



Brexit Review Panel

Witness: The Minister for External Relations

Thursday, 16th January 2020

Panel:

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

Connétable M.K. Jackson of St. Brelade

Senator K.L. Moore

Deputy R.J. Ward of St. Helier

Deputy D. Johnson of St. Mary

Deputy M.R. Higgins of St. Helier

Witnesses:

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

Connétable R.A. Buchanan of St. Ouen, Assistant Minister for External Relations

Ms. V. Bell, Legal Adviser

Mr. D. Walwyn, Director, External Relations

Mr. J. Carnegie, Business Change Manager

[10:31]

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

Thank you so much, Minister, for coming in. We have got quite a bit to get through so we will ask for ... some of the questions ask for long answers, but we will ask you to be as brief as you can in those answers. Before we get started, we will obviously introduce ourselves. I just want to say, if you speak at some point, you may need to move the microphone closer to ensure that you can be heard. So I will start here with introductions. We will start with Mike and go that way.

Connétable M.K. Jackson of St. Brelade:

Mike Jackson, member of the panel.

Deputy R.J. Ward of St. Helier:

Deputy Robert Ward, member of the panel.

Deputy K.F. Morel:

Deputy Kirsten Morel, chair of the panel.

Senator K.L. Moore:

Senator Kristina Moore, member of the panel.

Deputy D. Johnson of St. Mary:

David Johnson, Deputy of St. Mary, panel member.

Deputy M.R. Higgins of St. Helier:

Mike Higgins, member of the panel.

Legal Adviser:

Victoria Bell, Law Officers' Department.

The Minister for External Relations:

Ian Gorst, Minister.

Assistant Minister for External Relations:

Richard Buchanan, Assistant Minister.

Director, External Relations:

David Walwyn, Director, External Relations.

Business Change Manager:

Joe Carnegie, co-ordinator of the World Cup Brexit team.

Deputy K.F. Morel:

Brilliant, thank you so much. We will just get straight in with we were wondering when we were discussing before you came in if you might give us an update, Minister, on how you see the situation in the U.K. (United Kingdom) with regards to Brexit, so what is happening? Because there is some confusion. The U.K. is leaving on 31st January, but then there is a transition period, which has been self-limited or ...

The Minister for External Relations:

One thing that the U.K. election did before Christmas was because of the 8-seat majority that the Conservative Government got, it brought some clarity to the period up until the end of January and so we have seen that through the U.K. Parliament. The Withdrawal Agreement passed through the House of Commons as we sit here. I am not quite sure what time the House of Lords starts sitting, but any hour now they will be continuing their reading of the Withdrawal Agreement and we know because of the U.K. constitutional position that even if the House of Lords tries to amend the Bill today, that will in all likelihood be overridden by the House of Commons and therefore complete its parliamentary passage and be approved by U.K. Parliament. We also know from senior members of the European Parliament that they will ratify the Withdrawal Agreement. They said that when the agreement was reached between the negotiators, European Council and Commission, and therefore the certainty is as we sit here, all things being considered, unless there is some unforeseen event, which would have to be pretty catastrophic in nature, the U.K. and therefore Jersey's Protocol 3 will fall away. The U.K. will legally leave the European Union at the end of January, 11.00 p.m. to be precise, and they will then in February start negotiating the future economic partnership. They have given themselves, despite what the agreement says - the agreement says that they have until the end of 2020, with the possibility of extending that period - that the U.K. Government have limited themselves to reaching an agreement by the end of this year. We all know, with the best will in the world, 10½ months to negotiate a free trade agreement with a single country is cutting it very fine, to say the least. With a bloc of what will then be 27 countries, it would seem extremely difficult, and therefore we have U.K. Ministers talking about a broad framework-type agreement being reached by the end of this year and then lots of other details having to be thought about and negotiated at a future point. But the fact that there is a limited timescale can only mean that there is a limited free trade agreement.

Deputy K.F. Morel:

How do you expect that would affect Jersey from the perspective of ...

The Minister for External Relations:

Well, it is an interesting question, because from the word go what we have sought to do is to, through the negotiations, where possible - and if possible - to replicate our existing arrangement with the E.U. (European Union), which is being in for goods. The fact that there is a limited timescale of course means that it will be extremely difficult when they are ever going to start and look at that. It will be extremely difficult for the U.K. to get a chapter on services, so although of course we would reserve our position going into any negotiations on that and we will have to do all the work and we have started to do that, it would seem unlikely that that will be achievable and therefore that will not affect us. It may also mean that even from a goods perspective, they have to departmentalise or categorise the goods that they are able to get agreement on, which may ultimately affect us, but it

is far too early to say. So the only certainty that we have - and I was just saying to a member of the public outside - is that largely all of the Islanders' questions about what is it going to mean for them, what is it going to mean for us, that only starts to be negotiated in the transition period which is set aside to negotiate the future relationship.

Deputy K.F. Morel:

With that in mind, the transition period starting on 1st February, do you foresee any notable effects for Jersey during that transition period and, if so, how do you intend to mitigate them?

The Minister for External Relations:

With the exception of fisheries, where the position is currently uncertain to what it will be during the transition period, because there has been arguments made that fisheries should be dealt with separately. We know that the U.K., which does not directly affect us, have given notice to leave the London Fisheries Convention. That does not currently apply to us anyway. There is uncertainty in that area. In every other area, it remains as is throughout that transition period, so even though you have legally left on 31st January, you will not see any change, other than that area I have just mentioned, until the beginning of 2021 it will be then, will it not?

Deputy K.F. Morel:

With that in mind, excepting fisheries, you would not expect any notable effects during 2020?

The Minister for External Relations:

No.

Deputy K.F. Morel:

Also with that in mind, what do you imagine being the difference on 1st January 2021?

The Minister for External Relations:

I know you have got lots of questions about Brexit. The reality of course of the situation is that all of those areas will be negotiated throughout 2020 and so we can speculate about what might be, but none of us can say with any certainty because the negotiation is a 2-way thing. We will set off with our negotiating mandate. We have, with officials, thought about that in-depth. They have done a lot of work across departments to think about what we would need. A negotiation of course is just that. You start with an opening position, knowing that that is not where you want it to ultimately land. That negotiating position or fiche, as the Europeans would refer to it as, has been approved by the Brexit ... can I say approved? Because we are having a further meeting this afternoon in one particular area. Largely approved by the Brexit ministerial group. It will then be forwarded to Council of Ministers for approval and then I will propose to send it to the Scrutiny Panel under the normal

confidentiality clauses and it goes into all of the areas that we are giving officials a mandate to go and negotiate.

Deputy K.F. Morel:

Thinking about that mandate, so will the States Assembly have sight of that mandate?

The Minister for External Relations:

No.

Senator K.L. Moore:

Given the point that you raise about timescale and the pressure that might place on negotiating, do you have the top 3 priorities that you would like to focus on and get across the line in the transition period?

The Minister for External Relations:

No, because it does not really work in that regard, so as you would expect, what we have sought to do is deliver a principles-based approach. So we have some principles that we are going into the negotiation with and if I just read them out to you, that will help you. So the principles are that: "We will continue to promote Jersey's existing constitutional autonomy, unique economic interests and cultural heritage, to maintain and strengthen Jersey's reputation as a well-administered jurisdiction that is responsible for its own prosperity, to uphold the long-established rights and privileges of Jersey residents and businesses that enable them to trade and remain agile, innovative and competitive as Jersey seeks to grow and diversity its economy and to maintain or increase the ability of the States Assembly and Government of Jersey to make decisions expeditiously in areas of domestic policy, including where close collaboration with the U.K. Government and the E.U. is required." So they are the overarching principles that we are giving to officers throughout this negotiating period, but what we are of course doing is maintaining the existing policy of wanting to be in the European Union, so in a future free trade agreement for goods, but what we are not doing going in is eliminating the possibility of there might be other advantages to other chapters that we are not currently a party to in our relationship that we might want to consider being a party to and so that is our ... in a way, we are setting ourselves, we are saying: "Okay, well, we want our existing relationship with any other areas that will benefit Jersey, Islanders and our economy." That would be our idea. If we cannot get that, then we absolutely want goods. If that is not possible, because you get ultimately through in this process to a take it or leave it, then we will have to consider those areas as well and we will also have to consider in that take it or leave it consideration what happens to our customs arrangement with the U.K., because that may be affected if we got to the point of saying we are just going to leave it. So it is not a top 3 priorities as in fishing, agriculture and

technology, because that is not how these things work. They are divided into chapters. It is the overarching principles, then it is the objectives, in the way that I have just described.

Deputy R.J. Ward:

Can I just ask, given that there is a really short time for any negotiations for a deal, there is still the risk in the background at the end of 2020 there could be a no-deal dropout. So are you still having those preparations in the background with the Brexit preparations that we have? I recognise that is difficult because you are trying ... we are in a situation where we have to prepare for a trade deal, as we have talking about, and also at the same time that would seem pertinent to do that.

The Minister for External Relations:

This is why Joe has joined us today.

[10:45]

There is a word for it. We are not actively doing that work in the way that we were when it was likely that there was going to be a no deal prior to the election, but they are in a very good state of preparedness and those plans I think are in a better place than they have ever been. Yet at the same time the instruction to officials was that you may have to dust all of those off and start them again in October of this year if it is looking unlikely that a deal will be reached and we will have to then start again our communication programme with Islanders, with businesses and have to think about the hospital and medical supplies and all of those things. So we have got this little window really, in effect I think we have said between now and October. It might become clearer in June and July because we also know that both sides have said that in order to deliver a future trade deal, there has to be some certainty by June or July so that the U.K. can go through its domestic processes and all of the law drafting and all of that that will need to be done and the E.U. as well. So there has been some talk that a deal would have to be in effect agreed largely in principle this side of summer, but we also know that in negotiations with the E.U. it tends to be very much at the last minute before you get any give and taken.

The Deputy of St. Mary:

You have answered the question I was about to ask you. In the event of a no deal we have stocks of medicinal products in particular. I see from your report that you are releasing them following the Withdrawal Agreement. Two questions follow on for me. One is is that at a cost to us, and secondly, if it seems we are going to have to re-impose those stocks at some future date, do you have a date by which you would have to take that decision and how much lead-in time do you need to get that situation where we are in now?

The Minister for External Relations:

That is why we have chosen October, I think it was. Joe, feel free to step in if I am slightly wrong on that time, but I think we chose in October to say we would have to start doing that planning and that work again and making sure that everybody was thinking about that possibility.

The Deputy of St. Mary:

That can be done fairly easily, can it?

The Minister for External Relations:

Yes, yes.

The Deputy of St. Mary:

But my earlier question?

The Minister for External Relations:

Because you are thinking the hospital, that is exactly the time of year that they are thinking about winterisation supplies anyway, so they are used to doing that on an annual basis.

The Deputy of St. Mary:

The point I was asking, the increase in stocks temporarily, is that at cost to us?

The Minister for External Relations:

It is cash flow issue, is it not?

The Deputy of St. Mary:

That is what it is?

The Minister for External Relations:

Yes, as with any household, you are buying stocks earlier to put in the cupboard in a way that you would normally spread that cost out over a period.

The Deputy of St. Mary:

But we can unload without penalty?

The Minister for External Relations:

No, they will just put them into the normal usage.

The Deputy of St. Mary:

All right. Okay, thank you.

Deputy K.F. Morel:

Can I just ask with regard to - and taking on board what you have just said - has there been any other areas that you have had to continue to progress or have changed your preparations for Brexit in regard to you were preparing for a no deal and now there is this window, some things have changed? Is there any further progress in any areas that you would like to update us on with regard to preparing for Brexit, given that there is a form of no deal that is still potentially on the table?

The Minister for External Relations:

Yes, so we have not done anything else in preparation for no deal. I think everybody, not only across the Island but right across the U.K., has breathed a sigh of relief over Christmas to not think about Brexit for a little bit. Sadly, officials under David's remit have not had that luxury because they have been having to think about the trade deals and the negotiating fiches and officials right across the departments, what various scenarios could mean to them and what should be our opening position. That is where we have been focusing. We did the Let's Talk Trade. We will be, I think this week, publishing a high-level copy of those consultation responses as well and trying to get Islanders and businesses to think about that element of Brexit.

Deputy M.R. Higgins:

Could I just ask then, going back to what you said earlier, I fully understand that you cannot talk about our priorities without knowing what the U.K. priorities are. Have you had any indications from the U.K. Government what items they are going to start on first? Because as has been said, you cannot do it all in the time period, you have got to focus on priorities. Do we know what the U.K. priorities are?

The Minister for External Relations:

That is a very good question and that has been one of the difficulties that we have had to work around, of course, because you had a change of prime minister and then you have had a new government. It is only really post-Christmas that we started to hear a more coherent view about the relationship that the U.K. Government might wish to have with Europe. They have been doing similar pieces of work to the work that we have been doing, which has meant that we have to do it slightly in a vacuum, so what we have done in light of that, the U.K. not being certain of its mandate and its priorities, is look at agreements that the E.U. has with other countries. So we have looked at C.E.T.A. (Comprehensive Economic and Trade Agreement). There is another one we have looked at as well, David, the ...

Director, External Relations:

The C.P.T.P.P. (Comprehensive and Progressive Agreement for Trans-Pacific Partnership), the Trans-Pacific Agreement.

The Minister for External Relations:

Yes, the Trans-Pacific Agreement, and thought about implications of those types of agreement for us, the areas that are covered and what we would need to do and what effect it might have upon us and what our position would be.

Deputy M.R. Higgins:

When are the negotiations starting between the U.K., 1st February or ...

The Minister for External Relations:

No, they have said mid to late February, have they not, because they are going to take a little bit longer. The U.K. wanted to start mid-January, and as you would expect, the E.U. is a large cumbersome organisation. They themselves have to get their mandate from ... the Commission does not work in isolation. It has to get its mandate from the European Council, which is the leaders of the member states, so they themselves are having to think about these areas.

Director, External Relations:

If I may say, Minister, the meeting of the European Council is on 24th February, so one would expect the actual negotiations to start after that date.

Deputy M.R. Higgins:

That is 3 months lost already.

Deputy K.F. Morel:

Yes. I was just going to ask, thinking about preparations, it has been noted that the Government have had discussions with Hampshire and Isle of Wight local resilience forums. Obviously they were thinking principally about no deal at the time, but wondering what discussions have been had with authorities in Devon and Dorset, given that Condor Ferries sail from Poole et cetera as well, particularly from Dorset, I suppose, rather than Devon.

The Minister for External Relations:

Yes, so there has been contact with the Dorset local resilience forum, with the possibility of moving down to harbours which are in Dorset for freight and there has also been engagement with the military joint regional liaison officers as well around military assistance and we know that there is a military harbour on the south coast as well. Joe, I do not know if you want to say anything more about that. You have been ...

Business Change Manager:

I do not think I have got anything specific to add to that, Minister, aside from the fact that, yes, Poole was one of our options in the event that there was gridlock around Portsmouth and therefore the approaches to Poole again would have been an issue, so we did discuss this with the resilience forum there. But as said, the majority of our engagement has been with Hampshire and Isle of Wight. However, there are mechanisms in which we can engage with all the L.R.S. (local resilience forums) across all of the U.K. and particularly all the C.D.s(?) 10:54:26 engaged very closely with each other, because we suffer from the same issues.

Deputy K.F. Morel:

Absolutely. Can I just ...

The Connétable of St. Brelade:

I suppose we talk of Portland. In effect that is going to be the same ... probably a worse position than Poole realistically from a land access point of view. Am I right in thinking that the issue really is to do with the inverse structure in Portsmouth and the road access to that and the amount of traffic that they can cope with, that is simply the problem?

The Minister for External Relations:

Yes, so they were proposing a licensing system for freight lorries coming in and if you did not have the appropriate paperwork or licence to in effect get on a ferry, then they would turn you away and then ... so where do they go to? Because we know the access at Portsmouth is right on to the motorway in effect and there is very little storage capacities for lorries just to park up and go inside and try and get the right paperwork or phone back to head office, a process that could take an hour or so. It is that becoming a funnel of gridlock that was the problem and so they were looking at areas where you could park those lorries, you could send them around and then do that paperwork there and all of those sorts of things, looking at priority lanes for the Channel Islands.

Deputy K.F. Morel:

Recently - today, yesterday - we have seen air travel appear in the newspapers with regard to commercial problems with one of the airlines. From your perspective, are there any other issues with regard to post-Brexit air travel? I assume from the 31st January to 31st December things should be okay, but do you have a kind of wider view on whether there may be issues?

The Minister for External Relations:

No, we are expecting them to remain as is and of course the vast majority of flights to and from Jersey are from the U.K. and within the Common Travel Area, so we do not perceive that to be a

problem, as you rightly say, during the transition period, nor should there be any problem with flights into Europe. I imagine that things like aircraft transport to and from the U.K., Jersey and Europe is easily resolvable and not something that would be a conflict.

Deputy K.F. Morel:

With regard to the transition period, are there any other aspects of the new transition arrangements which will affect Jersey or is it just carrying on as before?

The Minister for External Relations:

No, it just carries on as before, and that is one of the reasons that we were so keen on a transition period to work out all the issues that would need to be worked through during the negotiation of a new trade deal or the future economic partnership, as they like to refer to it.

Deputy K.F. Morel:

With regard to ensuring Jersey's voice is heard, what meetings have you had or do you intend to have with U.K. Ministers and senior civil servants?

The Minister for External Relations:

I have been in letter correspondence with a number of the new Ministers post the election on whatever day it was in December, the 12th, and I am due to have a conference call with a relevant D.E.x.E.U. (Department for Exiting the European Union) Minister later this week.

Deputy K.F. Morel:

Who are the key Ministers that you are speaking to?

The Minister for External Relations:

Well, of course we continue to ... as far as we are concerned, the Ministers that we previously had a relationship with are remaining in place post the election. Of course we know that there is a planned reshuffle once legally the U.K. has left the E.U. so that may all change, but we have got Ministers at D.E.x.E.U., Ministers at M.O.J (Ministry of Justice) and Ministers at the Department for International Trade and the ones that we most frequently communicate with have remained the same, but that is also the case in Treasury and the Cabinet Office as well.

Deputy K.F. Morel:

Do you not have a key Minister, like one Minister particularly as your gateway or it is spread across over departments?

The Minister for External Relations:

Well, yes, so we have the gateway department of the M.O.J. Those Ministers have remained the same, but one of the things, as we have spoken about before, that Brexit has done is meant that we have built stronger relationships with other departments as well and we have met on a number ... or I have met on a number of occasions the Minister of State at the Department for International Trade and that is going to be a critical relationship going forward throughout this process. We have got Ministers at B.I.S. (Department for Business, Innovation and Skills) as well, so we have got a much broader range of Ministers that we are building relationships with. That is in the past.

The Connétable of St. Brelade:

Do you think that the London office is sufficiently resourced at this particularly difficult time?

The Minister for External Relations:

Yes, I think it is, and I think they are doing a good job.

The Connétable of St. Brelade:

It is very important, yes.

Deputy R.J. Ward:

Just a question about air travel, just go back.

[11:00]

After the transition period, currently all of our flights, I would imagine, either come from the Common Travel Area or from the U.K., but after that transition period ...

The Minister for External Relations:

There are one or 2, are there not, more charter flights that would go directly into Europe?

Deputy R.J. Ward:

Okay, but after the transition period, when the U.K. is not an E.U. member, it could be that suddenly there is an increase in what would be classified as international flights. Now, given that we are building a new airport, have the Brexit team had contact with them to be prepared for that slight change in input because when you go to the U.K., your passport control and you scanning your passport, do we have that infrastructure planned? Because we would be a port into the U.K. from more international countries.

The Minister for External Relations:

Yes, so there are 2 different things there. The answer of course to all of the technical kit is yes, and Customs and Immigration were one of the very early departments that had to think about this post-Brexit, whatever the outcome was. So they spent ... I do not have the numbers in front of me, but they have spent capital amounts on getting this kit in place. We will be, if everything goes as planned, the southern-most border into the Common Travel Area in a different way from what we were before, although of course the U.K. has always been out of Schengen so it has been stronger than across the majority of Continental Europe, so they are doing exactly that and they are prepared for that. The guys at the Ports of Jersey are fully aware of that and they will be showing us when they brief States Members next week about their modelling for future opportunities as well that I think their developments will cope with.

Deputy K.F. Morel:

In your December report, the update for Brexit, you say that: "A new aspect of Brexit governance is also taking shape to determine the role of the Government of Jersey, Ministers and officials in the negotiations themselves." What is this new aspect of Brexit governance and what are these new roles?

The Minister for External Relations:

So it has not been formally agreed, but we have floated the idea with my colleague Ministers to ... as we intimated, there is not much time. I charitably said 10½ months, but it is probably about 10 months, really, and even it might not be that long, and so we need a structure that makes sure that every Minister whose relevant area is affected by a negotiation or a position that the U.K. might take, which is fed back to us and needing a reasonably quick answer on, whether that is something that we accept, we want to be a part of or not, and so putting in place a structure that will help that quick decision-making in fairly real time, because it will have to be the individual Minister ultimately making the decision, but briefing the B.M.G. (Brexit Ministerial Group) and, where necessary and appropriate, Council of Ministers as well and yourselves in Scrutiny, keeping you appraised, making sure that law officers are directly involved as well and it is that structure that we are having discussions with other Ministers about. There was no pushback when we mentioned it at the meeting of the B.M.G. earlier this week. Everything ... what we are going to see in the U.K. is the word Brexit written out of the political lexicon, even though we might still use the word here, and being replaced with the future economic partnership and new trade deals and of course that is exactly what is happening with us, people are starting to move into that thinking about trade all the time and so we need to make sure that that structure is appropriate as well.

Deputy K.F. Morel:

How will you ensure Scrutiny is made aware of these developments and, you know, as Ministers decide they want to be a part of this or not a part of this, how will ... in fact, not just Scrutiny, how will the States Assembly be aware of this?

The Minister for External Relations:

Well, this is a government to government negotiation and I very much believe that the Scrutiny Panel is designated by the Assembly on their behalf to scrutinise the work of Ministers and therefore for me it would be absolutely critical that you have your rightful place in that new structure.

Deputy K.F. Morel:

What is our rightful place?

The Minister for External Relations:

Your rightful place is to challenge the decision of Ministers. Some of that will be before the decision, some of that will be after the decision and that is why going into negotiations your detailed position rightly needs to be confidential and so we will have to do it on a confidential basis, but I very much have welcomed your scrutiny of this process throughout the last couple of years and I want to maintain that. It might be that we have to have more conversations and briefings throughout the course of the next 10 months than we have even had over the last 2 years, because I very much think that the last 3 years have been the easy bit, getting to legally leave. The much more challenging and technically difficult bit is the future trade deal.

Deputy K.F. Morel:

Given that with the Canadian-E.U. agreement we saw local governments in Belgium holding up the process of ratification, showing that down to that level there was a need to ratify, once you have done your work, your kind of negotiating work and put Jersey into whatever areas of the agreements you feel are necessary, how is that final agreement going to be ratified at our level from Jersey's perspective?

The Minister for External Relations:

So we have not formalised yet what our position on that will be. We have been giving some thought to how it can be ... how all of these types of agreements arising from the conversation that we had, Chair, about the W.T.O. (World Trade Organization) extension. My preference for this piece of work would be that it is formally ratified by the States. It is such an important, influential decision to our future economic success that finding an appropriate instrument whereby the States ratify it I think is what we need to do and we have only just started those conversations.

Deputy K.F. Morel:

You mentioned new aspects of Brexit governance. Your report also mentioned significant engagement in Paris. What engagements have these consisted of? What, if anything, has been agreed and how is our network in Paris and the rest of Europe improving or declining, as the case may be?

The Minister for External Relations:

I am not sure anything significant has been agreed, because that is not quite how these engagements work. I visited Paris in ... was it November? I look to David to remind me where I have been when.

Director, External Relations:

Approximately November.

The Minister for External Relations:

Yes, okay, in November. The official which is heading up the Europe Unit has made good progress in sitting in a desk in the British Embassy in Paris and the officials have made good progress in building relationships in Paris. I had a very productive meeting with the relatively new French ambassador to the Court of St James in December, I think it was, and that will lead to meetings. Again, I think we are planning in February or March to be in Paris again, something like that, so progress is being made, but let us remember it is not straightforward.

The Connétable of St. Brelade:

We share an office in Brussels with Guernsey. What position do they have to play in this?

The Minister for External Relations:

So the meeting with the French Ambassador to the Court of St James was with my opposite member in Guernsey. We reached out to them and invited them to attend. I tend to think there are one or 2 differences that we have of course in our relationship with France, not least of which is the Granville Bay Agreement and their desire to have a new interconnector to France, so those differences have to be managed in any joint engagement, but as I said, we generally manage them okay, we just move between the 2 positions in the meeting.

The Connétable of St. Brelade:

Does the Brussels office have a link with Paris in terms of E.U. negotiations?

The Minister for External Relations:

No, it does not, but they have a good relationship with the French perm rep in Brussels. I will be in Brussels again in March and I think one of the meetings that has been accepted - I read an email

yesterday, I think - is to visit again the perm rep there, the French perm rep. So historically we have had a very good relationship with the perm rep themselves and the officials in Brussels.

Deputy K.F. Morel:

Could I ask as well what other jurisdictions you have had talks with and on what subjects? It is in your report from ...

The Minister for External Relations:

I do not have the report in front of me. What, the answer to the question is in the report?

Deputy K.F. Morel:

In which case I will move on. I was more interested in the subject. You have been talking to the Netherlands, you have been talking to Malta.

The Minister for External Relations:

Yes. David, you are going to have to help me remind me of exactly who I have seen since we last met. Yes, any number.

Deputy K.F. Morel:

Do not worry. Any number?

The Minister for External Relations:

Any number of them, in effect.

Deputy M.R. Higgins:

Can I just ask though, in terms of you mentioned Guernsey and you have talked with Guernsey, have you had any talks with, for example, the Isle of Man or even Gibraltar, because we are all in the same boat?

The Minister for External Relations:

Both of those are 2 islands that I have had talks with, in answer to the Chair's question, in that specific period.

Deputy M.R. Higgins:

Are we on the same hymn sheet and same sort of problems or have they got specific ...

The Minister for External Relations:

Each island will have specific areas where it has greater or lesser concerns. We know in the Isle of Man they have small-scale manufacturing of small parts for aircraft, for example, and for spacecraft. We know that in Gibraltar their issue about free movement of people across the border is critically important and they have a large e-gaming industry. So there are nuances, but in actual fact we are, I think, broadly aligned in trying to maintain a good relationship with Europe, being in where it is in our economic interests, but critically important for all of us is maintaining a positive relationship with the U.K. and being aligned for us in the Common Travel Area from a Customs and Immigration point of view.

The Connétable of St. Brelade:

To press you on the point of negotiations with other jurisdictions, clearly Poland and Portugal are countries with whom we have strong cultural links. Has there been any stronger discussions with them?

The Minister for External Relations:

Yes, there have. So I met the Portuguese Minister for Finance and Tax in Paris when I was there in November and the Portuguese Ambassador in London in December, so they are not negotiations, but they are conversations about what we are trying to achieve. It is helping them understand our current relationship and where we think it is in the E.U.'s interests to have that relationship maintained.

The Connétable of St. Brelade:

Do you envisage any difficulties with people moving between those countries and Jersey post-January 2021?

The Minister for External Relations:

As I have said right from the start, and the U.K.'s aim seems to have been this, to stop freedom of movement, then travel between the U.K. or the British Islands or the Common Travel Area and the rest of Europe is going to be more bureaucratic and more time-consuming. You cannot get away from that.

The Connétable of St. Brelade:

Indeed. Will you be pressing the U.K. in the context that we have a lot of Polish and Portuguese residents in the Island making regular journeys, shall we say, to their homelands? Will you be emphasising the point that it is exceedingly important not to put too much bureaucracy in the way?

[11:15]

The Minister for External Relations:

Yes, and you have got to remember that the U.K.'s economy thrives on the presence of E.U. citizens. There are millions of E.U. citizens in the U.K. economy. There are I do not know how many million French citizens alone in London, let alone other countries around the country, so they know that. I think their political aim is to stop the free movement of people, introduce - as they would say - something like a points system, although there is still a lot of work to be done on that in the future, so maintain the current E.U. citizen population, which is our policy as well, and they also want to bring in extra criteria for future access. Now, we of course are slightly nuanced in that, but we already of course have our domestic overlay to the current provision of free movement of people arising out of us being members of the Common Travel Area, so it is not an unreasonable political objective, but it will be more about not so much not being possible to travel for our citizens or people residing here between Jersey and Poland, Jersey and Portugal, it will be about the length of time that they can then stay and the visa requirement that they might have. The J.U.(?) 11:16:35 sent a question from one of your constituents about whether they would be able to live in their French home during 2020 and of course with the transition period it remains as is. But post-transition period when there is a future trade agreement, unless there is something negotiated and agreed, the standard process would be that anything over 3 months you have get a visa for. But that might be negotiated away in the future trade agreement, but because of the limit of time we have to be realistic in saying it is unlikely that you are going to be able to deal with all of those technicalities because ... if they are going to be reciprocal in nature.

Deputy K.F. Morel:

Given this uncertainty that still remains about trading arrangements, do you see any effect to business in Jersey from this continued uncertainty, this lack of knowledge about trading arrangements in the future?

The Minister for External Relations:

Interestingly that is not what I am hearing from business, and nor is it what business in the wider British Islands are saying, because it is the political mantra of getting Brexit done, which is a simple legal leaving at the end of 31st January, seems to have reassured people that something is happening and therefore the uncertainty of nothing happening, the uncertainty of what might happen is a lesser evil than the uncertainty of nothing happening. I was fortunate or unfortunate, depending on how you view it, to spend a couple of days in England over the New Year period and businesspeople were saying to me that it was the uncertainty of nothing happening and being in the doldrums that was damaging business confidence. Now they knew that there would be a legal leaving and something was going to happen they were feeling more confident. Interestingly, we saw the pound rise, of course it fell back again when the Government said that they were only going to

give themselves 10 months to negotiate a deal, so it fell back again, but it's still above what it was prior to the election where the Conservatives clearly had an agenda.

Deputy K.F. Morel:

But we note a long way below where it was before the referendum in 2016.

The Minister for External Relations:

Absolutely, but that is water under the bridge.

Deputy K.F. Morel:

The U.K. Government has announced it is winding up the D.E.x.E.U. How is this going to affect Jersey's preparations and communications with the U.K.?

The Minister for External Relations:

As I have alluded to, and as you rightly asked me about, the link department remains the M.O.J. D.E.x.E.U., as we understand it - David has more face-to-face visual time - people are being transferred into the Department for International Trade and into B.I.S. and we have good relations. As I said, we have spent quite a bit of time trying to develop that with the current Minister in the Department for International Trade as well, but we may see an even broader or a wider coming together in the U.K. civil service and each of the various departments, all sorts of things have been floated publicly. Whether they happen or not is another matter, so you might have the same people but just in a different department. If that does not happen and they get spread out more dispersedly, we still have existing good relationships in those departments that will be taking forward the future trade negotiations.

Deputy K.F. Morel:

What kind of monitoring do you have in place yourself for the next 12 months and then what after 31st December, how do you monitor the effects on Jersey of these 2 separate periods that we are entering?

The Minister for External Relations:

In regard to ...

Deputy K.F. Morel:

In regard to whether it is business failing, whether it is critical supplies not coming in, how do you monitor the effects that Jersey is feeling from these periods?

The Minister for External Relations:

It is not something I have given a lot of thought to monitoring directly because it will be individual departments seeing the effect of things. It is really about continuing the engagement right across departments, making sure that structure that we spoke about is working effectively, because there are 2 sides to it, are there not, there is what is happening, keeping abreast of what is happening in the U.K., and we do that, but there is also the work that G.H.E. (Growth, Housing and Environment) does in understanding what is happening in the Jersey economy and making sure that is being set into our negotiating position as we go on. Do you want to add anything, David?

Director, External Relations:

No, Minister, apart from having the usual statistics of course.

The Connétable of St. Brelade:

Do you think there would be any effect on migrant workers coming to the Island post-Brexit, post-2021?

The Minister for External Relations:

This is where we have to be careful because from an anecdotal perspective people tell me that some E.U. citizens have already left and gone back to their country of origin. But because we do not have the official statistics of the population levels yet for last year, we cannot say for certain whether that has happened. We can expect that we will have fewer E.U. citizens coming to work here. That presents problems, as we well know, for various sectors of our economy and they are already looking for non-E.U. citizens to come on a permit basis.

Deputy M.R. Higgins:

Is it not the case though that one of the reasons why many of the people are returning is not necessarily Brexit but the uptick in their own economies?

The Minister for External Relations:

It is probably a combination, I suspect, yes. Do not forget, there is a lot of work being done in those economies to reach out, or there has been, particularly Polish have very much reached out from the Ambassador in London. They did a campaign to ask people to go back and they used Brexit as the hook.

Senator K.L. Moore:

You have mentioned, Minister, the concerns about the timescale and the amount of work that needs to be achieved in that timescale. How are you checking and maintaining awareness of the legislation that needs to be changed as the transition period progresses?

The Minister for External Relations:

We have changed something like 50 pieces of legislation. Any day now I will be signing the commencement order for the full year, so that is our leaving instrument, that is down for next week or the week after - anyway, plenty of time - so I am not signing it at 10.59 p.m. on the 31st. Of course what part of the negotiating mandate has meant looking at existing legislation and what it might mean for legislation going forward. Victoria might tell us how you have structured yourself in the Law Officers' Department to continue to manage that workload.

Legal Adviser:

Yes, we have a dedicated team. Obviously we are there to advise Government and to provide support for drafting requirements. We have a representative of law drafting sitting with us so we have a dedicated team who are there to advise on legislative requirements for Brexit, assist with drafting instructions within the context of what the relevant department needs, and part of that is then working with External Relations as well to ensure there is an overarching picture of what is required on a legislation level, so that is going to mean a lot of lists and a lot of monitoring.

Senator K.L. Moore:

But that is being done on a constant basis?

Legal Adviser:

Absolutely, yes.

Senator K.L. Moore:

We have seen 60 pieces of legislation already, according to the Minister. How many more do you think we will see this year?

Legal Adviser:

A lot is going to depend obviously on the shape of the negotiations going forward. We have some legislation coming through, a couple of orders which need to be signed for 31st January, but in terms of the future picture it is going to have to unfold as negotiations get underway. We will then have to revisit the statute book to see what may or may not be required to meet what the negotiations are setting forth.

Senator K.L. Moore:

For example, food standards would be a point in case and we have already seen plant health change twice, 3 times already.

Legal Adviser:

Yes, unfortunately we have to, to some extent, wait and see how things progress to then work out where Jersey should be falling within what we want to be putting in our statute book and accommodating what is needed as a response to the negotiation picture.

The Minister for External Relations:

Just on the plant and animal health, there is a piece of work being undertaken hopefully early and there will be some further changes because, as you recall, it was just a patch that was put in place, or a couple of patches put in place earlier, so there will be quite a big piece of work on that particular law, hopefully in the first 6 months of this year as well.

Legal Adviser:

Yes. There have been broad powers set out within an animal health context to ensure that orders can be made to respond to requirements to deal with deficiencies or anything else that comes up on a technical level with respect to animal health.

Senator K.L. Moore:

When push comes to shove, one imagines that the U.K. is perhaps going in a certain direction in the plant and animal health area. There is room for Jersey to perhaps follow a European line?

The Minister for External Relations:

This is getting very much into the detail of what the negotiation position will be, because currently U.K. Ministers have very clearly said that they want to go beyond E.U. standards when it comes to animal health and transportation of live animals and those sorts of things. Industry in Jersey have very clearly said to us that they want to maintain alignment with the E.U. standards in these areas. If the Minister for the Environment were here, he is very passionate about maintaining standards. It is unlikely that we are going to see any great deal of difference between the U.K. position, other than a strengthening, and the current E.U. position. That serves us well because our current policy is to maintain parity with the E.U. position.

Deputy K.F. Morel:

Is that only with regard to plant and animal health or does that stretch to other areas?

The Minister for External Relations:

What we are broadly saying across the goods areas that we are currently in for, we want to maintain parity with the E.U. Of course the issue that is also in the media is that if you maintain parity with the E.U. or if the U.K. does, that gives them much less flexibility in negotiating trade deals with third countries that they want to start doing as well at the same time.

Deputy K.F. Morel:

Therein lies the problem because to negotiate trade deals with third countries would mean Jersey, as a result, lowering its protections in whatever areas, whether it is employment protections, whether it is goods standards, whether it is human rights possibly. Is that something that you would accept, the idea that Jersey lowers its standards from accepted standards that we have today because of the U.K. Government?

The Minister for External Relations:

No. We are maintaining the position that we have the domestic autonomy to meet the standards in domestic legislation that we choose as a Government and as an Assembly to maintain and the current position of the Government is - if I say "current" you are all going to see a problem - the position of the Government is that we maintain parity with E.U. standards.

[11:30]

The Minister for External Relations:

Could that theoretically mean in the future Jersey turning back goods at the border with the U.K.? So would goods that come on a boat from Portsmouth be turned back because they are from a country that does not maintain the same standards and the U.K. allows them into the U.K. but we do not want them in Jersey?

The Minister for External Relations:

Theoretically that is the case, yes.

Deputy R.J. Ward:

Just following on from that, one of the uncertainties is about how Brexit will affect human rights legislation, and I may have this wrong because it is very complicated, but I believe that the European Charter on Human Rights the U.K. will stay signed up to, but the Charter of Fundamental Rights of the European Union they will not. What will Jersey's position be in maintaining those human rights standards and legislation, seeing as the U.K. is talking about a U.K. Bill of Rights, and we are on that pathway in terms of our human rights legislation, there have been changes, will Jersey be vocal in maintaining those standards of human rights similar to other rights in its processes? Where will that fit? Where will we fit? Is it time for a Jersey Bill of Rights?

The Minister for External Relations:

I would not have thought so. There is not one area that I have yet encountered that I have thought we might want to diverge from where we currently are, of alignment with the E.U. Had you given me a bit of notice I could have done a bit more to refresh my memory - mind you, it is always good

to have a law officer with you - about exactly how it is the mechanism that we use to sign up to the human rights protocols. Do you want to comment, Victoria?

Legal Adviser:

To be honest, I would have to take that away myself. I am not absolutely certain.

Deputy R.J. Ward:

That shows the complexity of it because as you look for it, there are so many pieces of human rights legislation and we have adopted the rights of the child, for example, which is the U.N. (United Nations).

The Minister for External Relations:

That is exactly right. There is a good list of about 15, I think.

Deputy R.J. Ward:

Yes, absolutely. It is just a concern, given the uncertainty of what is happening in the U.K., and if I was being honest I do not think the U.K. knows what is going to happen there.

Legal Adviser:

I am more than happy to come back.

Deputy M.R. Higgins:

If I can just mention, obviously Jersey did pass its own Human Rights Law.

The Minister for External Relations:

No, that is my point about the mechanism to which we signed up and I could not just remember, but my remembrance would align with yours, is that it is a domestic implementation of an international protocol or law, and therefore Brexit should not affect it because our domestic law remains the same. We would have to make a decision to amend our domestic legislation. We did have a different mechanism of signing up to it until we introduced that domestic law rather than having somebody else's membership extended, which is what we have done with W.T.O.

Deputy M.R. Higgins:

As I see it, it is within our own grasp, we decide on what we want to do; I think you will probably agree on that. There is no requirement to follow the U.K. in any regard with regard to human rights.

The Connétable of St. Brelade:

With this in mind, do we tend to follow the U.K. lead on these E.U. law compliance changes? It seems that with regard to the plant health regulation that even D.E.F.R.A. (Department for Environment, Food and Rural Affairs) maybe missed a trick or did not get in in time. They seem to have missed the deadline. I just wondered if that is going to be replicated in other areas or is it for us to keep tabs on it?

The Minister for External Relations:

We have been under protocol 3 for goods since the start. We have always sought to have equality of outcome, so being able to show that we have met the relevant standard, but not by identical pieces of legislation. This - of course I think we have probably touched on it before - has been one of the issues that we are having to consider throughout this process and it is one of the reasons why we have to put the fixes to whatever piece of law it was. It is another reason why we are having to do this big piece of work at the start of this year to make sure that even our laws align because the E.U. is pushing more and more to say, okay, it is not just for them about equivalence of outcome, it is also about equivalence of review processes and equivalence of assessment, it is about equivalence of the written word. These issues, they are not only a challenge for us, they are also right at the heart of the renegotiation of the relationship between the micro-states and the E.U., where we say we do not have any manufacturing so why would we introduce the key in regard to manufacturing? It would seem totally ridiculous to do so. Then we have to think, what is another mechanism that can give certainty to the third party, in this case the E.U. or the U.K., that if we do not have it now, what safeguards do we have in place to make sure that we either do not have it in the future or, if we do, we introduce equivalent legislation to the E.U. This is why it becomes technical and difficult and there are a lot of trade-offs as we go through this process.

Deputy K.F. Morel:

Can I just ask, there are a lot of questions on the trade agreement, but I am going to park them and probably send them to you in written form because there are other areas we need to get on to, but just before you finish looking at the trade, are you satisfied that, regardless of whether services are included in any U.K.-E.U. future trade agreement, Jersey's financial services sector will be able to continue trading with the E.U. in the way that it does today, regardless of what happens in the U.K.-E.U. negotiations?

The Minister for External Relations:

Yes, I am. We must remember of course that things like funds rely on the E.U. private placement regime, so while I sit here satisfied that they will carry on exactly as they are today, that does not mean that there is not potential for the E.U., as they always do, to change the goalposts, come up with a new directive ...

Deputy K.F. Morel:

But that is not through the U.K.-E.U. relationship negotiations.

The Minister for External Relations:

That is right. That is separate, but we absolutely are mindful of that.

Deputy K.F. Morel:

Last one on the trade agreements is just how are you going to ensure that Jersey's interests are heard in those trade agreements by the U.K. and carried forward, particularly in areas where they may diverge from the U.K.'s interests?

The Minister for External Relations:

We contend that they have a constitutional obligation to do so and we will continue to make that contention. My personal view is that it will be far easier to make that case and have that contention heard if we can remain aligned with our colleague Crown dependencies. It will be more difficult if there is any great divergence between the 3 of us, which is why we spent a lot of time trying to ensure that we are as aligned as possible.

Deputy K.F. Morel:

Do you feel aligned with the other Crown dependencies at the moment?

The Minister for External Relations:

On these matters, yes, absolutely, but it takes a lot of work and I do not underestimate the work that officials, both in law officers with their colleagues and David and his colleagues have to do to get that alignment.

Deputy K.F. Morel:

Thank you for doing the work. Moving on to the settlement scheme, in your update it mentions a helpline for vulnerable people. How successful has the helpline been? Has it been contacted? Have many people contacted it?

The Minister for External Relations:

It is difficult to say how successful it has been. In total, I have the numbers between April and October. There were 157 people phoned the line. I cannot tell you whether they felt that their question was adequately answered or they were adequately supported or not, but that is the number.

Deputy K.F. Morel:

But with that number do you feel that the helpline is adequately publicised, do you think more could be done? Would you think that number in itself shows that it has been ...

The Minister for External Relations:

No. If we were looking at a no-deal Brexit at the end of 31st October, which we were, 83 of those calls were in October, so I think it was publicised when people thought there was a real and present threat.

Deputy K.F. Morel:

Are you going to maintain the publicity, because obviously the scheme continues for the foreseeable future?

The Minister for External Relations:

Yes, we will only maintain it, so we will start talking about it again in October of this year if a no-deal threat comes up again.

Deputy K.F. Morel:

How many people have successfully applied for settled status?

The Minister for External Relations:

Successfully applied, so that is the number of people who have been given settled status, 4,000.

Deputy K.F. Morel:

How many have been rejected?

The Minister for External Relations:

I am not aware of any rejections.

Deputy K.F. Morel:

This has come from an Islander who contacted me complaining about the length of time it is taking to turn around their application: how long do you think it is taking to turn around applications?

The Minister for External Relations:

The current waiting list, unfortunately, is probably between 3 and 4 months.

Deputy K.F. Morel:

Is that because the U.K. is involved or is that locally?

The Minister for External Relations:

No, the Customs and Immigration are, as we would hope more departments are, cautious with taxpayers' money, and there were quite a lot of applications made again in October and it is just processing times. They have a plan to deal with the backlog but when I have asked them, and bearing in mind it is not my direct responsibility, it is the Minister for Home Affairs, but when I have asked both the officials and the Minister if they did require more resource, they were quite clear that they did not; they would work through the backlog.

Deputy K.F. Morel:

I seem to remember money in the Government Plan to enable Customs and Immigration to continue staffing the settlement scheme.

The Minister for External Relations:

Yes, that is right.

Deputy K.F. Morel:

How can they then argue about the time that it takes and the resource that they have?

The Minister for External Relations:

By all means have a hearing with them, but for my part I think they are a department that have worked extremely hard throughout this Brexit process, they have done the technology piece and have made really good progress on that. They have had some really quite complex law changes to make as well. I do not want to be facetious, but if the money was in the Government Plan it will start this year, so there may be ...

Deputy K.F. Morel:

It was to continue the resourcing. It was a continuance of money that is already there.

Deputy R.J. Ward:

It was just to continue, precisely. It is about the deadline, is it not? Yes.

Deputy K.F. Morel:

One more question.

The Minister for External Relations:

They are absolutely open about the backlog but they think they can manage it with the resources that they have.

Deputy K.F. Morel:

Because that backlog causes uncertainty because during that period of time people genuinely do not know if they are going to be accepted or not, especially when most of the stories they are hearing are coming from the U.K. where people have been rejected left, right and centre.

The Minister for External Relations:

Yes, so we know that the system, the Jersey settled status regime, is much more person-to-person, you are able to go in and speak to a person if you have concerns or you have issues with identity and proving your 5 years in a way that you cannot in the U.K.; it is purely an electronic process, if the computer says no, it says no. Here you can go and speak to somebody and they will help you even get the paperwork in place. So I would very much say it is a message that Customs and Immigration and the Minister for Home Affairs would say if they were here, people should not worry, their application is being processed and it will be processed. If people have been resident in Jersey for 5 years there should be no reason for them to be concerned about being rejected because if they have been here for 5 years they will not be rejected.

Deputy K.F. Morel:

Sorry, very quickly, you gave me absolute figures. What are the relevant amounts in terms of you said there is a 3 to 4-month backlog, 4,000 have been processed, how many are waiting to be processed?

The Minister for External Relations:

So 6,000 waiting, I am just looking at when they ...

Deputy K.F. Morel:

Just one-third, 30 per cent have been processed?

The Minister for External Relations:

They are the numbers and they are doing their best to get through that processing and, as I say, if people have been here and resident for 5 years they should have no reason to be concerned that they will not receive the settled status because they will.

The Connétable of St. Brelade:

Would you agree, Minister, that 4 months is unreasonable and that we ought to put more resource into speeding up this process?

[11:45]

The Minister for External Relations:

I do not think I would want to say that about Customs and Immigration or something that falls under the remit of the Minister for Home Affairs. I have asked them the question about whether they would like more resource, the answer has been no, they are going to work through the backlog and process those applications. So they are the experts in that area and I stand by their advice.

Senator K.L. Moore:

Could we ask at what level that response came, please? Was it director general level or at a lower level?

The Minister for External Relations:

No, it would have been the acting director.

Deputy R.J. Ward:

Is that pre-settled status as well included in that number?

The Minister for External Relations:

Yes, that is all the applications.

Deputy R.J. Ward:

Just the deadline, when is the deadline? So if applications are in before that deadline and not processed that will be fine?

The Minister for External Relations:

So your application, this is where the no-deal issue would have presented a slight issue, we continue to encourage everybody to make an application between now and the end of the year for settled status regime. You can come from the beginning of February until the end of the year for pre-settled status as well, so you could have E.U. citizens coming to Jersey on 1st February and they could still at that point make a pre-settled status regime application and they would just have to see another 5 years before they received it. That will stop of course at the end of the transition period. We are making that assumption that the U.K. Government sticks to its current position of not extending the transition period.

Deputy K.F. Morel:

What will that mean for those who have not, because there will inevitably be some people who have not applied by that time who are valid, who would have been accepted if they had applied?

The Minister for External Relations:

We have said to officials - although of course it largely marries with the U.K. scheme, even though we can enact it in, shall I say, a more humane manner - that that humane approach would continue. We know there is the legal batch of people being potentially asked to leave, but ...

Deputy K.F. Morel:

Deported is the word you were looking for.

The Minister for External Relations:

That is it, thank you. But we have said to officials that we would see no reason why any E.U. citizen living in Jersey, we would not be able to find a way of normalising if for some reason they have not been able to make an application in the set period of time whereby they would then receive settled status.

Deputy K.F. Morel:

Are you concerned that those people who have lived here for many decades, possibly longer than I have been alive, will feel like they have suddenly become second-class citizens in the Island that they call home as a result of the settled status scheme?

The Minister for External Relations:

I am aware that for some people it is very difficult to now have to make an application to in effect remain, having been resident for 40 years maybe or longer. Some of them do not have photographic I.D. (identity document) and that is why we very clearly said that our system had to be more person-to-person even though it is technology-driven, that you are able to go down and speak to a member of the Customs and Immigration team and overcome those difficulties. It is why we have been communicating with the honorary consuls as well to try to make sure that message is filtered down. Some assistant honorary consuls have been with their nationals to Customs and Immigration and helped with the process.

Deputy K.F. Morel:

We should move on.

The Connétable of St. Brelade:

We note the report update does not mention the Bay of Granville Agreement. Do you intend to revisit this and, if so, when?

The Minister for External Relations:

Right at the start of the hearing you were asking me about the certainty in the current political position in the U.K. and the area where it remains uncertain is around fishing. Officials were in the U.K.

having extensive meetings with D.E.F.R.A. Monday, Tuesday and Wednesday, and I am meeting with them after this briefing to be updated on what the current U.K. position is. It comes back to my next point about what is it that the U.K. is doing and from that we will then be able to continue to work with our fishermen and the Bay of Granville Agreement to make sure it continues to work in Jersey fishermen's best interests. That is the potential challenge.

The Connétable of St. Brelade:

Do you think there is a risk we will get caught up with the U.K. negotiations to the detriment of our fishermen's best interests?

The Minister for External Relations:

I do not think there is a risk that we will get caught up in their negotiation. It depends how you look at it. There is a potential risk that we will seek to mitigate that. Because of the Granville Bay Agreement, French fishermen will have a licence to fish in Jersey waters, our fishermen will have a licence to fish in French waters, within the agreement area, but it will all be about access to market and therefore our fishermen are asking is that really a level playing field. Unless you can have a deal that negotiates access to market, French fishermen are fishing in our waters and continuing to access the European market, our fishermen can fish in their waters but cannot easily access the European market. But this is something that we have extensively discussed with officials in London, officials in Paris and regional politicians as well.

The Connétable of St. Brelade:

Have there been any recent negotiations in Paris in this regard?

The Minister for External Relations:

Not, I do not think, since I was last in Paris, which was much earlier in the year, but there was substantial discussion with my Norman colleagues in October.

Director, External Relations:

Yes, at the summit. That is right.

The Connétable of St. Brelade:

Do you have any consultations with representatives of the various economic sectors with regard to fishing? We have the aquaculture industry apart from the shellfish industry and I appreciate the Department of Fisheries will be doing that, but do you have any direct linkage in terms of negotiations?

The Minister for External Relations:

I have not personally met with other sectors other than the Fishing Association directly, but I think that G.H.E. do and it is an area that we are very mindful of when we are thinking about the new economic framework, that we might support those smaller - but with potential for growth - sectors like the marine sectors.

The Connétable of St. Brelade:

The point needs to be emphasised, the fishermen are very concerned about the threat of large numbers of French fishing vessels having access to our waters and potentially decimating our stocks and the importance cannot be underestimated.

Deputy M.R. Higgins:

Can I ask, are you aware of the reports that the E.U. has been saying that an agreement on services, especially for financial services, could be linked to the U.K. making concessions on fishing because obviously they have had access to all British waters and in the future they may not and therefore there is speculation of a link between some of those things? We all know there is going to be a trade-off somewhere along the line and how confident can you be that our interests will be served?

The Minister for External Relations:

Let us first remind ourselves that we do not currently have access under the U.K.'s Accession Treaty for services into the E.U., so that is our protection in that regard. Does it surprise me that perhaps particularly our closest geographical neighbour, which is an E.U. member state, feels very passionately about fishing and will seek to get trade-offs in that particular arena? It does not surprise me at all. That is exactly what one would expect, hence the reason why the Constable is saying fishermen are concerned.

Deputy M.R. Higgins:

I can understand their concern, but until the U.K. makes its position, really we have to look at the situation then, is that correct?

The Minister for External Relations:

It also plays into - and it is only a personal opinion - but it might be difficult for the U.K. to get a chapter on services in the timeframe available.

The Connétable of St. Brelade:

Historically we have had differences with Guernsey over fishing areas.

The Minister for External Relations:

We still do.

The Connétable of St. Brelade:

I wonder whether when you speak with your Guernsey counterparts in this area, whether there is advantage or perhaps disadvantage in so doing.

The Minister for External Relations:

Argue is a more accurate reflection of what we do rather than speak, and you are right, they are concerned about the U.K. leaving the London Fisheries Agreement because it affects them in a way that it does not necessarily affect us and these are some of the areas that will have been discussed over the last 3 days.

Deputy K.F. Morel:

Can I just ask - it is the last question on the subject - regardless of what happens with the U.K. and its decisions on fisheries and its negotiations on fisheries with the E.U., are you satisfied that Jersey will maintain autonomy, through the Bay of Granville Agreement or any other agreement, over what happens in our corner of the British Isles?

The Minister for External Relations:

Yes, I am, but it does not mean to say it is going to be straightforward. So seeking to maintain a Granville Bay Agreement which works, and by that I mean it works for preservation of stock firstly, it works for the economic interests of the fishing communities here in Jersey and in France and maintains the cultural ties, those 3 guiding principles of the Granville Bay Agreement are not going to be straightforward, but that is very much what we are aiming for.

Deputy K.F. Morel:

But if the U.K. decides no E.U. fishing in U.K. waters, if we still decide to allow E.U. fishing boats, French fishing boats into our waters, do you believe that we will be able to do so?

The Minister for External Relations:

From our perspective as a domestic competency, yes. Whether the French are able to persuade Brussels, because it is a Brussels competency rather than a French competency, is another added difficulty in that dynamic.

Deputy K.F. Morel:

We have some important questions on time in education, and I appreciate my timekeeping has been poor, as per normal, and so I just wondered if you would mind if we go 5 or 10 minutes over just in order to get through these last questions on employment and education.

The Minister for External Relations:

Okay, yes. I have to say, I did not think we would take very long at all.

Deputy K.F. Morel:

There is always stuff to talk about.

Deputy R.J. Ward:

I will try to put them together quickly. E.U. qualifications, will they maintain their equivalency in Jersey? I am referring to things such as in the field of nursing as an example, so that those staff who are qualified will remain qualified or new staff coming in from the E.U., can you see any issues with that?

The Minister for External Relations:

There are potential issues here because they will need to negotiate equivalence of not just educational but professional qualifications as well. That is not straightforward. I suppose it is straightforward if the U.K.'s position is, which we would endorse, you maintain equivalence across the board. That is a position I would expect the U.K. to wish to take but it is yet to be agreed in the future economic partnership.

Deputy R.J. Ward:

Just to slightly change the question, but existing students in Jersey currently studying at European universities or set to study at universities in 2021, would they be affected by the third-country status that could arise at the end of this year, so, for example, in the area of fees? I would imagine that their qualification would still be a qualification. Can you see any issues with that, because we have an increasing number?

The Minister for External Relations:

As you rightly say, you still get the qualification from the European institution, it is whether extra fees were charged. That would then be a domestic issue for Government in Jersey about whether they were going to support those students for those extra fees. My view would be - speaking totally off script and no doubt getting into trouble - that if a student has started their course, for example, at the beginning of September, and it is still uncertain about whether an agreement is to be reached, we, as a responsible Government, would wish to support them financially throughout the course of their education.

[12:00]

Deputy R.J. Ward:

The year after that, if you were starting in 2021, you could be applying in 2020 - well, you probably would be applying in 2020 - and there would be real uncertainty around that, so it is something that needs to be considered. For example, the University of Caen and the law double degree in the University of Toulouse, what effect will Brexit have on those relationships because that has been built?

The Minister for External Relations:

It will not have any effect on those relationships; those institutions would still want students from here to go. In fact, I am not sure, Victoria, whether you went when you were doing your bar exams, but they would still want those relationships to be maintained. They are quite important for our legal profession. The question, as you rightly say, is about cost.

Deputy R.J. Ward:

And the Erasmus scheme, which the U.K. Government has withdrawn from, I assume that any relationship that Jersey had with it to use it - and I know it is slightly complex, it was used even though perhaps it should not have necessarily been - I would imagine that we would lose access to that scheme as well?

The Minister for External Relations:

This is ... I am not sure if we would call it a popular myth, but there has been a lot of conversation in the U.K. about the U.K. withdrawing from the Erasmus scheme. U.K. Government and Ministers' view is that they have not and, as I understand it, the Withdrawal Agreement says that the U.K. will continue to participate in the current Erasmus scheme. So that does need to be bottomed out and they need to make their position clearer in public.

Deputy R.J. Ward:

That is just about everything that I need to cover.

Deputy K.F. Morel:

Can I just ask about employment? Yesterday I was speaking to a member of H.R. (human relations) here in the Government and they were saying that they would advertise various posts in the U.K., in Europe and internationally. Now, from the perspective of advertising, whether it is a business or the Government of Jersey wanting to bring in people from beyond the U.K., will there be extra difficulties as a result of all of this, as in what I really want to ask, will Jersey be forced to become more U.K.-centric in terms of the people that come to Jersey for employment as a result of Brexit?

The Minister for External Relations:

The reverse may be the case because if there are fewer E.U. nationals travelling both to Jersey and to the United Kingdom because of Brexit, and in place is a points or visa-type system, we know already non-E.U. citizens require a visa and they still come to Jersey, we see them much more frequently than we ever did before, right across various economic sectors, that is going to be more of a feature if we are going to continue to thrive. I do not think we will be more U.K.-centric. There is potential that over time it may become less.

Deputy K.F. Morel:

Thank you, Minister. That is all I have to ask.

Deputy M.R. Higgins:

Can I just mention one thing on that? This is a report here in one of the E.U. internet sources about: "E.U. capitals agree to visa-free Schengen access for Brits." What they are saying is as long as the U.K. reciprocates, if you are staying less than 90 days in a European country, within Europe, then people can go visa-free, and I would expect the U.K. to do the same. Some of these problems may not be as bad as we think.

The Minister for External Relations:

No. As I said, it is a constituent's question. The initial 3 months is not the problem, it is the post-3 months, what you do with that, so I think you can resolve the 3 months along the lines that article might suggest with a reciprocal approach, it is after that

Deputy K.F. Morel:

The issue being if you are a second home owner in France, you are now going to have to get visas potentially to stay there for longer than 90 days.

Deputy M.R. Higgins:

Think of the other countries where you leave the country for a day and come back again.

Deputy K.F. Morel:

But people are not used to it, that is for sure, not from Jersey.

Assistant Minister for External Relations:

It is a problem that people who have houses in the States are well familiar with.

Deputy K.F. Morel:

Yes, but people in France are not well familiar with those problems; it is 15 miles away.

The Minister for External Relations:

The Assistant Minister makes a good point, it is exactly that, if you have a house in the States you have to calculate the number of days and they stop you from going.

[12:05]