

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

Subsidiary Legislation made under s.5(1).

Ukraine Trade Continuity Regulations 2021

LN.2021/027

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 Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine done at London on 8 October 2020, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the Ukraine 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-Ukraine Agreement” means the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, done at Brussels on 27 June 2014;

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

“mutatis mutandis” means with the technical changes necessary to apply the EU-Ukraine Agreement as if it had been concluded between Gibraltar and Ukraine, taking into account the objects and purposes of the UK-Ukraine 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-Ukraine Agreement” means the Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine done at London on 8 October 2020.

Purpose.

4. The purpose of these Regulations is to preserve the preferential trade and other links between Gibraltar and Ukraine by the association created in the EU-Ukraine Agreement.

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Source of application.

5. The UK-Ukraine Agreement applies to Gibraltar under Article 416.1 (a) of that Agreement.

Incorporation and modification.

6.(1) The EU-Ukraine Agreement is incorporated, mutatis mutandis, into these Regulations to the extent that, and under the conditions under which, that Agreement applied to Gibraltar immediately before they ceased to do so, subject to subregulation (2).

(2) The EU-Ukraine Agreement is incorporated into these Regulations except as modified by the UK-Ukraine 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-Ukraine Agreement has not yet ended, the remainder of that period is incorporated into these Regulations, and

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

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

References to European Union law.

9. A reference in the UK-Ukraine 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.

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References to approximation to European Union law.

10. Any obligation in the EU-Ukraine Agreement 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.