

Island of



Guernsey

# Ordinance of the States

**IX**  
**2021**

Made ..... 22nd December, 2020

Laid before the States ..... 24th February, 2021

## **The International Trade Agreements (General Implementation) (Bailiwick of Guernsey) Ordinance, 2020**

# **The International Trade Agreements (General Implementation) (Bailiwick of Guernsey) Ordinance, 2020**

THE STATES POLICY & RESOURCES COMMITTEE, in pursuance of the Resolutions of the States of the 28<sup>th</sup> February, 2019<sup>a</sup> and 17<sup>th</sup> January, 2020<sup>b</sup>, and in exercise of the powers conferred on the States by sections 1 and 2 of the International Trade Agreements (Bailiwick of Guernsey) Law, 2018<sup>c</sup>, and all other powers enabling them in that behalf, and in exercise of the powers conferred on the Committee by Article 66A(1) of the Reform (Guernsey) Law, 1948<sup>d</sup>, hereby orders-

## **Schedule of international trade agreements.**

1. (1) The Schedule lists international trade agreements that are binding, in full or in part, upon the Bailiwick (or any part thereof).

(2) The Policy & Resources Committee may by Order add new international trade agreements to the Schedule.

(3) For the avoidance of doubt, inclusion in or omission from the Schedule does not alter or affect whether, or the extent to which, an international trade

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<sup>a</sup> Article I of Billet d' État No. IV of 2019.

<sup>b</sup> Article I of Billet d' État No. II of 2020.

<sup>c</sup> Order in Council No. II of 2019.

<sup>d</sup> Ordres en Conseil Vol XIII, p. 288; as amended by Order in Council No. XVII of 2015: there are other amendments not relevant to this Ordinance.

agreement is binding upon the Bailiwick (or any part thereof).

**Status of international trade agreements.**

2. (1) No provision of any international trade agreement, or the application of such a provision to any person or circumstance, amends or modifies, or shall be deemed to amend or modify, any enactment or any rule of customary or common law in the Bailiwick (or any part thereof).

(2) No enactment or rule of customary or common law may be challenged on the basis that the enactment or rule is inconsistent with any provision of an international trade agreement.

**International representation for the purposes of international trade agreements.**

3. (1) The Alderney Committee and the Sark Committee shall each designate a member to act as liaison with the Policy & Resources Committee in respect of the international representation of the Bailiwick (or any part thereof) by that Committee for the purposes of international trade agreements.

(2) The Policy & Resources Committee may appoint such person or persons to represent the Bailiwick (or any part thereof) at or on any conference, committee, council or body (however described) established under or otherwise pertaining to an international trade agreement, whether or not such an agreement is binding on the Bailiwick (or any part thereof).

(3) Where the Policy & Resources Committee proposes to appoint a person under subsection (2) to represent Alderney, Sark, or Alderney and Sark, it shall consult –

(a) the Alderney Committee,

(b) the Sark Committee, or

(c) both the Alderney Committee and the Sark Committee,

as the case may be; but a failure to comply with this subsection shall not invalidate an appointment made under this section.

**Collection of import or export information.**

4. (1) The Policy & Resources Committee may request any person to provide information for the purpose of assisting the Policy & Resources Committee to establish the number and identity of persons importing or exporting goods or services to or from the Bailiwick (or any part thereof) in the course of a trade, business or profession.

(2) For the purposes of subsection (1), goods or services are –

(a) imported into the Bailiwick (or any part thereof) if they are supplied by a person who is outside the Bailiwick,  
or

(b) exported from the Bailiwick (or any part thereof) if they are supplied to a person who is outside the Bailiwick.

(3) The Policy & Resources Committee may by regulations make provision about –

(a) the types of information that may be requested under subsection (1), and

(b) how the request is to be made.

(4) Where the Policy & Resources Committee proposes to make regulations under subsection (3) applying in Alderney, Sark, or Alderney and Sark, it shall consult–

- (a) the Alderney Committee,
- (b) the Sark Committee, or
- (c) both the Alderney Committee and the Sark Committee,

as the case may be; but a failure to comply with this subsection shall not invalidate regulations made under this section.

(5) As soon as is reasonably practicable after being made, regulations made under subsection (3) shall be laid before a meeting of the States of Deliberation, and, if applying in Alderney or Sark, of the States of Alderney or the Chief Pleas of Sark (as the case may be); and shall, if at that or the next meeting the States of Deliberation, the States of Alderney, or the Chief Pleas of Sark resolve to annul them, cease to have effect in respect of the jurisdiction in respect of which the resolution to annul was made, but without prejudice to anything done under them, or to the making of new regulations.

(6) For the avoidance of doubt, the powers conferred under this section are without prejudice to powers conferred under any other enactment, including (but not limited to) the Economic Statistics (Guernsey and Alderney) Law, 2019<sup>e</sup>.

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<sup>e</sup> Order in Council No. V of 2020.

**Record-keeping and information sharing.**

5. (1) For the purposes set out in subsection (2), and subject to subsection (3) –

(a) the Policy & Resources Committee, the Alderney Committee or the Sark Committee, or other committees of the States of Guernsey, of the States of Alderney or of the Chief Pleas of Sark, may –

(i) keep, process and maintain such registers, records, statistics, data or other information (however described) ("**relevant information**") that is necessary or expedient to enable the Bailiwick (or any part thereof) to –

(A) formulate, review, or revise its trade policy,

(B) communicate, assert or otherwise represent such trade policy to the United Kingdom or third countries, or

(C) discharge its obligations under an international trade agreement, and

(ii) exchange such relevant information with other committees of the States of Guernsey, of the States of Alderney or of the Chief Pleas of Sark, and

- (b) the Policy & Resources Committee, the Alderney Committee and the Sark Committee may exchange relevant information with Her Majesty's Government (or any body or agency of Her Majesty's Government, however described) and, through Her Majesty's Government, with any country or territory with which the United Kingdom has, or may have, an international trade agreement or a relationship under such agreement.
- (2) The purposes referred to in subsection (1) are –
- (a) implementing any international trade agreement, which includes (but is not limited to) exchange of information, assistance and co-operation in respect of an international trade agreement,
  - (b) facilitating –
    - (i) the Policy & Resources Committee's leadership and co-ordination of the international representation of the Bailiwick (or any part thereof) for the purposes of international trade agreements,
    - (ii) the Alderney Committee's or the Sark Committee's liaison with the Policy & Resources Committee in respect of such international representation,

- (c) facilitating the United Kingdom's international representation of the Bailiwick (or any part thereof), or
- (d) facilitating the exercise by an international organisation or authority, or by any other body, of its public functions relating to trade.

(3) A committee of the States of Guernsey, of the States of Alderney or of the Chief Pleas of Sark must ensure that there are arrangements in place to maintain appropriate confidentiality in relation to any relevant information that is kept, processed, maintained or exchanged by it.

(4) For the purposes of this section, "**relevant information**" includes information –

- (a) collected under section 4,
- (b) about the flow of traffic, goods or services into or out of the Bailiwick (or any part thereof),
- (c) concerning the impact, or likely impact, on such flow of measures or practices relating to imports, exports, border security or transport, and
- (d) relating to the design, implementation or operation of such measures or practices.

(5) A person who receives relevant information as a result of this section or section 4 may not –

- (a) use the information for any purpose other than a purpose mentioned in subsection (2), or
- (b) further disclose the information,

except with the consent of the Policy & Resources Committee (which may be general or specific).

(6) This section does not limit the circumstances in which information may be disclosed under any other enactment or rule of customary or common law.

(7) Subject to subsection (8), a disclosure under subsection (1) does not breach –

- (a) any obligation of confidence owed by the person disclosing the information, or
- (b) any other restriction on the disclosure of information (however imposed).

(8) Nothing in this section authorises the making of a disclosure which –

- (a) contravenes the Data Protection (Bailiwick of Guernsey) Law, 2017<sup>f</sup> or legislation made thereunder

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<sup>f</sup> Order in Council No. VI of 2018; amended by Order in Council No. IV of 2018; Ordinance Nos. VIII and X of 2018; and G.S.I. No. 21 of 2018.

(save that powers conferred by this section are to be taken into account in determining whether a disclosure contravenes that Law or that legislation), or

- (b) is prohibited by the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003<sup>g</sup> or legislation made thereunder.

**Offence.**

6. (1) If a person discloses information in contravention of section 5 which relates to a person whose identity –

- (a) is specified in the disclosure, or
- (b) can be deduced from it,

the person who disclosed the information commits an offence.

(2) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed –

- (a) that the disclosure was lawful, or
- (b) that the information had already lawfully been made available to the public.

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<sup>g</sup> Order in Council No. XXX of 2003; amended by Ordinance Nos. XXXIII and XXIX of 2013; No. IX of 2016; No. III of 2017; Nos. XXVI and XVII of 2018; and G.S.I. No. 26 of 2004.

(3) A person guilty of an offence under this section is liable to a term of imprisonment not exceeding two years, to a fine, or to both.

**Interpretation.**

7. In this Ordinance –

"**the Alderney Committee**", "**the Policy & Resources Committee**", and "**the Sark Committee**" have the meanings given in the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018<sup>h</sup>, and

"**committee**" of the States of Guernsey, States of Alderney or Chief Pleas of Sark means any committee, council, department, authority, board or like body thereof, however called.

**Extent.**

8. This Ordinance has effect throughout the Bailiwick.

**Citation.**

9. This Ordinance may be cited as the International Trade Agreements (General Implementation) (Bailiwick of Guernsey) Ordinance, 2020.

**Commencement.**

10. This Ordinance comes into force on exit day, and for this purpose "**exit day**" has the meaning given by section 12(1) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018.

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<sup>h</sup> Order in Council No. I of 2019; amended by G.S.I. No. 6 of 2020.

## SCHEDULE

Section 1

## LIST OF INTERNATIONAL TRADE AGREEMENTS

Specified international agreements relating to trade.

Pursuant to section 1(2)(b), the following is specified as an international trade agreement for the purposes of the Law:

1. The Agreement Establishing the World Trade Organization and certain of its annexes as follows –

## Annex 1

## Annex 1A: Multilateral Agreements on Trade in Goods

General Agreement on Tariffs and Trade 1994

General Agreement on Tariffs and Trade 1947

Marrakesh Protocol to the General Agreement on  
Tariffs and Trade 1994

Agreement on Agriculture

Agreement on the Application of Sanitary and  
Phytosanitary Measures

Agreement on Textiles and Clothing

Agreement on Technical Barriers to Trade

Agreement on Trade-Related Investment  
MeasuresAgreement on Implementation of Article VI of the  
General Agreement on Tariffs and Trade 1994Agreement on the Implementation of Article VII  
of the General Agreement on Tariffs and Trade  
1994

Agreement on Preshipment Inspection

Agreement on Rules of Origin

Agreement on Import Licensing Procedures

Agreement on Subsidies and Countervailing  
Measures

Agreement on Safeguards

Annex 1B: General Agreement on Trade in Services

Annex 1C: Agreement on Trade-related Aspects of  
Intellectual Property Rights

Annex 2: Understanding on Rules and Procedures governing  
the settlement of disputes

Annex 3: Trade Policy Review Mechanism

Annex 4: Plurilateral Trade Agreements

Annex 4(a) Agreement on Trade in Civil Aircraft

Free trade agreements.

Albania: Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Albania

Andean Countries: Trade Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Republic of Columbia, the Republic of Ecuador and the Republic of Peru, of the other part.

Canada: Agreement on Trade Continuity between the United Kingdom of Great Britain and Northern Ireland and Canada.

CARIFORUM Trade Bloc: Economic Partnership Agreement between the CARIFORUM States, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

Central America: Agreement establishing an Association between the United

Kingdom of Great Britain and Northern Ireland and the Central America.

Chile: Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Chile.

Côte d'Ivoire: Stepping Stone Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and Côte d'Ivoire, of the other part.

Eastern and Southern Africa (ESA) Trade Bloc: Agreement establishing an Economic Partnership Agreement between the Eastern and Southern Africa States and the United Kingdom of Great Britain and Northern Ireland.

Egypt: Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Arab Republic of Egypt.

Faroe Islands: Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Denmark in respect of the Faroe Islands.

Georgia: Strategic Partnership and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and Georgia.

Iceland and Norway: Agreement on Trade in Goods between Iceland, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

Israel: Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State

of Israel.

Japan: Agreement between the United Kingdom of Great Britain and Northern Ireland and Japan for a Comprehensive Economic Partnership.

Jordan: Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Hashemite Kingdom of Jordan.

Kenya: Economic Partnership Agreement between the Republic of Kenya, a Member of the East African Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

Kosovo: Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland the Republic of Kosovo.

Lebanon: Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Lebanon.

Liechtenstein: Additional Agreement between the United Kingdom of Great Britain and Northern Ireland, the Swiss Confederation of the Principality of Liechtenstein extending to the Principality of Liechtenstein certain provisions of the Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation.

Mexico: Trade Continuity Agreement between the United Kingdom of Great Britain and Northern Ireland and the United Mexican States.

Morocco: Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Morocco.

North Macedonia: Partnership, Trade and Cooperation Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of North Macedonia.

Pacific states: Interim Economic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Pacific States, of the other part.

Palestinian Authority: Interim Political, Trade and Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part.

Singapore: Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Singapore.

South Korea: Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Republic of Korea (with Exchange of Notes).

Southern Africa Customs Union and Mozambique (SACUM) Trade Bloc: Economic Partnership Agreement between the Southern African Customs Union Member States and Mozambique, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part.

Switzerland: Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation.

Tunisia: Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Tunisia.

Ukraine: Political, Free Trade and Strategic Partnership Agreement between the United Kingdom of Great Britain and Northern Ireland and Ukraine.

Vietnam: Free Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Socialist Republic of Vietnam.