

# STATES OF JERSEY



## **DRAFT EU LEGISLATION (CUSTOMS UNION, IMPORT AND EXPORT CONTROL) (JERSEY) REGULATIONS 201- (P.120/2018): COMMENTS**

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**Presented to the States on 5th December 2018  
by the Chairmen's Committee**

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**STATES GREFFE**

## COMMENTS

### Introduction

1. On 23rd October 2018, [P.120/2018](#) (Draft EU Legislation (Customs Union, Import and Export Control) (Jersey) Regulations 201-) was lodged in the States Assembly by the Minister for External Relations, for debate on 4th December 2018.
2. The UK leaves the European Union on 29th March 2019, and with it end the current customs arrangements with Jersey and the rest of the Channel Islands.
3. The Draft Regulations provide the framework to give effect to a ‘customs union’ with the UK that will allow the 2 jurisdictions to continue their current trading relationship after the UK leaves the European Union on 29th March 2019. The agreement to put in place a customs union with the UK was put in place on 26th November 2018 through the signing of the Jersey/UK Customs Arrangement (“the Arrangement”).
4. The majority of Jersey’s goods trade is with the UK, with almost all imports travelling to Jersey via the UK. The Panel notes that the new customs union to be put in place following Brexit is much smaller than the current one we share with the EU. The new customs union consists of only the UK and its Crown Dependencies, as opposed to the existing union with the EU’s 28 member states and 4 additional states with bilateral agreements.
5. The Brexit Review Panel received briefings on the Regulations and the Arrangement on 6th September and 19th October 2018 from officers from across government involved in this work. This provided the Panel with opportunity to understand the process followed in order to arrive at the proposals, and to question officers.
6. The Arrangement will ensure that no import tariffs will be imposed for goods passing between the 2 jurisdictions. A common external tariff will be installed for goods from places outside the customs union.
7. The Arrangement further enshrines the free movement of all goods between Jersey and the UK, with no quantitative restrictions in import, and proposes the participation of both jurisdictions in a Joint UK-Crown Dependencies Customs Committee to oversee this new union.
8. The Arrangement implements the ability for both jurisdictions to impose prohibitions or restrictions at their respective borders for specific reasons.
9. In tandem with the Jersey Arrangement, equivocal customs unions have been agreed between the UK and Guernsey, and the UK and the Isle of Man.
10. Jersey currently implements EU Treaties through the [Customs and Excise \(Jersey\) Law 1999](#). The Regulations will amend the 1999 Law to provide similar powers to implement the Arrangement.

11. The Regulations confer upon the appropriate Minister additional powers to make Orders in relation to customs and excise matters, and for related purposes, such as to prevent any breach of international obligations relating to customs and excise matters.
12. The Panel notes the importance of the Regulations and the Arrangement in reinforcing Jersey's constitutional relationship with the UK, as set out in the recent letter from Lord Keen to the Minister for External Relations.
13. The Panel agreed that it was satisfied with the briefings it had received on the Regulations and the Jersey/UK Customs Arrangement, and the information it had been provided with. Noting the powers given to the Minister to make Orders in relation to customs and excise matters, the Panel will be carefully monitoring the use of such powers both in this area and more widely as other Brexit legislation is brought forward.

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**Statement under Standing Order 37A [Presentation of comment relating to a proposition]**

These comments were presented after the deadline set out in Standing Orders due to the high number of items scheduled for the current States debate that have required input from Scrutiny.