

21.03.23

**1 Connétable R. Vibert of St. Peter of the Minister for the Environment regarding the prevention of Jersey fishing boats from landing whelks and scallops in France (OQ.67/2021):**

Given that Jersey fishing boats, but not French fishing boats operating in Jersey waters, are currently prevented from landing whelks and scallops in France due to the rating placed on Jersey waters, will the Minister advise what measures, if any, have been taken to resolve this issue?

**Deputy J.H. Young of St. Brelade (The Minister for the Environment):**

The E.U. (European Union) has legislation that prevents the direct landing, i.e. those that are caught and landed from a third country flagged fishing vessel, the products known as live bivalve molluscs. Under this legislation whelks are included despite there not being bivalve molluscs. Any classification of waters is entirely separate and this prohibition remains in place regardless. Jersey has not required any classification of our waters and no official classification has been established as it is the responsibility of the competent authority. I can report that work is underway now to establish this classification. Whelks and scallops can be exported to the E.U. and appropriate paperwork through the border inspection post. While I fully acknowledge this is not as easy as direct landing that fishermen previously did, a number of Ministers have helped to facilitate the route for exporters. I and the Assistant Ministers and officers talk to fishing industry representatives daily and we certainly do not underestimate the difficulties they are having as being the transition from the old regime, from being part of the E.U. to being a third country following Brexit. I will continue to work, and doing so with the Minister for External Relations and Financial Services, with discussions with colleagues in the U.K. (United Kingdom), France and the E.U. on a regular basis, if not daily, to improve the situation for local businesses that deal with France and the E.U. countries acknowledging the situation is entirely different now we are a third country.

**3.1.1 The Connétable of St. Peter:**

Does the Minister agree that despite a licensing system and claims that rights to our waters have been returned to us, the French fishermen are now able to dominate our waters in certain areas purported by their own authorities?

**Deputy J.H. Young:**

There is no question that the changes have been generally, I think, detrimental in terms of the effect that it has had, being a third country, between our fishermen and the French.

[9:45]

We have an enormous amount of paperwork, costs, disruption but of course that was a decision that we did not make but we have had to inherit it. We do have the benefit though, once the 90-day clause has elapsed, the plus point is that we will have sole responsibility for licensing in our waters, which was not the case before.

**3.1.2 Senator S.C. Ferguson:**

Why is the Minister not offering support, perhaps even a loan, to help set up a co-operative, similar to Jersey Dairy, to enable the fishermen to set up a cleaning and refrigeration plant in Jersey, which would not only help them with the French attitude but would also help them in exporting elsewhere, other than France?

**Deputy J.H. Young:**

I think the Senator has a good question on the principle because certainly there is a very strong case and I am working with the Minister for Economic Development, Tourism, Sport and Culture on the support we provide to the industry to help them make the transition. At the moment that emphasis is on immediate short-term support but in the more medium to longer term then I do agree there will be changes in practice, which are possible, which will require shoreside infrastructure. Probably the creation of our B.I.P. (border inspection post), which is underway, and the whole infrastructure of doing that kind of arrangement. I am not too sure, because this is technical, whether it would work for whelks and scallops because all of these particular species have a limited life when they are taken from the sea. Not all the species can be held live and so on. That is a technical matter. But nonetheless, the principle of what the Senator is saying, as far as those species where that can work, is something which is under investigation and I am certainly looking for. The Ministers have agreed; following their support in principle that work is going on to put that into practice.

### **3.1.3 Senator S.C. Ferguson:**

Perhaps the Minister and his officers would like to look at what this ... there is a very alive young fisherman in Cornwall who is using this sort of approach with refrigeration and cleaning and he is shipping all over the U.K. Perhaps we ought to be not just thinking about it but looking at people who are doing it and making it work.

### **Deputy J.H. Young:**

I think there are lots of responses that are being tried out to try and find ways because Jersey is not the only place in the British Isles that has had these disruptions. But I certainly have listened to the reports of the fishermen in the south-west that take species such as this from the sea and there are concerns that the journey time, the lag time, basically the species do not survive that long. Certainly depuration I know does not work for certain species of molluscs. These things all need to be looked at in practice because there is no point ... at the moment our produce taken from the sea is super fresh. The irony of this is that all of those techniques are probably going to result in some changes potentially to the quality, which obviously nobody wants to have. There is a lot of work to be done.

### **3.1.4 Deputy M. Tadier of St. Brelade:**

What would the consequence be if the Minister decided to suggest that Jersey should withdraw from the Bay of Grainville Agreement until such time as a level playing field was allowed for whelks and scallops, et cetera, being landed on the French side, which are being fished in Jersey waters, irrespective of who they have been fished by?

### **Deputy J.H. Young:**

Certainly this has been proposed by our fishermen as a retaliatory action. I have resisted that but the consequences of cancelling the T.E.C.A. (Trade and Economic Co-operation Agreement), which incidentally it has nothing to do with the situation I have just been answering on because that occurs as a third country. But the consequences of the T.E.C.A. being withdrawn, the situation I have described would carry on. The disadvantages would be is that the Grainville Bay Agreement would come back, so we would lose control of our fisheries where that is pretty well the only gain really. The other thing is the fishermen would have to pay money tariffs on any products exported to the U.K. Of course that takes no consequences of the effect on the whole Island in terms of goods, and I am sure other Ministers will be able to talk about that.

### **3.1.5 Deputy M. Tadier:**

What if the Minister sought to redefine the agreement to say that only Jersey boats can fish in Jersey waters?

**Deputy J.H. Young:**

Yes, we do have the power now to licence French boats but it has been agreed ... firstly, we have 2 dates when that can be put into effect. First, the 90-day clause because both sides have a unilateral right to cancel in the 90 days and as Ministers we did not want to do that. Secondly, an amnesty was agreed expiring at the end of April. That was a voluntary amnesty agreement between the Minister for External Relations and Financial Services, myself and the E.U. Commissioner. But after that I am very clear we will be enforcing and setting the rules but that the agreement provides that that has to be non-discriminatory. That means we cannot set rules that pick off and unfairly affect E.U. vessels compared with ours. It has to be equal. It has to be based on the science. The science work is in progress so I am hopeful there will be better days ahead. But, at the moment, there is no question. There is major disruption.

**3.1.6 Deputy K.F. Morel of St. Lawrence:**

In his answer the Minister mentioned the setting up of "our B.I.P." and I understood that to mean biological inspection post. Would the Minister please clarify for the Assembly whether he is referring to setting up a biological inspection post in Jersey, and if so, what cost does he see that this entails?

**Deputy J.H. Young:**

When we spoke about this previously, it is a requirement that Jersey has a border inspection post. It is the intention to have that post for any inspection of live animals, live species and of course that work has been taken on board with the Environment Department and we passed a whole suite of legislation towards the end of last year to do that. But the physical logistics of that are not in place. There is a question that has been put to me - I will mention it - is whether or not we should have in place an arrangement that requires E.U. vessels extracting the same produce from our waters to be landed in Jersey and dealt with through the proper paperwork route. That is something which I think has been mentioned to me. For no question, there will be quite a lot of matters that will require us to have that border inspection post. At the moment, we are in a transition. That setup will not be there for a while. What is the cost? Monies were provided in the Government Plan and is now in the process of being released to the Environment team. The Deputy will remember there were several million pounds of costs involved as a result of the third country move.

**3.1.7 Deputy K.F. Morel:**

The Minister mentioned that it will be some while, is he able to give us a clearer timeframe on when that border inspection post will be complete?

**Deputy J.H. Young:**

It will not be a permanent border inspection post because at the moment it is not possible to size it because, as I am sure the Deputy will understand, the situation is very fluid, changing by the moment. But nonetheless, the temporary border post will be in place certainly within 6 months. That was agreed as part of the transition. That temporary border post obviously will be replaced with a more substantive setup probably on the port when thing becomes a little clearer. Certainly it will be for this year.

**The Connétable of St. Peter:**

No final supplementary.