

STATES OF JERSEY



A SAFER TRAVEL PERIOD: STATES ASSEMBLY APPROVAL (P.84/2020) – SECOND AMENDMENT (P.84/2020 AMD.) – COMMENTS

**Presented to the States on 1st July 2020
by the Council of Ministers**

STATES GREFFE

COMMENTS

Part 1

The Council of Ministers does not support Part 1 of this amendment, which would delay the commencement of the safer travel period by 7 days, from 3rd to 10th July.

This is an unnecessary and needless delay. The report to the amendment states that “The Committee considers that a delay of one week would enable the medical advice to be reconsidered once the effects of easing lockdown in other countries, the UK in particular, are better understood”. It is unclear why a one-week delay is considered appropriate in this respect. The medical advice to support a move to a safer travel period, which is published as appendix 4 to [P.84](#), was provided on 23rd June – already one week ago. As Members have heard during the past week from our public health professionals, that advice has not changed. It is unlikely to have changed by 10th July. If the Assembly takes a decision this week to move to a safer travel period, it is illogical, having made that decision, to then delay its implementation by a week for no good reason.

The Government has been clear on several occasions that, if the medical advice changes, the policy for a safer travel period will be amended accordingly, and that includes potentially returning to the restriction of all but essential travel. Accordingly, there is no need for this delay. Members might consider if they would think it acceptable, in the event that medical advice once again recommended a travel lockdown, for Ministers or the Assembly to question that advice and wait for a week to see if the advice changes. Such a position wouldn't be accepted in those circumstances and it shouldn't be now.

This unnecessary delay would have consequences for public health. That is made clear in the Scientific and Technical Advisory Cell (“STAC”) advice which states, “There is acknowledgement of the harm that is being caused by continued limitation to traveller numbers both for business and leisure sectors and as a consequence the negative impact on islanders' health and well-being.” STAC are clear that the existing travel lockdown is not a proportionate response to the current levels of the virus and is itself causing harm.

STAC notes the relationship between a strong economy and a well-funded public health service, and the long-term impacts on health and well-being that damage to the economy can cause. STAC further notes the relationship between key sectors of our economy, such as tourism and financial services, and flight availability. Their collective success depends on their individual success and vice-versa. Delaying the safe opening of Jersey's borders by a further week extends the damage being done to our economy and puts our connectivity at risk. There is no need to take this risk. Email correspondence between Senator Gorst and the CEO of the Ports of Jersey is appended in this respect.

In summary, there is nothing that will be achieved from this 7-day delay. Jersey is ready to safely open its borders on 3rd July – the testing programme is in place as is the robust contact tracing regime. States Members should trust the medical advice, which has served us well thus far, and reject this part of the amendment.

Part 2

The Council of Ministers does not support Part 2 of this amendment, which would require passengers participating in the border testing programme to self-isolate until a negative result is received and for a dedicated sanitised transport service to be provided for passengers entering Jersey without onward means of transport.

This part of the amendment is contrary to the medical advice of Jersey's public health professionals, which is "to support increased safe travel with the use of arrival PCR testing and without any initial quarantine period."

The STAC advice sets out clearly that "Given the current estimated prevalence of the virus in travellers coming from the UK and the current levels of virus on the Island the current practice of all travellers being isolated, even for the short period waiting for test results, is not proportionate."

Members should be clear that a decision to require quarantine for the period between a person having a test and receiving the result will have consequences for the economy and public health. Day travellers, coming to the Island for business or leisure purposes, will not visit. Those coming for a weekend or short break to see loved ones or friends will likely not travel – which has an impact on well-being. Even those intending to visit Jersey for a longer period will likely re-consider given that they can go elsewhere and not have to be subject to any period of initial quarantine.

Ministers can understand why Members might be tempted to support this part of the amendment. It is important to keep in mind, however, that we are seeking to achieving an appropriate balance of risks. Making thousands of people remain in quarantine, with the harm that causes, as a response to the potential for one Covid positive passenger to enter the Island, is not proportionate.

It is also important to emphasise that clear guidance is in place for Islanders and visitors to follow between having their test and receiving the result. People are being told to behave responsibly – to maintain a safe distance from those outside their household, avoid large gatherings, and keep away from the vulnerable – until they receive their negative result. The public's adherence to guidance to date has been impressive and is why the presence of the virus in Jersey has been consistently low and is now at zero. Members should have faith in the public and continue to trust those who have brought us to the current favourable position.

Part 3

In lodging [P.84/2020](#), Ministers have also sought to work closely and constructively with all States Members and have welcomed the opportunity to brief a range of Scrutiny Panels and provide briefings to all States Members on several occasions. Ministers have set out, in their Report accompanying P.84/2020, that they believe it is right and proper that the Assembly has a relevant debate on the Safer Travel policy based on the latest information and advice available, particularly given that a debate was due anyway on [P.68](#). Clearly, Ministers are conscious of the important role that the Assembly must play in setting overarching policy in respect of matters of such fundamental importance to Islanders.

States Members will recognise that, in response to the clear advice of the scientific and medical professionals, the Safer Travel policy anticipates that it will need to change and evolve in a number of ways in the coming months. Indeed, the policy sets out three particular areas where changes are anticipated.

Changes made in response to on-going policy review by our expert officials and / or in the operational execution of the border testing programme are not matters of sufficient significance and scale to require the fulness of the Assembly's attention. It would not be proportionate or, indeed, acceptable to many States Members, for such matters to be brought before the Assembly on a routine basis. Such a position would be particularly impractical during the summer recess, just as early learning is being translated into operational, technical and policy improvements in order to improve the service and experience of people arriving in Jersey.

The Safer Travel policy also anticipates that changes may be made in response to any uncontrolled rise in cases. Advice on any such changes would be formulated on a daily basis by clinical and analytical experts, who can make any urgent escalation to STAC and to Ministers where necessary. States Members will recognise that such a system requires that immediate decisions can be taken, under the proper authority of Ministers.

If accepted, this amendment would constrain the ability to make, immediately, those necessary decisions, and instead institute – even in the quickest administrative scenario – an unacceptable delay with associated significant potential risks. It is not reasonable to tie urgent public health decisions, such as those clearly anticipated by and explained within the Safer Travel policy, to prior approval of the Assembly.

Accordingly, P.84/2020, at paragraph (d) commits Ministers to present a report to the States prior to any changes being made to the safer travel policy. This ensures that the Assembly are informed, provides Members with the opportunity to ask questions (within or outside the Assembly) and allows Scrutiny to call Ministers to a hearing at any time (including outside of the schedule of sittings) if it was felt that further (public or private) questioning was required or more information needed.

Part 4

Members will recognise that the Safer Travel policy is intended to establish an adaptive and responsive approach to supporting safe travel while retaining controls that protect both Islanders and visitors, and that enables the Government to continue to control and suppress the coronavirus in a safe and sustainable way that protects Islanders by causing the least overall harm.

In particular, Members will recognise from recent briefings that the policy intentionally provides for the border testing programme to make a risk-based response to travellers' country of origin.

If the Assembly feel it is appropriate to establish, as part of that risk-based process, a list of countries designated as safe for travel, Ministers will be happy to support this step.

Members will recognise that it will not at all times be possible to publish all those elements noted in the amendment, as many countries that are safe to travel to do not routinely make such information available. Indeed, it is not possible to establish an 'R' number for a jurisdiction that has extremely low, or no, cases of Covid-19, but that would of course be entirely safe to travel to. A list that meets the intention and spirit of the amendment will be prepared with reference to the best available information, where this can be validated as accurate and timely, and that list will be published.

APPENDIX

– Email correspondence between Senator Ian Gorst and the CEO, Ports of Jersey

From: Matt Thomas <Matt.Thomas@ports.je>

Sent: 28 June 2020 11:08

To: Ian Gorst <I.Gorst@gov.je>

Cc: Lyndon Farnham <L.Farnham@gov.je>; John Le Fondré <J.LeF@gov.je>;

Charlie Parker <C.Parker@gov.je>

Subject: Safer Travel Period

Dear Ian,

Thank you for your email and inviting me to comment on your questions regarding the travel Policy which proposes to allow borders to open from 3rd July. I have also copied the Chief Executive of the Government of Jersey into this response.

In coordination with Government of Jersey (GoJ), Ports of Jersey (PoJ) has remained in close contact with its key airline partners throughout the Covid-19 outbreak. The impact to the European aviation sector has been unprecedented, with a 99% reduction in commercial flights since the end of March. Since early May, the aviation industry across Europe has been readying itself for a resumption in operations. To follow is a short timeline of the key events supporting the resumption in commercial aviation in Europe, together with key milestones in PoJ's dialogue with easyJet:

- **On 7th May** easyJet indicated they would like to restart operations in the 1st week of June
- **On 13th May**, the European Commission presented guidelines and recommendations to help Member States gradually lift travel restrictions as part of its “Re-open EU” programme
- **On 20th May** easyJet confirmed that they would be making an announcement to the London Stock Exchange the following morning that they would resume flying within the UK Common Travel Area on 15th June. easyJet further confirmed that they wanted to include Jersey (as part of the UK Common Travel Area) as a destination from this date, with flights to London Gatwick and Liverpool. In consultation with GoJ, it was agreed that Jersey would not change its position regarding the requirement for passengers to self-isolate for 14 days on arrival. As a result, Jersey was withdrawn from easyJet's stock market announcement. It was agreed that Jersey would confirm to easyJet as soon as it was in a position to remove the 14 day self-isolation requirement, as easyJet had made clear that it was not minded to fly until such restriction was removed.
- **On 29th May** easyJet confirmed:
 - It would not resume flying to Jersey on 15th June
 - They were starting to build their network plans for the months of July and August together. They advised that any travel restrictions which might be a barrier to consumer's willingness to book flights, would be a key part of their decision-making regarding the destinations that they would serve

- It was confirmed that GoJ was working to establish a safe travel policy for early July subject to appropriate medical advice being in place at that time
- **On 2nd June:** easyJet announced to the Stock Exchange that it would relaunch 50% of its 1,022 routes in July and 75% in August.
- **On 11th June** the European Commission recommended that Member States remove travel restrictions to enable free movement of people from 15th June. On the same date, easyJet confirmed it would resume flying to Jersey on 1st July subject to the lifting of the self-isolation requirement on arrival in Jersey.
- **On 15th June** easyJet resumed flying within the UK Common Travel Area and domestically within France. It should be noted that internal flights within the UK Common Travel Area (which includes Jersey) were able to fly without any restriction from this date.
- **On 27th June** the UK government confirmed that from 6th July travel to certain European countries would be allowed without having to spend 14 days in quarantine on arrival back in the UK (Spain, France, Greece, the Netherlands, Finland, Belgium, Turkey, Germany and Norway). On the same date it was confirmed to easyJet that the “Safer Travel Period” policy had been lodged in Jersey, scheduled to come into effect from 3rd July. easyJet had previously requested to start flights to Jersey from 1st July, but were requested to cancel their flights to Jersey on 1st and 2nd of July until the Safer Travel Period policy was in place.

Question 1: If the date was to be changed to the 6th of July would it have any effect on airlines decisions to resume flying to Jersey? If yes what would that effect be?

It is hard to predict with certainty the response from British Airways and easyJet if the start of the Safer Travel Period was to be delayed from 3rd to 6th July or later. It is likely that there would be some reputational damage. We would also be reliant on the next network scheduling arrangements for both airlines, which would introduce further uncertainty.

Having launched their network plans for July and August, it is possible that Jersey will be removed as a destination. easyJet has indicated that it will begin the process of building its network plans for September and beyond from 20th July. With many seasonal destinations, the risk remains that Jersey is excluded from their network plans until the Summer 2021 season.

Question 2: If the date were to be delayed even further what effect would that have on airlines decisions to resume flying to Jersey?

Again, it is hard to predict with certainty the response from our key airline and ferry partners, but the response from British Airways and easyJet is likely to differ from that of Condor and Blue Islands. The operations of Condor and Blue Islands are largely dependent on the market to and from the Channel Islands. Both companies have made a request for significant financial support from GoJ and PoJ. The primary risk for

Condor and Blue Islands of a protracted period of the current travel restrictions is to their solvency.

For British Airways and easyJet, the primary risk is that Jersey is dropped as a destination by both carriers. It is important to remember that the airlines are commercial operators whose businesses are under unprecedented pressure. As previously confirmed, Jersey is a relatively small “spoke” operation in the European networks of both carriers. Given the financial challenges facing the aviation sector, with British Airways and easyJet borrowing £300m and £600m respectively from the UK Governments Coronavirus Corporate Finance Fund, there is considerable pressure on both airlines to deploy their aircraft capacity. Above all else, British Airways and easyJet are looking for certainty regarding their ability to fly to different jurisdictions.

A scenario where the travel restrictions for Jersey are not aligned with either the UK or European Union will significantly heighten the risk of British Airways and easyJet not operating to Jersey in Summer 2020 and either deferring the resumption of operations until April 2021, or dropping Jersey as a destination completely.

I hope this information helps and please do let me know if you have any other questions or if it would be helpful for me to provide any other information,

Kind regards,
Matt

Matthew Thomas
CEO
Ports of Jersey



From: Ian Gorst <I.Gorst@gov.je>
Sent: 27 June 2020 16:06
To: Matt Thomas <Matt.Thomas@ports.je>
Cc: Lyndon Farnham <L.Farnham@gov.je>; John Le Fondré <J.LeF@gov.je>
Subject: Safer Travel Period

Dear Matt,

As you are aware we have lodged the above travel Policy which proposes to allow borders to open from 3rd July with appropriate testing and track and tracing.

It has been suggested that we are acting too quickly despite the medical advice to allow travel straight away. I am of course aware that commercial airlines resumed flying in Parts of the CTA on the 16th of June but we of course had restrictions in place so that Jersey was not included in that resumption.

Please could I ask you the following questions,

If the date was to be changed to the 6th of July would it have any effect on airlines decisions to resume flying to Jersey? If yes what would that effect be?

If the date were to be delayed even further what effect would that have on airlines decisions to resume flying to Jersey?

I would also be grateful for any other information you think States Members should be aware of before making their decision?

Many thanks,

Ian Gorst