

COMUNICADO

Gobierno de Gibraltar

El Gobierno modifica la fecha de retirada de la UE en la legislación de Gibraltar

Gibraltar, 28 de marzo de 2019

El Gobierno ha publicado normas para modificar la definición y efecto del día de la retirada reflejado en la Ley sobre (la Retirada de) la Unión Europea (European Union [Withdrawal] Act 2019), para poder llevar a cabo las modificaciones necesarias a consecuencia de la extensión solicitada por el Reino Unido.

El Ministro Principal ya ha impuesto su firma para convertir las normas en Ley.

Este proceso sigue a la aprobación de la disposición legislativa (statutory instrument) que fue aprobada por el Parlamento de Westminster en el día de ayer.

Esto significa que la primera fecha posible para la retirada del Reino Unido y Gibraltar de la Unión Europea será el 12 de abril, en lugar del 29 de marzo, en el caso de un Brexit Sin Acuerdo.

En el caso de que el Parlamento británico apruebe el Acuerdo de Retirada, la fecha de la retirada sería el 22 de mayo. A continuación se iniciaría un periodo de transición hasta el final de 2020, durante el cual la situación permanecería prácticamente sin cambios.

El Ministro Principal, Fabián Picardo, manifestó “Me siento muy satisfecho de haber firmado hoy la normativa que pospone el final de nuestra Ley de Comunidades Europeas (European Communities Act) en ejercicio de los poderes que el Parlamento me ha concedido en virtud de la Ley sobre (la Retirada de) la Unión Europea. En este momento, contamos con una breve pausa hasta el 12 de abril o el 22 de mayo, como potenciales nuevas fechas para nuestra inminente retirada de la UE. Dependiendo de lo que suceda a continuación en Londres, es probable que se produzca un Brexit Con Acuerdo, un aplazamiento o la revocación del Brexit o un nuevo referendo y cancelación del Brexit. Ese sería el mejor resultado para Gibraltar. El peor resultado, un Brexit Sin Acuerdo, parece una opción bastante menos probable, al menos por ahora.

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No: 228/2019

Date: 28th March 2019

Government changes EU exit day in Gibraltar law

The Government has published regulations to amend the definition and effect of exit day in the European Union (Withdrawal) Act 2019, in order to make the necessary amendments following on from the extension sought by the UK.

The Chief Minister has now signed the regulations into law.

This follows the UK statutory instrument that was approved in the Westminster Parliament yesterday.

This means that the earliest date for the departure of the United Kingdom and Gibraltar from the European Union will now be 12 April instead of 29 March in the event of a no deal Brexit.

In the event that the Withdrawal Agreement is approved by the UK Parliament, the departure date will be 22 May. There would then be a transition period until the end of 2020 during which everything would remain largely the same.

The Chief Minister, the Hon Fabian Picardo said, "I am very pleased indeed to have today signed the regulation postponing the end of our European Communities Act in exercise of the powers Parliament bestowed on me under the European Union (Withdrawal) Act. At this stage, we have only a short respite with the 12th April or 22nd May as potential new dates looming for our departure from the EU. Depending on what happens next in London, we will likely either leave with a deal, see a long postponement or revocation of Brexit or a new referendum and no Brexit at all. That would be the best outcome for Gibraltar. The worst outcome, a 'no-deal' Brexit, seems to be much less likely, for now at least."

SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4559 of 28 March, 2019

LEGAL NOTICE NO. 073 OF 2019.

EUROPEAN UNION (WITHDRAWAL) ACT 2019

EUROPEAN UNION (WITHDRAWAL) ACT 2019 (EXIT DAY) (AMENDMENT) REGULATIONS 2019

In exercise of the powers conferred on him by section 3(4) of the European Union (Withdrawal) Act 2019, and in order to implement European Council Decision (EU) 2019/476 taken in agreement with the United Kingdom of 22 March 2019 extending the period under Article 50(3) TEU, the Chief Minister has made these Regulations-

Title.

1. These Regulations may be cited as the European Union (Withdrawal) Act 2019 (Exit Day) (Amendment) Regulations 2019.

Commencement.

2. These Regulations come into operation on the day of publication.

Amendment of the definition of “exit day”.

3.(1) Section 3 of the European Union (Withdrawal) Act 2019 is amended as follows.

(2) In subsection (1), in the definition of “exit day”, for “midnight on 29 March 2019 (and” substitute-

“-

(a) if, in accordance with Article 1 of European Council Decision (EU) 2019/476 of 22 March 2019, the period provided for in Article 50(3) of the Treaty on European Union is extended until 22 May 2019, midnight on that day; or

(b) if not, midnight on 12 April 2019,

(and”.

(3) In subsection (2) for the words from “references”, where it first appears, to the end substitute-

“_

- (a) references to before, after or on exit day are to be read as references to before, after or at midnight on 22 May 2019 or (as the case may be) 12 April 2019; and
- (b) references to beginning with exit day are to be read as references to beginning with midnight on the day concerned.”.

Dated 28th March, 2019

F R PICARDO,
Chief Minister.

EXPLANATORY MEMORANDUM

These Regulations amend the definition of “exit day” in the European Union (Withdrawal) Act 2019 and come into force on the day of publication.

Regulation 3 amends the definition of “exit day” in section 3(1) and (2) of the European Union (Withdrawal) Act 2019 to ensure the day and time specified in that definition is midnight on 22nd May 2019 or midnight on 12th April 2019 depending on whether the UK House of Commons approves the withdrawal agreement by midnight on 29th March 2019. This reflects the new day and time that the Treaties will cease to apply to Gibraltar in light of the extension to the period under Article 50 agreed between the United Kingdom and the European Council on 22nd March 2019 and set out in European Council Decision (EU) 2019/476 taken in agreement with the United Kingdom of 22 March 2019 extending the period under Article 50(3)TEU.

**Printed by the Gibraltar Chronicle Printing Limited
Unit 3, New Harbours
Government Printers for Gibraltar,
Copies may be purchased at 6, Convent Place, Price. £0.30**