



Brexit Review Panel

Brexit Readiness

Witness: The Minister for External Relations

Thursday, 10th October 2019

Panel:

Deputy K.F. Morel of St. Lawrence (Chair)

Deputy D. Johnson of St. Mary

Senator S.C. Ferguson

Deputy R.J. Ward of St. Helier

Witnesses:

Senator I.J. Gorst, The Minister for External Relations

Ms. K. Nutt, Group Director, External Relations

Mr. D. Walwyn, Director, External Relations

Mr. M. Berry, Senior Legal Adviser, Law Officers' Department

Ms. C. Curtis, Assistant Legal Adviser, Law Officers' Department

Mr. J. Carnegie, Project Co-ordinator, OneGov Brexit Team

[11:08]

Deputy K.F. Morel of St. Lawrence (Chair):

Minister, the future of this meeting lies in your hands.

The Minister for External Relations:

Why?

Deputy K.F. Morel:

Because we are currently inquorate. I am hoping that another member turns up. They said they would. So the question is: would you like to go ahead with the meeting or not?

The Minister for External Relations:

I am happy to go ahead with the meeting. You just need to ... I do not know how you are going to categorise it or record it because it cannot be a formal meeting, can it?

Deputy K.F. Morel:

No, but what I have been told is that if we get your permission to go ahead, then we can go ahead with the meeting.

The Minister for External Relations:

You mean I can override the scrutiny process? **[Laughter]** Normally, Chair, you are very concerned about the power of Ministers. Well, I am perfectly happy to go ahead. I think it is the best approach as long as we are not creating any precedent or anything that causes a problem.

Deputy K.F. Morel:

Thank you.

Deputy R.J. Ward of St. Helier:

We think we will be quorate in about 4 minutes or 5 minutes. We hope so.

Deputy K.F. Morel:

We will see.

The Minister for External Relations:

Oh, well, even better.

Deputy K.F. Morel:

But we shall see. Yes, I am pleased you take that approach because as much as anything it is about getting things on record and I think as we approach 31st October, then I think Islanders would like to know a bit more about what is going on. So I think it would be good to just have a record of the work you have been doing.

The Minister for External Relations:

Yes.

Deputy K.F. Morel:

In that case, bearing in mind that we are a member short at the moment, we will start with introductions.

Deputy R.J. Ward:

Deputy Robert Ward, and I am on the Brexit Scrutiny Panel.

Deputy K.F. Morel:

Deputy Kirsten Morel. I am Chair of the panel.

Deputy D. Johnson of St. Mary:

David Johnson, Deputy, Vice-Chair of the panel.

The Minister for External Relations:

I am Ian Gorst, the Minister for External Relations, and I am joined today by a team of individuals from External Relations and from the OneGov Brexit team and from the Law Officers' Department and they can introduce themselves.

Project Co-ordinator, OneGov Brexit Team:

I am Joseph Carnegie. I am the Project Co-ordinator for the OneGov Brexit team.

Group Director, External Relations:

Kate Nutt, Group Director, External Relations.

Senior Legal Adviser, Law Officers' Department:

Matthew Berry, Senior Legal Adviser, Law Officers' Department.

Director, External Relations:

David Walwyn, External Relations.

Assistant Legal Adviser, Law Officers' Department:

Charlotte Curtis, Assistant Legal Adviser in the Law Officers' Department.

Deputy K.F. Morel:

Thank you. Brilliant. Right, so we will go straight in. Minister, can you please outline how Jersey is preparing for Brexit under both a deal and a no-deal scenario at the moment?

The Minister for External Relations:

So, that is an extremely wide-ranging question. We have been preparing for a number of eventualities since 2016. We have extensive preparations, as you would expect, around citizens, around supply chain, around market access, around legislation, around communications with the

public, around strengthened relationships with the U.K. (United Kingdom) and around strengthened relationships with the E.U. (European Union). They have been ongoing for the last 3 years and since the deferment of the previous exit date for the U.K. leaving the European Union, we have been refreshing and enhancing those plans. So, hopefully in any given area that would be affected by the U.K.'s exit we are prepared for a no-deal Brexit as far as it might be possible to do so. Of course, we are also preparing for the eventuality of a deal being struck and there being an implementation period where some of the more difficult details can be dealt with and a future relationship between the U.K. and Europe can be negotiated and we can, as that negotiation is ongoing, consider which parts we wish to be a party to.

Deputy K.F. Morel:

In the last 6 months since 29th March what are the main areas that you have additionally been able to work on? In a sense, we have been given a grace period, but slightly longer. Have there been any principal areas that you have been able to work on on top of the work that you have done?

The Minister for External Relations:

It has been a lot of refinement, refreshing. We know that an exit at the end of October is more difficult for a number of reasons than one in March, not least of which from a healthcare perspective you are getting into the areas where the hospital and health resources are more under pressure. So we have been able to ensure that those contingencies are in place. Likewise from a northern-bound supply chain route, we are coming into the time when we expect worse weather, so that has further knock-on implications. The reality is that under the previous Government, even though there was a possibility of leaving without a deal, the Government itself said it never wanted to leave without a deal and fairly a number of months in advance of that leaving date said that there was not going to be a deal. So although they and we had contingency plans in place, it is fair to say that we were not and they were not expecting to have to use them. But because of the uncertainty of what the European position might be, they were in place and they were theoretical. The new Government has very much changed that approach and said they are going to leave come what may, and they are still saying that despite what the U.K. law currently says. Therefore, they have done a lot more work and we have been able to refine our plans and refresh them in light of some of the work that the U.K. has done.

Deputy K.F. Morel:

How much has this cost us so far preparing for Brexit?

The Minister for External Relations:

So far between 2016 and 2019 we have a spend of just over £3 million.

Deputy K.F. Morel:

Does that include up to September 2019?

The Minister for External Relations:

It does. We have another budget where by the end of the year we will potentially have expected to have spent about £3.850 million.

The Deputy of St. Mary:

That figure is made up mainly of resources ...

Deputy R.J. Ward:

What was the first figure, sorry?

The Minister for External Relations:

£3.299 million.

The Deputy of St. Mary:

That figure is made up of costs of staff resources that have been taken away from other areas?

[11:15]

The Minister for External Relations:

Yes.

The Deputy of St. Mary:

So the knock-on effect is to other areas of Government as well?

The Minister for External Relations:

Well, what we have tried to do is it allows for backfilling. So, as you can imagine, the spend in 2016 was minimal, less than £10,000, then in 2017 as we started building up, and 2018 was just shy of £1 million, and as you can imagine with the new Government the work that is being undertaken is considerably more. It has been important that every department of Government that might be affected had resource available. So this is not just a central resource of people sitting in External Relations. In actual fact, far from it. It is a resource that all departments have had to think about what the effect would be upon them and budget accordingly. Let us just be clear as well. Whatever happens on 31st October, more resources - and we are just in the process of developing and refining a business plan - will need to be spent on the next stage of the future relationship with the U.K. and the E.U.

The Deputy of St. Mary:

You have just answered what would have been my next question, that it is an ongoing situation for some time to come.

The Minister for External Relations:

Yes.

Deputy R.J. Ward:

What sort of allocation of monies do you think that will require? What do you estimate?

The Minister for External Relations:

I do not have those figures with me but if you think already we are spending on communication, we have spent on the settled status regime, the Customs and Immigration have spent on a new I.T. (information technology) system, we have the support of very able people like Joe and his colleagues, and we have any number of streams. So if we think about the future economic partnership piece of work, we are going to have to think about whether we want to be party to future United Kingdom trade deals. That means work in G.H.E. (Growth, Housing and Environment) to think about what industry wants. It means more work with Jersey business; what are businesses that they are representing and supporting needing? Then it also requires any legal implications, so Law Officers to think about those things. As in the U.K. where you have the Foreign Office, Department for International Trade, in the External Relations team we already have a person whose job it is to sign international agreements, but it requires us to build a capacity. Because we are not just talking now about international agreements which are financial services focused around tax information, double taxation and B.I.T.s (bilateral investment treaties), but we are now talking about trade deals. You have the trade that would flow out of G.H.E., which, okay, it may not be great from a G.V.A. (gross value added) point of view but it is still important that we support those sectors and we get opportunities if they arise, but also this idea of services: what does that mean? We launched our "Let's Talk Trade" consultation document on Monday just to start, if we are honest, thinking about the new world in which we operate and are there opportunities. First of all, do these new trade agreements and the future relationship ... are there areas that we would need to be signed up to to protect our current markets and our current business and then, secondly, are there opportunities for growth? This is a whole new discipline and it is a whole new discipline that we need to engage with industry in as well.

Deputy K.F. Morel:

We understand it is a whole new discipline for the U.K. as well because they have not had trade negotiators for decades.

The Minister for External Relations:

Absolutely it is, yes.

Deputy K.F. Morel:

I understand it, but you speak as though you have a sense of what future trade deals might look like. I do not know how you could but ...

The Minister for External Relations:

So even though we are not officially here we are still on camera so I have to watch my facial expressions. One of the challenges, of course, is that even though they are probably technically difficult, free trade agreements are largely around goods, and the U.K. is currently in the position of thinking that it will be easier to sign trade deals which are just goods focussed and leave the services bit for a second round. From our perspective we think there might be more opportunity for services, so when I have been speaking to Ministers for international trade I have been making that point to them. I know that other third countries like Singapore are making exactly the same point to them around not only continuity agreements where they currently have agreements with Europe of goods and services but also third country partners are making that point. So it is not yet decided. The U.K. Government has not yet decided exactly how they are going to manage those particular areas of future free trade agreements and we know that even the previous Government was not proposing that the future economic partnership with the E.U. covered services. You will remember the media uproar that there was about that at the time, but places like the City got comfortable with that. The new Government is proposing an even narrower type of free trade agreement with Europe than the last Government was.

Deputy K.F. Morel:

I know this is jumping ahead from where we are but just to carry on with that, obviously it feels hard to understand why when the U.K. economy is principally a service-based economy nowadays. Certainly, Jersey is a service-based economy and we cannot be in a position where our services are unable to be traded abroad and into the E.U. How much control will Jersey have over the negotiations in these sorts of trade agreements?

The Minister for External Relations:

So let us remember that we do not ... well, let us just go back to the premise of the question first. So we do not currently have access from a services perspective to the U.K.'s relationship with Europe anyway, so that is not going to change. What we are really looking at is protecting our current market, so if there is anything that has an unintended consequential knock-on to our current market access with a third country, so all that work needs to be done and that is a lot of legal work,

and some of that from the continuity agreements we have already been doing - we have cleared quite a few already; I am not sure exactly what the number is now - and then looking for opportunities when they are forging new trade agreements. So we have not got to think that this is going to change our access to Europe because it is not because we do not have it in that way already. We have it through third country regime and equivalence regimes for financial services. The other point about how much influence we will have is we have made it very clear to them, and again this week, that constitutionally we are self-determining and autonomous in these areas. So we will first of all feed into their negotiation mandate work that David has been undertaking and the work of the "Let's Talk Trade" will support that feeding-in process. Then, secondly, we have said that we want not a take it or leave it approach to the final deal but a more bespoke approach. They understand the constitutional position and they acknowledge that. Whether that will be deliverable in reality it is probably too early to say.

Deputy R.J. Ward:

Are there any risks to the third country relationship, then, from the chaotic nature of the trading for deals, so to speak? Because it is really unclear as to what these trade deals are going to look like, so any structures that we have in place now really by definition may well be at risk as well.

The Minister for External Relations:

It would be difficult to see how that is the case. The slight nuance to that, of course, is the relationship with the E.U. In the areas of services we have already had to show ourselves and we are already treated as third country, and one of the points that we have always made when we have been in Brussels to commissioners is that they have not always in the past historically been good at thinking about third countries when it comes to particular dossiers or directives, even though they would have benefited from clear and fairly uniform third country approaches across a number of directives. We have had to go in and make our case and explain why any particular area should allow third country access. The U.K. now is in a position, of course, of having to make that same case. So directives currently have provisions for third country access. Where it is good for us we have engaged and shown ourselves to be competent in those areas and so we see the success of some of those financial services. The E.U., though, has always been more protectionist and they have been thinking about the membership more generally. There is a question - this comes back to that question with the U.K. not round the table - how does the E.U. think about a more globalised third country approach and are they going to be more reticent in the future about how they give third countries access because all of a sudden they have this big economy on their border which is going to need to be treated as a third country. So there remains a lot of uncertainty in that respect going forward, but that does not affect the current access that we have.

Deputy K.F. Morel:

Could I take you back off trade, back to preparations for Brexit, so we will go back to number 3? We obviously saw, Minister, the Operation Yellowhammer document appear out of the U.K. which had brief mention of the Channel Islands and the Crown Dependencies. From your perspective in preparing for no deal, how would you describe the worst case scenario for Jersey? What would be the main issues in play in the worst case scenario with no deal?

The Minister for External Relations:

We have been quite clear in our communication with Islanders that it is about supply chain, northern supply chain, disruption to that supply chain for food and medicines, and then it is about access to markets for sectors of the industry like fishing. I think we have done a really good job of getting our legislation into a good place and being prepared for it. I think that the extra time that a delay until the end of October has provided has meant that we are more confident now about our contingencies in place than we were in the past. I spent a day in London yesterday speaking to Ministers about their contingency plans and our part in those plans, and every one of them yesterday was a lot more confident than they were even a month ago.

Deputy K.F. Morel:

Why do you think they have increased confidence?

The Minister for External Relations:

Because they have done more work and they have looked at more scenarios. The committee chaired by the Chancellor of the Duchy of Lancaster is meeting every day and pulling in relevant departments and they are getting right down into the detail of it.

Deputy K.F. Morel:

Finally. Thank god they had this extension then.

The Minister for External Relations:

Well, we know as well, of course, they might have another one.

Deputy K.F. Morel:

Yes, absolutely. Regarding supply chains, can you share any analysis that has been undertaken on potential disruption to Portsmouth and also St. Malo? How do you see the situation if those are disrupted, Portsmouth being the principal one?

The Minister for External Relations:

I am a lot more comfortable that we have got in place contingency plans that would mitigate difficulties at ports.

Deputy K.F. Morel:

What are those contingency plans?

The Minister for External Relations:

We have spoken about what those contingency plans are before, Chair, about the prioritised access ramp and lines for Channel Island deliveries.

[11:30]

We have talked about storage just outside of Portsmouth port, contingency plans for the hauliers, the contingency plans that Condor have put in place, all of the work that Joe and his team have been doing with the Hampshire and Isle of Wight Local Resilience Forum, the work that they have done with the Department for Transport. If you want a more technical answer then I know Joe can provide it.

Deputy K.F. Morel:

If you would like to. This is not so much for me, this is about letting Islanders know and have reassurance because I think it is important.

Project Co-ordinator, OneGov Brexit Team:

Indeed, and I think, as the Minister has said, I would just like to echo just how grateful we are to Portsmouth, the port, and the Hampshire and Isle of Wight Local Resilience Forum for their engagement with us. They have been absolutely as open as we can expect. We have been invited into all of their co-ordination, both strategic and tactical, calls so we have been fully aware of the concerns they have had, and they have expressed continuously that they understand just how important access to the ports is to the Island. There has been certain modelling taking place on potential disruption. I am not able to in a public forum explain exactly what that modelling was, although I am happy to do that in a private arena. However, they have taken that on board and have engaged with local resilience forums across the border to mitigate and minimise any potential disruption. That is not to say that there will not be disruption and there is the possibility and we have been very open as Government that there is the likelihood of a reduction in certain products, that there may be disruption particularly to fresh food. But certainly with our engagement with the retailers we are confident that we are in a good position to deal with that but that engagement is ongoing. Some of the plans have not been stress tested I would say yet. That is in hand to do that and obviously our confidence will grow once we have seen that.

Deputy K.F. Morel:

Have we got any contingency plans in the case of Portsmouth becoming unviable? So we are saying that we are happy that Hampshire has this in place, we are happy that Hampshire has sorted it out, but what if Hampshire has it wrong and Portsmouth does not become a viable port for us in the short term? What are our plans then?

Project Co-ordinator, OneGov Brexit Team:

Yes, we have looked at that. We have looked at the possibility of use of other ports, of moving supplies from R.O.R.O. (roll on roll off) to L.O.L.O. (lift on lift off), which gives us many more options of getting the supplies in. I think the key element I would put is that any contingency plan or emergency plan will not be a perfect solution. That is not possible. It is key, though, to ensure that where freight is available to get through we get it through by whichever way we do that, and that is engaging with other ports, which we have done. It is engaging with the hauliers, which we have done. I think that is working on the reasonable worst case scenario, potentially even beyond the reasonable worst case scenario, because we are reliant on that northern supply route. We have also looked at the possibilities of switching some freight to southern supply routes, and again we have spoken with both retailers and wholesalers about that.

Deputy K.F. Morel:

Excellent, thank you.

Deputy R.J. Ward:

Which leads us on to how prepared Jersey is for a potential food shortage. I think what we are talking about is beyond the usual bad weather when there is hardly anything on the shelves for a couple of days, that is caused by a blockage in their supply line, for example, or whatever may come from this.

The Minister for External Relations:

So you want me just to talk about it generally?

Deputy R.J. Ward:

Yes.

The Minister for External Relations:

Okay. So there is all the work that Joe has just been explaining with Portsmouth, with the Department for Transport, with the local resilience authority, the priority positions, all of those things, undertakings again from ministers for transport yesterday that they will do absolutely everything to make sure that supplies flow through Portsmouth to the Channel Islands and it is on their radar. As they say, they have been discussing it at their daily meetings. So I am confident that that will hold,

but there will be inevitably hitches in these things because nobody ... there is modelling of displaced trucks coming round which are uncertified. There is an increased campaign about hauliers being border ready, and from the research that they have been doing in the U.K. more and more hauliers are and they are gaining in confidence as each day and week goes by. So we might have thought that it could get worse than a couple of days like bad weather and we had a plan in place to start communicating that to Islanders around this time. Because of all the extra work that has been done we are not doing that because it still seems that the preparation we should be doing is about around a couple of days of bad weather. But we are not just doing that preparation in the north. We have been doing preparation here as well, and as a broad brush stroke retailers themselves are preparing and have been thinking about prepositioning and thinking about how they can best support their customers and Islanders should some of these events come to pass. It is fair to say some are much further down that line. Some have come up to me personally and said: "We are absolutely prepared and we are very grateful for all the work that Jersey Government staff have been doing." Others are not quite at that point yet. They are doing further work on what costs might be and how they could mitigate further any impacts on their customers.

Deputy K.F. Morel:

Can I just ask, sorry, prepositioning, what does that mean?

The Minister for External Relations:

When you go to the store you might see the shelves are now fuller than you would normally. It was not unusual to go on a Saturday afternoon and for a shop to have run out of Shreddies. What they are doing is making best use of the store and the rooms that they already have on sites that we would go into and other facilities that they have as well.

Deputy R.J. Ward:

I think one of the things we have is a particular concern for low income groups and families who live on the breadline and from week to week. I have asked you before. I have asked questions, one here in March, about the notion of picking up a few extra things. But do we have a plan in place for those low income groups beyond the use of foodbanks, for example? Because we do not want to be as an Island reliant on that type of situation, which could easily happen if, for example, prices go up. Do we have a mechanism for control of that?

The Minister for External Relations:

We have to separate out what it is that we are referring to. We have all of this work around contingencies to ensure a good supply of food, albeit ...

Deputy R.J. Ward:

Absolutely appreciate that.

The Minister for External Relations:

Yes, and what we are saying to Islanders now is, okay, we are not talking about people stocking up their pantries or their larders or their store cupboard or whatever and putting it in the garage, we are talking about getting an extra tin of baked beans or an extra bag of pasta, it is at that sort of level. Work with retailers and food retailers, hauliers, all of that stuff is part of what we are preparing for. We are also preparing for the most vulnerable, and you will see that I announced last week that the approach that we are thinking of taking there, or that we are taking there, is to develop a hub where support would be available. I am not saying anything further about that until we have more certainty after the European Council, but there is a plan in place to support the most vulnerable. Then you come to the point about vulnerable families who have support from income support, which is what we are really looking at when we are thinking about rises in food prices. Again, the vulnerable Islanders group have been looking at, thinking about and carrying out research around a basket of goods but not the R.P.I. (Retail Price Index) basket of goods because that includes T.V.s (televisions) and freezers and all of those things. Every day necessities basket of goods and that work ultimately in the ... it might be a couple of weeks, and it will feed into then a better knowledge about food price inflation. If there is this disruption in the U.K. across the short straits, you would expect there to be ... you have the devaluation of the pound as well and all of those economic issues, you could expect food price inflation. You are also talking about, I noticed in the F.P.P.'s (Fiscal Policy Panel) report, fuel inflation which would feed into food price inflation. That is a number of weeks down the line and the mechanism that we have there and that Social Security are thinking about is the use of income support. That income support ... in a short period of time, we can draft the regulations to increase the money in people's pocket in very short order. So we are not just dealing with it from a throwing everybody into the same basket, we are trying to deal with it on a more bespoke basis that would meet immediate needs and medium-term needs.

Deputy R.J. Ward:

That is the first time we have heard that so that is very useful. Medical supplies, what about shortage in medical supplies as well, particularly things such as insulin, which are not easily stockpiled and are essential for people? Are you confident that we can maintain a level which is suitable, adequate, safe, use whatever word you want?

The Minister for External Relations:

Insulin should not be stockpiled, we need to make that very clear, because of its short shelf life. As I understand it, it could be quite seriously counterproductive to do so. Yesterday, one of the Ministers I met was a Minister for Health and we had reconfirmed, as we have had in various correspondence but face to face, that we are absolutely connected into them. This is why the priority access at

Portsmouth is so important and all the work with hauliers is so important, work with N.H.S. (National Health Service) England has been so important about provision of drugs. They know exactly what we use on Island. It has all been upstreamed to them. We are part of all of their preparations for manufacturers of drugs and in extremis, as I think we have said publicly as well, we have plans in place to fly in drugs that are necessary and we have been talking about the sorts of short shelf life medicines. The United Kingdom will be, I think it is today or tomorrow, letting contracts for similar freight possibilities coming from Europe into the U.K. as well. So I am not sure whether they are mirroring us because we have been talking about it for months, or we are mirroring them, but they are now looking at this.

Deputy R.J. Ward:

Have those plans been affected by the timing, because it is a very good point about October, November, December, which is effectively flu season? March would have been a lot easier I suppose. There must have been a slight change of those contingencies for that.

The Minister for External Relations:

The flu issue is a very good point. In the run-up to March - I have to be careful how I say this - we had got medical supplies and the hospital was kitted out for winterisation. What we said to them was: "Act as though you are carrying on at that level into March." So now we are getting into that winterisation and being ready for it and we have said to them: "Make sure that you are from the medical supplies and hospital side ready a bit earlier than you might have been historically." But this for us is why we needed to have explored and have a contingency plan about flying short shelf life drugs and medicines in. I think it is also why the U.K.'s approach has changed from just the drawdown of ferry stuff but now to thinking about flying stuff in as well.

Deputy R.J. Ward:

To use a popular phrase: "Winter is coming."

The Minister for External Relations:

Let us hope it is not of discontent.

The Deputy of St. Mary:

I think you have partially answered the question. At a previous hearing we had there was a concern expressed about supplies we get from N.H.S. England, we are keyed into it, and the concern was that was N.H.S. England likely to prioritise people on the mainland rather than here. Now, you have given an assurance today that is not the case, but on a general shortage do we have contingency plans which ... you talk about flying in. That covers suppliers from the continental mainland rather than just England, does it?

[11:45]

The Minister for External Relations:

Our plan will be ... currently it is from the north and I am not sure whether I can say anything more about the southern potential supply route, but the U.K. is looking at the European supply to fly into the U.K. So if there is a global European shortage then I think we are in a different ... that is not a Brexit issue, that is just regional European shortage issue where you have to think about other options, but I think largely we have got it covered with the contingency plans.

The Deputy of St. Mary:

So any shortages for the U.K., we would still get ... we would rely on the contingency plans that U.K. have rather than our own separate ones?

The Minister for External Relations:

No, we would be working together. So our contingency plans marry in with their contingency plans.

The Deputy of St. Mary:

Just to finish it off, do you anticipate in that situation where the supplies will come in always via the U.K. or elsewhere?

The Minister for External Relations:

I think it is safest from a medical perspective to make that assumption but there is in extremis the ability, however, to fly over to Europe and bring short shelf life medicines in. In all of the contingency plans you have a process that you go through and so you would never really expect to get to your extremis position.

The Deputy of St. Mary:

The final question on this theme. I did raise the question once before because a G.P. (general practitioner) raised it with me. Is the medical profession as a whole satisfied with what you have in place? Has that been explained to them?

The Minister for External Relations:

I have no advice to the contrary. The officials at the Jersey Department for Health have worked extremely well and were probably - it is fair to say to them - better prepared than any other department for the last potential leave and they have been refreshing their work as well. So, as far as I am aware, as possible as it is to get the disparate medical profession to be in agreement and satisfied, I am not aware of anything to the contrary.

Deputy R.J. Ward:

Does that apply to veterinary medicines, animal medicines?

The Minister for External Relations:

Yes.

Deputy R.J. Ward:

Including short shelf life. As somebody who had a diabetic cat for a while I know it is important that you get those in, so the same sort of process will apply? Okay.

Senior Legal Adviser, Law Officers' Department:

Just to add that a lot of these plans are run by and with the support of the Chief Pharmacist and he deals with veterinary medicines, I believe, as well.

Deputy K.F. Morel:

I have to admit the irony of the U.K. relying on Europe within days of Brexit is not lost on me.

The Minister for External Relations:

Do not forget that 46 per cent of their trade is with the European Union so getting the future economic partnerships sorted out will and has to be a priority.

Deputy K.F. Morel:

That seems to be a fact lost on the U.K. Government. What I wanted to ask, also with regard to supply lines, is have you modelled a double impact situation, so very bad kind of autumn storms also coinciding with the beginning of November?

The Minister for External Relations:

This is Joe's bread and butter.

Project Co-ordinator, OneGov Brexit Team:

Certainly the U.K. are very aware of the concurrent risk possibility and I think it was only a few months ago when they looked at preparations plans, when you have a dam potential collapse and other issues going on. We are aware of that. We obviously have our community risk register that highlights the key issues that are potentially likely to face the Island. We are reviewing that. Our M.O.U.s (memoranda of understanding) have been agreed across the board to ensure that we have support where we can have it. Could we come under pressure? Yes, and there is no point in saying otherwise. Again, the issue with concurrent risk is that we have to horizon scan as best as we can

on that and that is part of our 3 times weekly meeting that we discuss potential concurrent risks that might face us.

Deputy K.F. Morel:

That is another reason for the southern route in the sense they are less affected by the weather than the northern route. From the perspective of the southern route, as far as customs clearance ... you know, we talked about inspection posts for exports to Europe but as far as getting things through, are you speaking to French customs and those sorts of agencies?

Project Co-ordinator, OneGov Brexit Team:

The Jersey Customs and Immigration Service are in regular contact with their counterparts across the water, absolutely.

Deputy K.F. Morel:

In France, just to be clear?

Project Co-ordinator, OneGov Brexit Team:

Yes.

The Minister for External Relations:

Our border inspection post works both ways at St. Malo for things coming to us as well as things from us going to them.

Deputy R.J. Ward:

Obviously, the other thing that directly affects people in Jersey is the settlement scheme and we have had updates on numbers. I do not know if they were made from a different panel, but can you give an update on those that have applied and also some sort of notion on waiting times? Because there have been some concerns that have been raised with me about applications in March, appointments are in June. At the moment you have time but has that ...

The Minister for External Relations:

Firstly, as you know, that is a scheme that is administered under the auspices of the Minister for Home Affairs but we very much support what they are undertaking. My understanding, in the latest update that I have had, is there are about 7,100 people applied. You are right to highlight there is currently a waiting time. They have put, I think, a number of months on that waiting time, 3 to 4 I think, expecting that it will be completed within that period. Islanders who have made that application do not need to be concerned about the waiting time, it will get processed, it is not their issue, it is an issue for Customs and Immigration and they are working through it.

Deputy K.F. Morel:

Has that been communicated to them, though? Because if you are just waiting they do not necessarily know it is an issue for Customs and Immigration.

The Minister for External Relations:

No, this is why I am saying it now and, Chair, you are quite right about the benefit of you asking me questions is that we can use the opportunity to get that message out as well that Islanders who have applied, who have a waiting time before their application is approved, do not need to be concerned about it. Islanders who have not yet applied should still apply and not think: "Oh, there is a slight waiting list, I will not bother applying." They should still apply. It was drawn to my attention that of all of the people that have applied, and I am not aware of anybody being rejected in Jersey, in the United Kingdom with their millions of E.U. citizens, only 2 have been rejected. So the message is that Islanders who want to remain, and we want them to remain, please continue applying.

Deputy K.F. Morel:

I am just confused, I thought you said you are not aware of any Europeans being rejected and then you say 2 have been.

The Minister for External Relations:

In Jersey.

Deputy K.F. Morel:

Okay, and 2 have been rejected in the U.K., is that what you are saying?

The Minister for External Relations:

I am just saying out of all of the millions, even in the U.K., there is only 2. We have not had any rejected here and I would not expect to.

Deputy K.F. Morel:

Two have been rejected in the U.K.?

The Minister for External Relations:

Yes.

Group Director, External Relations:

As per media reports.

Deputy K.F. Morel:

Okay, that is not the same reports that I am receiving. I know it is irrelevant in many ways but I would double check those with the U.K. Home Office. Can I ask one question about the mechanism of settled status? Are the decisions about whether someone receives settled status made solely here or are they made partially in London?

The Minister for External Relations:

No, they are made here but this scheme mirrors what is happening in the U.K. So with all immigration issues we follow the U.K. approach but the decisions are made here and you will recall even recently with an extradition case ...

Senior Legal Adviser, Law Officers' Department:

You are quite right in what you are saying.

The Minister for External Relations:

Basically I am just trying to give the confidence that even in something like an extradition case it follows the U.K. because we are the southernmost border of the British Isles but the decisions are made in Jersey by a Jersey official.

Deputy R.J. Ward:

I think I am asking these questions because I do chair the Home Affairs Panel ...

The Minister for External Relations:

You should be asking the Minister for Home Affairs.

Deputy R.J. Ward:

Yes, I do realise that but because this is about dissemination of information, I suppose, I think the concern is that if there is a 3-month waiting list now and it is not the most hectic time for applications - human nature is that we tend to leave things to the last minute, tax forms, for example - and we hit that point after any form of Brexit where the transition period of a settlement scheme will be ... there could be a huge amount of pressure.

The Minister for External Relations:

Let us just clarify that. The pressure is not about making the application, the pressure is about whether you are resident here before 31st October. If - and this is where there has been some confusion - there is a no-deal Brexit on 31st October you cannot then come to Jersey or the United Kingdom and make an application. It will be a different process. It is a 3 year ... I am not sure exactly of the term ...

Senior Legal Adviser, Law Officers' Department:

European leave to remain.

The Minister for External Relations:

Yes, leave to remain process. If there is a deal and there is a transition period, I think it is up to a year, then new citizens could come and apply for settled status. Obviously they would have to have the 5-year residency. So it is about whether you are here or not that no-deal Brexit has the implications for.

Senior Legal Adviser, Law Officers' Department:

That is exactly so. I think maybe some of the confusion sometimes comes around because, as you said, people get concerned about the waiting time, but the critical thing is whether you are here. Also people sometimes, I think, maybe get a little bit confused between something being turned down and someone being granted a pre-settled status, because you have to have a certain period of residence in order to be granted the permanent final settled status. That does not mean you will have a difficulty travelling backwards and forth while you are granted pre-settled status, you will be able to clock up the full period of residency, it is just that you have not clocked it up yet.

Deputy R.J. Ward:

That is partly why I asked the question, because there is that confusion and it is confusion for most people. Do you think more work may need to be done to get that message across, just the importance ... I know a few people who have come ...

The Minister for External Relations:

I know that the Chair is extremely interested in how we communicate and so I think it is a fair point that we can take away and relay to our colleagues in Customs and Immigration about doing more communication to make that clear and to explain that there is a waiting list and that Islanders do not need to be concerned about that, it is just make the application.

Deputy K.F. Morel:

Is there a kind of outreach programme aspect to it as well? So Governments often just stick things on websites or send out emails and the job is done rather than sending people to community centres.

The Minister for External Relations:

It is a good question because... yes, we have been doing.

Project Co-ordinator, OneGov Brexit Team:

Sorry, Minister. Chair, can I just say again J.C.I.S. (Jersey Customs and Immigration Service) have been going out to industry as well, so they have certainly spoken with some of the hospitality industry, they have agreed with retailers to let the employers ... again they are not responsible for this but certainly have an aspect with their staff to push the case for their staff to sign up to settled status. J.C.I.S. have gone to several large employers to speak directly with them and with their staff to explain how the system works. But certainly I agree, it is something we can take back to our colleagues to see how we can widen that.

Deputy K.F. Morel:

Obviously there are a lot of people who are not large employers. There are lots of small cleaning companies, et cetera, where they are pretty much all E.U. nationals who work in them but perhaps do not figure on the radar of large employers.

Project Co-ordinator, OneGov Brexit Team:

Again, if J.C.I.S. are getting into the large employers within the communities they are then able to discuss that within but certainly I take the point that the wider we can spread the net the better.

The Minister for External Relations:

As Joe said, they did do roadshows, notwithstanding your thoughts about the leaflet, Chair, that did go to every household, so there was a reminder there. But we can certainly ... there is potential benefit in encouraging them to do another roadshow around parish halls and community centres as well in the next 3 weeks.

Deputy K.F. Morel:

It does not have to be done in the next 3 weeks.

The Minister for External Relations:

No, it does not, but I do think it is important to reassure people.

Deputy R.J. Ward:

There are some distinct areas where you can get really good information out there in cafes, restaurants and bars and so on that could be ... just that confusion, which you have explained very well, is definitely there so that is useful.

The Minister for External Relations:

On Monday we had a session that the Minister for Home Affairs was at and Customs and Immigration were speaking to the honorary consuls as well. So this week that will be going back through their network but it is a very good suggestion.

Deputy K.F. Morel:

Moving on to economic aspects of Jersey's economy. Obviously, we have mentioned the finance sector already. What work are you doing to be satisfied that you understand the likely events of particularly a no-deal Brexit on Jersey's finance sector? What kind of analysis have you done in that area? What work are you doing with the industry to make sure that they are satisfied?

[12:00]

The Minister for External Relations:

We have in place more and more processes of engagement with the finance industry. Brexit and Brexit preparations have been a standing topic on that probably for the last 3 years, so much so that Kate has been coming along to those standing approaches. I think it is fair to say, on balance, that the finance industry, because of the fact that we have not been in the E.U. for services, are not concerned directly about the U.K. leaving the E.U. There perhaps is residual concern about ongoing uncertainty and businesses broadly across the economy would like more clarity one way or the other. You, Chair, will have read the F.P.P. report about the impact on financial services of Brexit, rather it is what they are highlighting is the impact of a potential recession right across the economy. That is largely looking at the numbers coming out of bodies in the U.K., like the Bank of England, and recognising that, with some time lag, what happens in our economy tends to follow what happens there and so they have read across those sorts of effects on the economy. TheCityUK, which promotes the City in London, again I think from their perspective and what they tell me is that they would like to see certainty one way or the other of what is going on and it is the uncertainty that causes difficulty. They continue to see investment flows, they continue - like we do - to see jobs growth and assets under management increasing. What we cannot be certain of is the contingency plans that some of the brands in the City have made, exactly when they would come into play and when they would come into play in the event of a no-deal Brexit. All of the institutions that I speak to say they have got in place minimum contingency plans to allow them to continue to have access to European markets but not that they intend to send great swathes of jobs or processes on to the continent. Certainly that is exactly the message here in Jersey.

Deputy K.F. Morel:

Excuse my ignorance on this subject. Just before the referendum in 2016 Jersey received news that it would be recommended for a passporting system for marketing funds into Europe.

The Minister for External Relations:

Yes, A.I.F.M.D. (Alternative Investment Fund Managers Directive).

Deputy K.F. Morel:

What happened there, because while we were recommended for it I do not believe it was ever delivered?

The Minister for External Relations:

No. You have to remember that the European Union is sometimes referred to as a bureaucratic and accountable organisation. It does have its technical bodies and we passed the technical process but they always have - how can I describe this - a political overlay. Even though we have passed the technical process and we were one of the first third countries around the globe to have passed that technical process there was always a political overlay. In the instance of A.I.F.M.D. I think it is a delegated decision to a committee of the European Parliament but that comes back to my point that the Deputy raised earlier about the third country access issues. That one got stopped at that point because all of a sudden the U.K. was about to become - or in due course, now 3 years down the line it still has not - a third country and therefore they were starting to think about third country access from A.I.F.M.D. Now, one of the reasons that we needed to have A.I.F.M.D. recognition and access was because the European plan was to create this equivalence regime under A.I.F.M.D. and stop the private placement regime. So what they have done is said: "Okay, we are going to stop the A.I.F.M.D. third country access process but keep open the private placement regime." It has not been a detriment to our funds industry, in actual fact we have continued to see funds facing the E.U. grow and grow. It is just to say that there is always this political process that even when you pass the technical test you cannot be sure.

Deputy K.F. Morel:

Can I ask about Jersey's hospitality sector and the negative effects that that may feel? What are the key negative effects that you have analysed as likely to happen?

The Minister for External Relations:

They will tell us ... we just remind ourselves that in External Relations we act as a co-ordinating body; G.H.E. are responsible for collating all of that. They tell us the biggest effect that they are concerned about is access to E.U. citizens to work. You are already seeing a change in visitors from longer staying to day trips, all of that stuff. There probably would be a concern if checks at the border became lengthy and it took a long time when you disembarked at St. Helier and there were queues. That resourcing is being thought about in Customs and Immigration, but largely it is the access to labour.

Deputy R.J. Ward:

This might be a relevant time to ask about all the checks they are bringing in. One of the questions we had later on was any change to border checks because - and I know it is a Home Affairs question

again but I think it is important - direct flights from Europe following Brexit into Jersey would require a formal passport check at our airport. Are you certain that we have the mechanism in place to access all the information we would need on each individual, which must be the U.K. database I would imagine? Because when I go through Jersey airport I do not see a lot of passport checks.

The Minister for External Relations:

It depends where you come from, but you will be aware that there is - and perhaps it could do with a lick of paint; I know they have some new flooring up there I noticed yesterday - a designated area that you would come in if you were flying in from Europe rather than from the Common Travel Area, and they filter you through there. There are desks and you do occasionally see officials there. But the question is really about the systems and the I.T. and all of that in the run-up to preparing for Brexit deal or no deal has been the I.T. project and the continuing access, and is it called G.E.M.S. (Generic Electronic Manifest System)?

Group Director, External Relations:

Yes.

The Minister for External Relations:

So they are satisfied that they will be able to deal with that.

Deputy R.J. Ward:

Because it could be a lot busier, could it not, because you will have a lot more countries that recently have been in the Common Travel Area.

The Minister for External Relations:

Yes, the majority of our flights originated from the Common Travel Area.

The Deputy of St. Mary:

You mentioned the Common Travel Area; this is within the Common Travel Area?

The Minister for External Relations:

It is, yes.

The Deputy of St. Mary:

Is there potential conflict there, so how are we going to deal with flights coming in from Dublin, which might carry E.U. nationals?

The Minister for External Relations:

We are not going to be able to find an answer to all of the vagaries of why the U.K. has not been able to get a deal currently because it is exactly those issues around a Customs Union but as far as we are concerned we will no doubt have the legal position. Access from the Common Travel Area, originating in the Common Travel Area, is applied equally across every country of the Common Travel Area and it has to be.

Senator S.C. Ferguson:

Yes, but is southern Ireland going to remain in the Common Travel Area?

The Minister for External Relations:

Senator, as you well know, there is not such a place as southern Ireland; there is Ireland and then there is Northern Ireland. Is Ireland going to remain in the Common Travel Area? I have no indication whatsoever that they are going to do anything other than remain in the Common Travel Area.

Senior Legal Adviser, Law Officers' Department:

That is absolutely my understanding. The focus in the City in terms of the changes to immigration rules and other legal arrangements for people travelling within the Common Travel Area, those are largely remaining the same. There are some tweaks which we have already made to ensure that those can stay in place operationally. The bigger issue at the moment, which will colour the responses to these questions, and it is something that probably would need to be asked of Home Affairs, is about the European temporary leave to remain scheme, which David mentioned a short time ago. That is the arrangements that will cover new entrants from the E.U. arriving after a no-deal Brexit. So we have talked about the E.U. settlement scheme. The temporary leave to remain arrangement is expected to be a 3-month temporary permission for E.U. citizens to enter the U.K. or the Channel Islands.

Deputy K.F. Morel:

For what purpose?

Senior Legal Adviser, Law Officers' Department:

That would be for general recreational purposes but also some would be for business purposes. But there is a lot more ...

Deputy K.F. Morel:

Basically your tourist visa?

Senior Legal Adviser, Law Officers' Department:

Yes, but there is a lot more that lies behind that. To give you a fuller answer to it we need to get Joseph's colleagues here and be able to set that all out for you. That is also something that is very much under development at the moment because there are discussions going on even today or yesterday with the U.K. about the nature of the U.K.'s developing ... it is no secret that the U.K. had an Immigration Bill that was going to address all of these issues and it was one of the many Bills which fell on prorogation. It did not technically fall on prorogation the first time but it certainly did now.

The Minister for External Relations:

It has now.

Senior Legal Adviser, Law Officers' Department:

So the U.K. is looking at making arrangements for this using secondary legislation but its plans are involving us alongside it. But the arrangements for that will be covered in ministerial directions which create the immigration rules. That is not a new piece of primary legislation or regulations. That is a direction that the Minister for Home Affairs will make once we have seen the full details of the U.K.'s temporary leave to remain scheme.

Deputy R.J. Ward:

There is no real clarity in the other way either in terms of what happens to British citizens going to Europe where there will be a similar 3-month, which is effectively a tourist visa. It is like a tourist visa-plus, is it not, in a way?

Senior Legal Adviser, Law Officers' Department:

Yes, it is a bit more than a tourist visa but I think it would not be ...

Deputy R.J. Ward:

It is speculation at the moment.

Deputy K.F. Morel:

But what about our citizens travelling to Europe? Do we know whether there is going to be any extra regulation on Jersey people travelling to France?

The Minister for External Relations:

We are treated as British citizens so we will be treated in the same way. This is one of the benefits ...

Deputy K.F. Morel:

But do we know how they are going to be treated?

The Minister for External Relations:

Do we know formally in legislation how we are going to be treated? No, we do not.

Deputy K.F. Morel:

Informally?

Deputy R.J. Ward:

This is the nobody knows part, is it not?

The Minister for External Relations:

Informally we expect, as the Deputy was indicating, a mirroring approach.

Deputy K.F. Morel:

But we do not know that.

The Minister for External Relations:

But we do not know formally.

Deputy K.F. Morel:

We mentioned biological inspection posts in St. Malo and Granville, obviously in order to aid particularly the aquatic resources industry.

The Minister for External Relations:

In St. Malo we said. There is not currently one in Granville.

Deputy K.F. Morel:

No, but the development of.

The Minister for External Relations:

Yes.

Deputy K.F. Morel:

I was slightly surprised because we have heard nothing about it, about Jersey contributing to the cost of a biological inspection post in Granville. This was in the media just a few days ago.

The Minister for External Relations:

It had been a policy aim of fishermen in Normandy to have an inspection post in Granville. They had found a way of processing or landing fish caught in our waters into the French market, which may have meant that the necessity of such a post was superseded. But it is still a policy aim of the local and regional government of Normandy and La Manche to have a bit in Granville. They have made that request up to Paris and it is not a great cost. I attended a summit meeting on Friday and said we absolutely supported that and if there was a requirement for us to work together, which also involved a cost element, then I would be more than happy for us to work together to meet that cost.

[12:15]

Deputy K.F. Morel:

How much do we expect that cost to be?

The Minister for External Relations:

Not very much.

Deputy K.F. Morel:

What is “not very much”? In Government terms that could be millions. It could be hundreds of thousands. It could be tens of thousands. I have no idea what “not very much” is in your head.

The Minister for External Relations:

Chair, in Government terms millions of pounds is a lot of money, in everybody’s terms millions of pounds is a lot of money. The figure that had been mooted was that the overall potential cost is about £40,000.

Deputy K.F. Morel:

It is good to have some sort of figure on that rather than just hear that we are contributing regardless. Also, with regards to ...

The Minister for External Relations:

I would not say “regardless”; that was not quoted in the media release. I am sure it was not and it was not me that made the media release. It was one of my French colleagues.

Deputy K.F. Morel:

How do we see the Granville Bay Treaty developing over the coming months?

The Minister for External Relations:

This has been one of the difficulties because the Granville Bay agreement has always been about access to waters. What Brexit does is present a difficulty around access to markets and it is fair to say from a Jersey fisheries perspective, Jersey fisherman's perspective, if I may use that term, they are questioning the benefit of the Granville Bay agreement if it simply allows them to fish in French waters but does not allow them because of all the European Union directives to easily access European markets. Of course, from the French Norman fisherman's point of view, they want to continue to have access to our waters and the reality is that, from a Government perspective, we want to maintain the Bay of Granville agreement. The Bay of Granville was set up on 3 premises: (1) that it would foster good neighbourly relations, (2) that it would give economic benefit to the communities who were party to it, and (3) that it would help preserve and conserve the stocks. All 3 of those policy aims we continue to support. So I, last week, strongly made the point, which is where the communication came out from my French colleague, that we wished to maintain that agreement but there would be a lot of political pressure from Jersey fishermen around the benefit of preserving that agreement if there was not a smoother access for Jersey fishermen to French and European markets. So we have got the border inspection post in St. Malo, which we are grateful to the French for facilitating that. There is one in Cherbourg, I think. But as you will know, our fishermen tend to land in Granville and Guernsey fishermen tend to land in Dielette, which is why they again clarified to me that they were keen to have a border inspection post in Granville. I am absolutely committed to that and they recognised that their political ... giving us the facility to land our fish smoothly in France we were absolutely aligned. So I cannot give you any certainty one way or the other but we have made that commitment. They are committed to facilitating that smooth access to markets and will continue to work on that.

The Deputy of St. Mary:

To what extent does our relationship with Normandy, which is mutual, depend on other negotiations as to E.U. fisheries generally? What I am saying is: can our private arrangements, if I can call it that, be torpedoed by arrangements at the main table?

The Minister for External Relations:

I do not believe it can. Some might think so. It is an agreement, which is in place right now. If that were the case and for some unforeseen reason it were, and I cannot see it, it would be more likely it would be our fishermen putting political pressure on the Government of Jersey to say it is no longer not providing the 3 heads of benefit that I just described. But there is facility in the E.U. to have what is known as neighbourhood agreements and there are others in place in this particular regard. We could potentially in extremist, and there is some draft legislation or law drafting instructions, for us to unilaterally give licences to French fishermen to fish in our waters.

Senator S.C. Ferguson:

I believe that as far as the fisheries go, within the 12-mile limits, that is very much a question of agreement between countries; the interesting thing will be what happens to the North East Atlantic Fisheries Commission. Are we going to have to rely on the U.K. for that or are we going to be able to get a subsidiary seat at the table?

The Minister for External Relations:

I do not know the answer to that.

Senior Legal Adviser, Law Officers' Department:

There is some discussion and thought going into participation in the international fora like that. The officials who are most close to that are not presently in the room so I would not want to say one way or another. It might be something that could be followed up.

Senator S.C. Ferguson:

After all Faroe Islands are on the main commission.

The Minister for External Relations:

This is part of the ... we started, Sarah, before you came into the room, talking about trade.

Senator S.C. Ferguson:

I apologise for being late, sorry about that.

The Minister for External Relations:

No, no problem at all. These are the compromises that you have to think about with future trading agreements. So on the one hand there are some benefits of the Faroe's model but, as I understand it, there are many downsides as well. We need to look at all of these bodies and how we participate in them, in this new post-Brexit world.

The Deputy of St. Mary:

On a different matter, the Government has recently pushed through a number of legislative changes Brexit related. I do not expect you to identify each and every one of them but could you give us, for the benefit of the public, a general flavour of what they sought to do and if they are coming in the last few months why now rather than earlier?

The Minister for External Relations:

I am conscious of time.

The Deputy of St. Mary:

That is why I put 2 questions in one.

The Minister for External Relations:

We might as well just ask Matthew to give the ...

Senior Legal Adviser, Law Officers' Department:

I am perfectly happy to. We met recently with the panel as well on the subject. You will have seen recently at the end of September we passed 2 sets of regulations dealing with food safety in relation to farmed aquatic animals and in relation to wild fish. We also, at the last States session, passed a set of regulations in relation to residue monitoring. The common thread between those regulations is that they are preparation for a decision to be made by the S.C.o.P.A.F.F. (Standing Committee on Plants, Animals, Food and Feed) Committee of the European Union, which is the body which decides whether to list the accepted countries who can export animal products or products of animal origin into the E.U.

Deputy K.F. Morel:

So from a perspective of the Granville Bay Treaty and our fishermen's desire, and I assume our agriculture practitioners' desire, to have access to French markets, so basically these pieces of legislation are vital.

Senior Legal Adviser, Law Officers' Department:

Absolutely, yes. These things are linked and we need to ensure the S.C.o.P.A.F.F. Committee's decision on listing is an important step in ensuring that we have access to those markets, as is the establishment of appropriately located Bill, as is access to markets and waters. They are connected questions but not necessarily the same question. So the 3 sets of regulations that we have taken through the States recently, that is the combination of the regulation making work for that and we also, at the same time, the Minister for the Environment made 2 Orders, the main one of which was to provide for the temporary continuance of a number of pieces of E.U. regulation so that we maintain essentially equivalent standards to the E.U. in relevant areas where we are looking to have our product listing through the S.C.o.P.A.F.F. Committee.

The Deputy of St. Mary:

I accept leave for them as indeed did the Assembly. They were pushed through quite quickly. Are there any others we should be aware of or might there be that is unearthed which we have ...

Senior Legal Adviser, Law Officers' Department:

It is a very reasonable question and we appreciate that was a very short timeframe, particularly for residues regulations being lodged very, very shortly before asking to debate them. We are grateful

for the Assembly's forbearance on these things. The challenge with the residue regulations, in particular, which relate to testing animal products for residues, effectively medicines or pesticides or other things, is that these are areas where we have had existing testing arrangements in place but it is only in the last couple of weeks really become apparent how our testing arrangements will need to relate to the U.K.'s and the E.U.'s and the degree of legislative underpinning that would be required. So it is one thing to say we have the tests. What has been made clear to us is, okay, not only must we have the legislation, we must have this very particular degree of legislative underpinning.

Deputy R.J. Ward:

There was a question, I do not know how far we have exports, but there is an issue with organic produce in the U.K., is there not, being transported? They were carrots, I believe. But because the certification may take a year there is obviously a growing period which could be completely wasted. It is those details now that we are getting into.

Senior Legal Adviser, Law Officers' Department:

It is. That issue does not really affect the Jersey markets at all thankfully. It is a very clear picture. What I can say is that as far as we are aware we have now covered all the legislative requirements to prepare for the S.C.o.P.A.F.F. meeting, which is taking place tomorrow, to consider the U.K. and the Crown Dependencies' applications for listing. I think we have already said what the list is and I am sure there will be further updates after that meeting. We are as well prepared for that legislatively as we can be. There is one other set of regulations which is coming to the States in October but that does not have the same time pressure on it. It is an amendment to our unregistered copyright legislation, our unregistered intellectual property, unregistered rights law, just clarifying the status of the U.K. We have made a number of these amendments where we have got references to E.U. member states and then we have to clarify that it is a reference to the E.U. member states and the U.K. This was one where we were not sure exactly how to tackle it and we now have a clearer sense of how to do it. Those regulations are coming later but clearly still in advance for day one no deal. There is a lot of work, as you would not be surprised to hear, gone into preparing for the different scenarios that we can anticipate at this stage would happen legislatively. So there are a number of orders that will need to be made in the event of a no deal Brexit or in the event of a deal Brexit. It is a much smaller number in the event of a deal because the effect of E.U. law will effectively continue during a transition period, assuming we have a deal which contains one. But the no deal Brexit orders that will need to be made will primarily be commencing things which have already been enacted. Most of the legislative preparation work is already done now. It is a matter of deciding whether or not to bring that into force, which will depend of courses on the political and negotiation outcomes that happen in the E.U. We are not anticipating bringing any further

unexpected legislation to the States at this stage. But I hasten to say that is ... I absolutely cannot rule anything out.

The Minister for External Relations:

To be fair, we were not previously and we had to so we are being absolutely ... if we need to, we will bring it.

The Deputy of St. Mary:

We do understand that and I am sure the Assembly as a whole will be co-operative again.

Deputy K.F. Morel:

Can I ask one last question? We have talked about and I have asked about it in the States: can you update us, Minister, on the progress with extending the U.K.'s membership of the W.T.O. (World Trade Organisation) to Jersey?

The Minister for External Relations:

I am grateful for you continuing to ask me and every time you ask me I say it is imminent. So by the law of probabilities it is more imminent. It of course requires the Foreign Secretary to write to the W.T.O. and my understanding is that that will be happening imminently.

Deputy K.F. Morel:

Thank you very much.

The Minister for External Relations:

Perhaps I missed an opportunity to talk earlier when we were talking about trade to say while there are lots of technical things and we have the "Let's Talk Trade" consultation, as we sit here today we have got individuals from SelectUSA coming.

[12:30]

Talking to businesses, digital sector, Jersey Business, coming to talk to Government about how Jersey firms can access U.S. (United States) markets to mutual benefit. So we are not sitting still waiting for all this to happen. We have a programme of work that is happening throughout this period as well.

Senator S.C. Ferguson:

Are you going to enquire if we have to stick to the list of the Department of Trade and Commerce of the U.S., which includes not using Chinese equipment?

The Minister for External Relations:

I am not sure that that will come up at the meeting.

Senator S.C. Ferguson:

If you are talking digital ...

The Minister for External Relations:

I am not sure that that will ... it may have come up this morning at the digital event. I am in the U.S.A. next week. Last time I was in the U.S.A. I met the Minister responsible for the department for ...

Group Director, External Relations:

Commerce.

The Minister for External Relations:

It is a matter that no doubt will come up in conversation.

Senator S.C. Ferguson:

It would be useful, I think, to drift 5G across.

Deputy K.F. Morel:

Thank you very much, Minister.

The Minister for External Relations:

Thank you. Thank you very much.

[12:31]