

STATES OF JERSEY



UK-EU TRADE AND ECONOMIC COOPERATION AGREEMENT – INCLUSION OF THE BAILIWICK OF JERSEY (P.170/2020): AMENDMENT

Lodged au Greffe on 27th December 2020
by Deputy K.F. Morel of St. Lawrence

STATES GREFFE

UK-EU TRADE AND ECONOMIC COOPERATION AGREEMENT – INCLUSION
OF THE BAILIWICK OF JERSEY (P.170/2020): AMENDMENT

1 PAGE 2, PARAGRAPH (b) –

After paragraph (b), insert the following new paragraph and re-designate the subsequent paragraphs accordingly –

“(c) to request the Brexit Review Panel and the Environment, Housing and Infrastructure Scrutiny Panel, following full consideration of the final legal text, to present a report to the States Assembly, before the completion of the 90-day ‘cooling off period’, which gives the Panels’ views on whether the final legal text reflects the terms of the summary agreement and includes the legal text of the agreement and any other information that, in the opinion of the Panels, should be brought to the attention of the Assembly, including their opinion as to whether or not the Panels believe it is in the best interests of the Island to subscribe to the relevant Terms of the UK-EU Trade and Economic Cooperation Agreement;”.

2 PAGE 2, PARAGRAPH (c) –

In paragraph (c), after the words “brought to the attention of the Assembly” insert the words “for a final debate on Jersey’s agreement to be included in the UK-EU Trade and Economic Cooperation Agreement”.

DEPUTY K.F. MOREL OF ST. LAWRENCE

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- (a) to endorse the decision of the Council of Ministers that, based on the summary terms of the UK-EU Trade and Economic Cooperation Agreement as set out in the report, and subject to giving further consideration to the full and final text within the 90-day confirmatory period, the Bailiwick of Jersey should consent to its inclusion in the Agreement;
- (b) to agree that, in accordance with their concurrent responsibility for the conduct of Jersey’s external relations, the Chief Minister and the Minister for External Relations should formally communicate the decision of the States Assembly in respect of part (a) to the Government of the United Kingdom; and
- (c) to request the Brexit Review Panel and the Environment, Housing and Infrastructure Scrutiny Panel, following full consideration of the final legal text, to present a report to the States Assembly, before the completion of

the 90-day ‘cooling off period’, which gives the Panels’ views on whether the final legal text reflects the terms of the summary agreement and includes the legal text of the agreement and any other information that, in the opinion of the Panels, should be brought to the attention of the Assembly, including their opinion as to whether or not the Panels believe it is in the best interests of the Island to subscribe to the relevant Terms of the UK-EU Trade and Economic Cooperation Agreement; and

- (d) to request the Council of Ministers, following full consideration of the final legal text, to present a report to the States which gives the Council’s view on whether the final legal text reflects the terms of the summary agreement and includes the legal text of the agreement and any other information that, in the opinion of the Council, should be brought to the attention of the Assembly for a final debate on Jersey’s agreement to be included in the UK-EU Trade and Economic Cooperation Agreement.

REPORT

Jersey is in an unenviable situation in that it is having to decide at unconscionably short notice as to whether or not it wants to be party to the UK-EU Trade and Economic Cooperation Agreement (TECA).

This amendment is designed wholly to ensure that the States Assembly is clear about the preliminary and in-principle nature of the debate on P.170/2020 that we are undertaking on 27th December 2020, and that it also benefits from the inclusion of Scrutiny's eyes and judgment on the final form of the agreement that Jersey may or may not eventually sign up to at the conclusion of the 90-day 'cooling off' period that has quite rightly been insisted upon by the Government of Jersey.

Part 2 of the amendment will also ensure that the States Assembly has the final say on whether or not Jersey signs up to the UK-EU TECA.

It is clear that Jersey has not wished for itself to be placed in the position of having to make such important decisions without any reasonable time for scrutiny by States Members but equally, the 90 day 'cooling off' period means that we have an opportunity to use this time to best effect. I believe it is in the interests of the Assembly and of Islanders that we ensure that we use the full range of tools available to the Assembly before finally signing off on the agreement to be included in the UK-EU TECA.

By adopting this amendment, the Assembly will ensure that Scrutiny is not only fully included in the assessment of the merits of the UK-EU TECA from a Jersey perspective but that the Assembly will also benefit from a report and analysis from the relevant scrutiny panels. By having these perspectives as well as the Government's perspective, the Assembly will be in the best possible position to make its final decision.

Financial and manpower implications

There are no additional financial and manpower implications arising from adoption of the amendment.