agreement” means the Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco, done at London on 26 October 2019.

Purpose.

4. The purpose of these Regulations is to preserve the links between Gibraltar and the Kingdom of Morocco established in the association created in Article 1 of the EU-Morocco Association Agreement, as that Agreement applied to Gibraltar, and those links established in Article 6 of the UK-Morocco Association Agreement.

Source of application.

5. The UK-Kingdom of Morocco Agreement applies to Gibraltar under Article 6.2 of that Agreement.

Incorporation and modification.

6.(1) The provisions of the EU-Kingdom of Morocco 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 (3).

(2) For greater certainty, the incorporation of the EU-Kingdom of Morocco Agreements includes Title III (Right of Establishment and Supply of Services), Title IV (Payments, Capital, Competition and Other Economic Provisions), Title V (Economic Co-operation) and Title VI (Cooperation in Social and Cultural Matters) but does not include Titles, Chapters or other provisions regarding trade in goods.

(3) The EU-Kingdom of Morocco Agreements are incorporated into these Regulations as modified by the UK-Kingdom of Morocco Agreement and regulations 7, 8, 9 and 10.

Continuation of time periods.

7.(1) Unless these Regulations provides otherwise-

(a) if a time period in the EU-Kingdom of Morocco Agreements has not yet ended, the remainder of that period is incorporated into these Regulations; and

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(b) if a period in the EU-Kingdom of Morocco Agreements has ended, any ongoing right or obligation in the EU-Morocco Agreements applies and that period is not incorporated into this Agreement.

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

References to the euro.

8. Any references to the euro (including “EUR”) and to the ECU (the European Currency Unit) in the EU-Kingdom of Morocco Agreements are incorporated as such in these Regulations.

References to European Union law.

9. A reference in the UK-Kingdom of Morocco 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-Kingdom of Morocco Agreements to the convergence, harmonisation, integration or approximation of Gibraltar law or practice to the laws of the European Union are not appropriate for application by Gibraltar and are not incorporated into these Regulations.