



Environment, Housing and Infrastructure Scrutiny Panel

The Draft Official Controls (Animals, Food, Feed, and
Plant Health etc.) (Jersey) Regulations 202-
[P.114/2021]

[Extracted from the transcript of the Quarterly Public Hearing]

Witness: The Minister for the Environment

Tuesday, 7th December 2021

Panel:

Connétable M.K. Jackson of St. Brelade (Chair)

Connétable J.E. Le Maistre of Grouville (Vice-Chair)

Connétable S.A. Le Sueur-Rennard of St. Saviour

Deputy I. Gardiner of St. Helier

Witnesses:

Deputy J.H. Young of St. Brelade, The Minister for the Environment

Mr. W. Peggie, Director for Natural Environment and Acting Group Director for Regulation

Mr. S. Petrie, Environmental Health Consultant

Mr. S. Webster, Consultant Working on the Official Controls Regulation

Mr. A. Breed, Chief Veterinary Officer and States Veterinary Officer, Animal Health and Welfare

...

The Connétable of St. Brelade:

Thank you. Minister, I am going to move to the draft Official Controls Regulations. For the record, can you just summarise the purpose of these draft regulations and why they are now necessary?

The Minister for the Environment:

I wish I could and I am going to defer to better minds than mine, if you mind, Chair. I think we have got Steve Webster and Stewart Petrie, who have been leading on this. My introductory remark, this is part of the bureaucracy we need in a post-Brexit world. I am sure that my colleagues can explain exactly what these regs are intended to do. I do not know which, Steve or Stewart wants to go first; who is going first?

Consultant Working on the Official Controls Regulations:

Shall I, Minister?

The Minister for the Environment:

Yes, go on, Steve.

Consultant Working on the Official Controls Regulations:

Thank you, Chair. If I kick off and Stewart can chip in as and when. The Official Controls Regulations, essentially, applied to Jersey pre-Brexit and they have applied post-Brexit with additional regulations. They applied pre-Brexit but we never noticed them because we do not have imports generally from outside the E.U. and pre-Brexit they would have only applied to imports from outside the E.U. and rest of the world. We do not have borders with the rest of the world and our borders are generally with the E.U. and with the U.K. and we do not have long distance international flights coming into Jersey. We never really noticed them before but had we had that trade beforehand we would have had to apply the Official Controls Regulations. Post-Brexit we put in place the E.U. legislation Official Controls (Jersey) Regulations, which, essentially, followed on from the original regulations. They provided for the treatment of goods entering Jersey from the E.U. as if they were from the U.K., so, essentially, we continued as we were. What we are doing now is we are putting in a new set

of regulations, repealing the old regulations. The new set of regulations implement the Official Controls Regulations, allowing us to treat goods entering Jersey from the rest of the world different to how we treat goods entering from the U.K., but they also provide for the Minister to determine how controls are applied to goods entering Jersey from the E.U. For that a degree of flexibility and this really reflects what has happened in the U.K. The intention of Official Controls Regulations overall are to provide protection to our sanitary and phytosanitary borders, so animal, human and plant health. They allow for checks to be made at the border on imports coming into the Island. When I say at the border, that is in a very broad term. In the U.K. the border is now at any designated site clusters a place for inspection. On Jersey, again, the flexibility we are trying to build into this would allow for inspections away from the border because we have very limited infrastructure at the port. They are, effectively, therefore, protection of animal, human and plant health. There is nothing new in them and they provide the framework that we need in order to control animal, human and plant health at the borders. Hopefully, that summarised things.

The Connétable of St. Brelade:

Thank you. Can you advise the panel on the status of negotiations with the U.K. with regards to ensuring Jersey's trade links with France are not disproportionately affected by the U.K. E.U. trade arrangements on animal and plant goods?

[13:00]

Consultant Working on the Official Controls Regulations:

Yes, certainly. Jersey is in control of its own borders, that is the first thing to say. The U.K. is in control of its own borders and the E.U. is in control of its own borders. We do not negotiate each other's borders. What we are trying to negotiate with the U.K. is that they accept that our border controls are sufficient that they will not attempt to introduce additional controls between Jersey and the U.K. from north-bound goods. For trade into France we are subject to the E.U.'s border controls which we cannot negotiate. We simply have to comply with their regulations and we also need their country listing for certain goods in order to get them in, to demonstrate that we have applied the controls within country that they would demand. The negotiation with the U.K. relates really to whether or not they accept that our controls are sufficient for incoming goods from France; that they do not need to apply additional controls for north-bound goods from Jersey. Those negotiations are being done in parallel and conjunction with Guernsey, so we are hand in hand with Guernsey on this. They are going, I would say, quite well in that we have not capitulated in any way or form. That said, we are pushing, as it were, for an end point and a landing position now in those negotiations and we

are quite positive. The starting point would be that we would have to create a full border control post, large scale infrastructure on the Island. We have moved away from that. We are now talking about inspections and point of destination for live animals, for example. We are talking about small scale additions to existing infrastructure on the Island so that we can simply, as it were, dip into incoming freight and make inspections of that. Generally I would say those negotiations are going well. They are ongoing and we would hope they will land very, very shortly. The U.K. appreciates, I think, more and more over the last 12 months certainly, they have appreciated how difficult this situation is, for themselves as well as for us. Their own controls have been delayed and delayed and delayed. They are now delayed until at least July next year. I think they have begun to see where we are coming from.

The Connétable of St. Brelade:

Can you give some reassurance that support will be made available to small traders importing goods from the E.U. who may be faced with additional costs and bureaucracy as a result of these regulations?

The Minister for the Environment:

I do not think I can, Chair. The task that sits, I think, under my brief is regulatory. Mr. Peggie probably has a wider role - I see he is on the call here; he has just his camera on - is in contact with other parts of Government. The comment I would make at the moment is that I do not think any of us expected these. I certainly did not expect this level of post-Brexit complication. What I am reassured is that the work that Steve and Stewart are doing is beginning to get what I might call a practical more common sense impact upon the Island than perhaps we had feared earlier, which is good and long may it continue. But there is no question, there will be extra costs and inconvenience. Chair, perhaps Mr. Peggie could tell us what he knows. I cannot give you that assurance that there is money there.

Director for Natural Environment and Acting Group Director for Regulation:

I was coming on to reiterate what you have just said, John. We have very much been focusing on the practicalities of the discussions between us, D.E.F.R.A. (Department for Environment, Food and Rural Affairs) and A.P.H.A. (Animal and Plant Health Agency) to establish what we need going forward. Rather than spending multimillion pounds on what could be quite a large and sizeable facility at the port, or indeed away from the port, we, through the auspices of the work that has been facilitated by Steve and Tautenay and Stewart and our wider team, have created good relationships with senior players in D.E.F.R.A., A.P.H.A., got them to understand the picture in terms of scale of business of materials emanating from Europe through to Jersey. They have visited the sites, we have visited their sites to establish that an alternative is not,

as was initially envisaged, entirely unfeasible. We were very much in discussions at the beginning of this where there was a significant inflexibility from the U.K. and just because they, like we, were very much at the beginning of a discovery process, we have worked with them and to establish this alternative position. I think the works of Steve, Stewart, Alistair as well, who is on the call and also Scott Meadows have been instrumental in trying to get there. As to supports, I would agree that it is likely that there will be supports will be required; that is not the game we are in but we are in discussions with our Economic Development colleagues, just general ongoing discussions. But as our colleagues on the call have said, because of the delay in implementation in the U.K. it is difficult to establish exactly what ... therefore, what implementation we are going to require here, it is difficult to know quite what that level of support would be required and so that is an ongoing conversation.

The Connétable of St. Brelade:

Can I suggest initially that work on some guidelines might be most appropriate for those people involved? Getting down to detail, what effects are these regulations likely to have on importers of small amounts of foodstuffs from the E.U., for example, the Normandy French markets? Have compensatory measures been considered for that sort of situation?

Consultant Working on the Official Controls Regulations:

Minister, can I again chip in here? The O.C.R. (Official Controls Regulations), as it is established within the E.U. and within the U.K., is good for big businesses. It is not good for small businesses. It is designed for large scale, large volume imports of single commodities. It does not work particularly well for smaller scale, small imports of mixed commodities. As has been found out by, for example, fish exporters from the U.K. going into France, our own exporters from Jersey going into France and in the other direction as well, will be found for importers to the U.K. We do not have big businesses, we do not have the infrastructure necessary. What we are trying to do is twofold here: firstly, we want the infrastructure to be suitable for smaller scale businesses and, secondly, part of the negotiation with the U.K. is that, ultimately, we want a bureaucratic system which does not penalise small scale importers. That is quite a hard negotiation with the U.K. but it is a possible negotiation. Part of the reason it is made very possible is because the U.K. has - I was going to say dreadful position - this position with Northern Ireland where it is trying to square a circle, which is unsquareable. That Northern Ireland position opens up opportunities for us because we are trying to do something quite similar. We do not want to impede trade through bureaucracy on costs to businesses. If we applied the Official Controls Regulations exactly as they were to be applied, they are proposed to be applied in the U.K., we could well decimate our import from France and it would be very difficult to run the Norman market. All of our importers at the moment are relatively

small scale of mixed consignments, et cetera. It is a case of balancing these out. I think we can get somewhere with reducing those import costs and those bureaucratic costs but it is not through support to industry, it is through negotiation with the U.K., so that we establish something which is appropriate for Jersey and which takes into account the fact that Jersey has, as it were, an unseen border with the U.K. for a northbound route in that we have a limited number of freight providers, only a single substantial ferry route and we have a fair distance in terms of there is a large body of water there. We can control the northbound route almost by default and I think can justify, as it were, a softer bureaucratic approach from the southbound route that should be acceptable to the U.K.

The Connétable of St. Brelade:

Thank you. What effect will these regulations have on organisations that are maybe similar to those to which you have previously referred but on organisations that bring in consignments of rescue dogs and cats from France and the E.U. to rehome in Jersey? How will they be supported in continuing with their charitable work? There is quite a lot of that that goes on. Is that a veterinary issue or is it a ...

The Minister for the Environment:

Is Alistair on the call? Thank you, Alistair. Thank you. I wonder if you could ...

Chief Veterinary Officer and States Veterinary Officer, Animal Health and Welfare:

Yes, thank you, Minister and Mr. Chair. Yes, I think there are 2 things it is worth possibly distinguishing between. The movement of pet animals by their owners as pets is not a commercial activity and that continues under the pet scheme, although there are issues with the passports. Commercial dogs come under commercial controls and they will be required to have a health certification. They are required to have health certification already, so that is not a change for them. What is a change is they will have to go through some form of official control point when they come in. But we are still working through the details of this with the United Kingdom authorities because they have not yet decided exactly what they want to do about this. We are not minded to have any more severe controls on this than our colleagues would have in the U.K.

The Connétable of St. Brelade:

Thank you. We await that with interest. Finally, on this one, do we have a timescale for implementing these regulations and how can businesses and stakeholders expect to be able to adapt, shall we say, to these changes and their role within the E.U.? I know you have deferred the debate, Minister, until January.

The Minister for the Environment:

Yes, I have yet to get an update from my officers, I apologise for that. I am looking there at Mr. Peggie, I do not think I have yet signed off the latest version. I think the last I heard there was still some change taking place on it.

Director of Natural Environment and Acting Group Director for Regulation:

I think we are looking to get that lodged today, Minister. I think there is an M.D. (ministerial decision) coming through for signing. We are hoping it comes back today from the Greffe, as I understand it, so that the implementation will be throughout the course of 2022. I do not know whether Steve has got anything through the discussions and Stewart perhaps ...

Environmental Health Consultant:

Can I just talk to how we are dealing with businesses? Being a small island we know which businesses regularly import. We are already talking to them, discussing what may have to happen, how it is happening and our officers are going out there and meeting with them. Obviously when we have some sort of conclusion as to what will happen we will have more formal discussions with them and provide the necessary information. But the officers are there to facilitate those imports. Our intention is to continue to make it as easy as possible for those businesses to continue and so far so good. They understand it is not necessarily completely in our gift and they understand that negotiations are ongoing.