



## Circular No. 17 @ November 2014

### Definition of EU Single Market and EU Territory

These notes are intended to clarify which countries are within the EU and which are given EU rights.

The Protocol signed in Brussels on 17th March 1993 on the European Economic Area (the “Protocol”) extends to the European Free Trade Association (“EFTA”) countries most of the Single Market “Acquis Communautaire”.

“Acquis Communautaire” is defined as all secondary legislation - directives regulations and decisions that have already been taken under the Treaties. New members to the Community are required to accept not only the provisions of treaties, but also the entire acquis.

In the instance of EFTA countries, Single Market “acquis” is limited to existing secondary legislation covering the free movement of goods, services, capital and people.

The Agreement on the European Economic Area (the “Agreement”) brings together all EU Member States and the three EEA EFTA States — Iceland, Liechtenstein and Norway — in a single market, and includes Gibraltar, because, by virtue of Article 126 of the Protocol, the Agreement applies to the territories to which the Treaty establishing the European Economic Community applies. Gibraltar, by virtue of Article 355 (3) of the Treaty *is* a territory to which the Treaty establishing the European Economic Community applies.

Section 2 of the European Communities Act 1972 incorporates the Brussels Protocol of 17th March 1993 into our legislation.

The practical result of this is that not only companies incorporated in the EU but also in EFTA Countries may be re-domiciled in Gibraltar. Since 17th March 1993, both Companies and Foundations from such countries, including Liechtenstein, may be re-domiciled in Gibraltar

The term “EU Trade Marks”, also include Trade Marks registered in EFTA Countries.

To register a ship or yacht in Gibraltar, a national of the EU who is established (in accordance with Article 52 of the EEC Treaty) in Gibraltar qualifies to register such a vessel in his name. This qualification extends to nationals of EFTA countries.


These examples provide an indication of the importance of being aware of the extent of EU territory and of the Single Market.


- **Guidance only**


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