



Environment, Housing and Infrastructure Scrutiny Panel

U.K.-T.E.C.A. Fisheries Review

Witnesses: The Minister for External Relations

&

The Minister for the Environment

Tuesday, 2nd February 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
Deputy S.G. Luce of St. Martin
Deputy G.J. Truscott of St. Brelade

Witnesses:

Deputy J.H. Young of St. Brelade, The Minister for the Environment
Deputy G.C. Guida of St. Lawrence, Assistant Minister for the Environment
Mr. W. Peggie, Environment Director and Acting Director of Regulation
Mr. G. Morel, Marine Resources Officer
Senator I.J. Gorst, The Minister for External Relations
Ms. A. Leroy, Director, Bureau des Îles Anglo-Normandes

[14:03]

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

Good afternoon, Minister, to the Environment, Housing and Infrastructure Scrutiny Panel. I will introduce myself, Mike Jackson, chairman of the panel; John Le Maistre, deputy chairman; Deputy Graham Truscott; Deputy Steve Luce and Deputy Inna Gardiner. Sorry, the Connétable of St. Saviour, our most important member, has been left out.

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

No, but I am still sitting here like a broody hen on eggs, thank you.

The Connétable of St. Brelade:

Over to you, Minister.

The Minister for the Environment:

Obviously myself as Minister for the Environment and my Assistant Minister, Deputy Guida. I have officers on board of Mr. William Peggie, who is both environment director and acting director of regulation, fulfilling both roles at the moment, and also I have here Greg Morel who is our marine resources officer.

The Connétable of St. Brelade:

Minister, I am going to start off by asking you initially and perhaps Senator Gorst may come in. The chairman of the Jersey Fishermen's Association has described the decision to permit all vessels with Granville Bay Agreement permits to fish in Jersey waters until the end of April as discriminatory and against the terms of maritime law. As it will see up to 380 E.U. (European Union) vessels competing with Jersey's much smaller fleet during the peak fishing season how is this decision in line with the non-discriminatory commitment of the T.E.C.A. (Trade and Economic Co-operation Agreement)?

The Minister for the Environment:

Obviously I had many conversations with the chairman of the Fisheries Association and emails. The most recent one I had indicated that he did recognise that there was not a great possibility that we would see that very large number of vessels coming into our waters. Obviously the situation we were placed in, is that we were given 4 days' notice of the new agreement, the T.E.C.A., and as you have read in our comments, the Minister for External Relations and myself and the officers' team, we met pretty well regularly, on New Year's Eve, New Year's Day and a whole series of meetings. We put together an arrangement for a short-term provision, one of licensing thinking at that time that we would have to take that over ourselves immediately. But of course then we received further advice that that was not in order. That advice came externally via the E.U. and therefore further meetings took place, a result of which it was agreed that the only sensible way forward was to have a transition period where, if you like, whatever you call it, whether one calls it an amnesty, so

therefore that does not involve us issuing licences to French vessels in our waters. There is a period in which those vessels, which already had a licence issued by French authorities prior to the implementation date of the T.E.C.A., we would recognise those licences for an interim period pending our producing the full details of the licensing agreement, where we become the licensing authority under the T.E.C.A. fully meeting the terms, that we would do that during the period before 30th April. We made that decision now. The chairman of the Jersey Fisheries Association recognises that he does not think that we are going to see any of that sort of number of vessels into our waters, and the information I have is that has not happened. I do not know at that point whether you want to - because I have spoken about the Minister for External Relations - get his view on it before we check the details with Greg Morel. Could we do that?

The Connétable of St. Brelade:

Yes, indeed. Please, Senator Gorst.

The Minister for External Relations:

Thank you, Chair. So to answer your question directly, which I think is in the words of the chair of the J.F.A. (Jersey Fisheries Association), is it discriminatory? No, it is not discriminatory. This is a transitional amnesty which means that those boats up until the end of December that were appropriately allowed under the Bay of Granville Agreement have been given a transitional amnesty until the end of April, so it is not discriminatory. Is it within the legal terms of the T.E.C.A.? Of course this is a political amnesty. It is something which Jersey Government offered right at the start of the new T.E.C.A. arrangement that my colleague Minister has just explained some of the difficulties that we encountered. However, last week the E.U. Fisheries commissioner supported our political transitional amnesty and we have now given effect to that. The T.E.C.A. itself does not, in black and white, envisage this amnesty so it is not directly recognised in the T.E.C.A. but it is politically recognised by ourselves, by the U.K. (United Kingdom) Government and, importantly, by the E.U. Commission and there will and there is in process an exchange of letters to give effect to it. It is not discriminatory nor is it recognised directly in the T.E.C.A.

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

The question mentioned up to 380 E.U. vessels are being able to fish in the waters. Is that figure correct or are there restrictions on what vessels will be able to fish either in the 90-day period or leading on from that?

The Minister for the Environment:

The source of that number is a list that our marine resources team received very soon after ... whether it was 1st January I am not sure but they received that list of vessels. At some point that list was received. It has been known that previously there was an historic situation where our

fishermen have always contended that there are a larger number of licences issued in France than regularly fished in our waters. That number was quoted from that list.

The Connétable of St. Brelade:

Are there any transitional arrangements with regard to import or export requirements?

The Minister for the Environment:

My understanding is at the present time the export requirements that have been required of both our fishermen landing their produce in France and on the merchants who buy fish from our fishermen locally, and then ship that export to France, have been following the new procedures. The new documentation is required, it is known that there have been some teething issues that have arisen and a team has worked with very, very great effort of everybody concerned and I want to praise them, both the marine and resources team, not just Greg Morel but other members of the team have been in daily contact with both merchants and fishermen and also Aurélie, who is also on the call, from B.I.A.N. (Bureau des Îles Anglo-Normandes) who also great efforts to solve those teething problems. If you would like to know where we stand on that now, I think I would need to ask Mr. Greg Morel to come in and tell us.

The Connétable of St. Brelade:

I am not sure if Greg is with us yet.

The Minister for External Relations:

No, he is not, chair. He is struggling to get in but I think someone is doing that.

The Connétable of St. Brelade:

We are working on it. Perhaps I can just go on, Senator Gorst mentioned the fact that the French authorities were aware and content with the arrangement but I just wondered what commitments have been made with regards to ensuring only qualifying French fishing vessels are active in the shared maritime territories during this temporary period? How is it being policed, I suppose, in fewer words.

The Minister for the Environment:

Certainly what the team are doing is checking the ... obviously constant surveillance has happened, as it always does, and the records of vehicle management systems, which larger vessels are required to have which tracks those vehicles, are being monitored. The reports I have had is that there are no reports at the moment that I have received of French vessels that are not well-known, as regularly and historically fishing in our areas, fishing at the present time. I am not aware of any reports of that happening. That surveillance work monitoring will continue.

Deputy S.G. Luce of St. Martin:

I know I am going a little bit off-piste here already but the Minister for the Environment did mention paperwork for exporting Jersey shellfish into France. I do not know if you are aware, Minister, that yesterday a story broke in the U.K. press, and it is featured again heavily today, that the E.U. are now saying that live bivalve molluscs, which we knew was going to be a problem waiting for some paperwork to be ready for those to be exported into the E.U., but the E.U. are now saying, if I quote them correctly, that this ban may be indefinite.

[14:15]

Have you had any correspondence on this from the U.K. about the export of scallops, mussels, oysters, whelks into the E.U. most recently?

The Minister for the Environment:

Yes, I heard this morning for the first time, again from our marine resources team, that there were these comments being made. At the present time I am not aware of any documentation or email or communication which would substantiate that. But we did know that there were potential problems to be dealt with as far as scallops and the other shellfish; I am sorry it has slipped my tongue at the moment. But there were. But we did not believe that that applied to oysters. Now, again we had a report this morning that, to be frank, did not resolve that issue entirely, and I am sorry I cannot give you a thorough resolution of that now until we get Mr. Morel in on the call.

The Connétable of St. Brelade:

Minister, before we go to Deputy Gardiner, can I just ask Willie Peggie, who has indicated he may know something about this.

Environment Director and Acting Director of Regulation:

I am just looking at the latest Defra blog, which is something I receive every day, and you are right, Deputy Luce, there is information on there about exporting live bivalve molluscs to the European Union. The latest, and I know that our team here have been in discussions with Defra to try and support this and to try and get more information, but if I was to read through what the Defra spokespeople are saying is that: "Live bivalve molluscs, such as oysters, mussels, clams, cockles and scallops can continue to be exported to the E.U., if they are harvested from class A waters or cleaned or have cleared end product testing. We [Defra] will continue to raise the issue of live bivalve molluscs not ready for human consumption with the E.U. to ensure that trade continues securely." It strikes me that they are in an interesting place, Defra themselves, and that is why we need to be continuing to talk to them.

The Minister for the Environment:

I am sorry I forgot the name of the other species, it is obviously whelks. My information is that notwithstanding what has just been said, that the French have been prepared to accept scallops and whelks at the present time.

The Minister for External Relations:

That is right, that in answer to the Deputy of St. Martin, as the Minister and Mr. Peggie has said, it is an evolving situation. Thankfully, as the Minister has just said, we have been able to land those species so despite some of the difficulties at the border, and no doubt we will come on and talk about those, there has been an approach which we might describe as lenient. Whether that arises from the amnesty transitional period we can only put 2 and 2 together. It may not be connected at all but what we do know for certain is that the E.U. is considering what the permanent piece of legislation, which this is a temporary piece of legislation that they introduced, will look like. We, as Mr. Peggie has just said, Defra and ourselves will continue to work with the E.U. to hopefully be able to allow us to continue a bit more positively than has been perhaps indicated in the media.

Deputy I. Gardiner of St. Helier:

Just to clarify for myself and probably for the listeners that are less aware of all details. Currently under the amnesty period we have up to 380 vessels who had a permit with the Granville agreement to fish in our waters until April. How clear and how content are you that it is likely that some numbers - I do not know the number - of these vessels will not prove their records during the last 3 years and their permits will not be extended beyond April? How clear, how content and would we find ourselves in new pressure from the E.U. for all 380 vessels?

The Minister for the Environment:

My answer to the last part of your question, is I am sorry we are going to have to cross that bridge if we were to come to it. I hope that we do not. The position is that when we received that list the information I was given was that they recognise a number of those but there were certainly vessels which they did not recognise. Therefore the E.U. authorities have been asked to give us that information about those vessels of where they fished and when and so on. At the moment my understanding is we have not received that so I would not want to prejudge that until we receive that information. The agreement is quite clear about the qualifying period and that will be obviously a key factor in those decisions when we are able to make them.

The Minister for External Relations:

Can I just come back on that as well please? I have been putting it in the chat but maybe I should just shout out. The Minister is absolutely right. Licences will be issued for those boats which meet

the qualifying criteria of the T.E.C.A., no more and no less. They will have to provide the evidence through the official channel, which is from the French Government to the E.U. That then is relayed to the U.K. Government and to the Minister, and the Minister will issue the licences under the terms of the T.E.C.A. Evidence will need to be provided for those 10 days' worth of effort in the last 3 years but as we sit here one of the other overriding reasons for needing the amnesty was that the basis of that evidence, it is straightforward where there are electronic ways of proving that - it is not so straightforward where boats do not have V.M.S. (vessel monitoring systems) systems - and the E.U. and the U.K. have not yet reached formal agreement on exactly what evidence will be acceptable to prove that effort. That is why this amnesty as well was critically important. So we cannot say how many licences will be issued but we can be very clear that only those boats that meet the terms of the T.E.C.A. with the evidence that is agreed between the E.U. and the U.K. will be given licences after 1st May, because we have the 4-month transition.

The Connétable of St. Brelade:

I am not sure who will answer this but what is the progress on negotiations with the port authorities in Granville to address the current difficulties that Jersey fishermen are having with their landing and exporting into La Criée there?

The Minister for the Environment:

There are 2 people on the call that probably could help us with that. Willie Peggie, in the absence of Greg Morel is the first call. Aurélie may be able to show some light on that as well.

The Minister for External Relations:

Minister, Greg is now in the call although he will not have a screen. He just has a voice line.

The Minister for the Environment:

Greg Morel would be best, if Greg is able to access the meeting. Do you want us to repeat the question; it is about the negotiations with Granville?

The Connétable of St. Brelade:

Greg, are you in now?

Marine Resources Adviser:

Yes, I am, Chairman, and I apologise to yourself and the panel and Ministers. I am not quite sure what happened I.T. (information technology)-wise so apologies.

The Connétable of St. Brelade:

The progress on negotiations with the port authorities in Granville, what is the status at this moment in time?

Marine Resources Adviser:

At the moment, Chairman and panel, Jersey vessels are able to access Granville for direct landings, so this is landings from fishing vessels taking their own catch down to Granville on to the French market. There has been, I think, safe to say some confusing trouble in doing that. As Members will know, there is a new system in place and certain requirements are now there for fishermen to have to produce certain amounts of paperwork and also prenotification for landing. There is a process that fishermen have to go through and fishermen and panel members will know that there have been some difficulties in doing that but that is not altogether surprising in putting a new system together. Over recent days I think fishermen have worked very hard to get a better understanding of the system together with officials in Jersey and also officials in France as well who are dealing with the new system to improve and make those things as smoother as time goes forward. It is more to do than we have done in the past, but that is something we knew to be the case. We understand from our conversations with colleagues in France that both the ports of Granville and La Crique are very happy and indeed keen to receive products from Jersey and we certainly do not find any difficulty there. But obviously they are still finding their feet, for want of a better description, in terms of a new regime. We are not able, at this moment in time, to export to the Ports of Granville from merchants or other products because they have not yet got the required facilities in that port to do so, but it is something that we know they are keen to establish as soon as they can. But for direct landing, Granville and indeed other ports on the French coast that Jersey fishermen use, particularly Carteret, are open for business but we have to accept that it is more complicated than it has been historically. There are still some issues that we can improve and are trying to improve to make the process smoother and easier for fishermen.

The Connétable of St. Brelade:

Can I ask Senator Gorst whether he will commit to negotiating the change of designation of Granville as a designated border control post via the E.U. as a matter of urgency? Because it seems to be causing us difficulties.

The Minister for External Relations:

It is not a matter of me negotiating. I have a firm commitment from the president of La Manche that they are seeking all that they can to create a border post at Granville in the way that you describe. In fact the last time we discussed it he was even so kind as to confirm that he would not require any Jersey financial support for the repudiation of that border inspection post. You will recall last year, or perhaps even the year before, I committed to, if necessary, finding financial support to help with the creation of that particular border inspection post. Of course we have also communicated back

with the E.U. that the designation of N.E.A.F.C. (North-East Atlantic Fisheries Commission), designation on the Normandy ports together with border inspection posts was something that we want them to provide. We keep pushing for that, as I know La Manche do as well. They know they have my full support and we have raised it both with the U.K. Government and with the E.U. directly.

The Connétable of St. Brelade:

Can I ask Aurélie whether there is any news at local level with regard to this issue?

Director, Bureau des Îles Anglo-Normandes:

Hello, Chairman and Ministers. There are not local issues. I think what Minister Gorst said earlier is absolutely accurate. We have received the commitment from regional authorities, in Normandy and La Manche, that they are absolutely adamant that they want this sanitary control station to be built. The last time we spoke to them they even said that they had a shovel in hand to start the works. They are just waiting for final confirmation from French Government that they can kick off the work.

The Connétable of St. Brelade:

Deputy Young, the panel has heard from some fishermen that they are facing an expensive and time-consuming cross-Channel trip to sell their catch in the U.K. because it has been turned away at French ports. What has been done to identify new export markets for Jersey caught fish?

The Minister for the Environment:

First, just to clear up, there were some initial problems in the first couple of days that did lead to at least one fisherman I can recall saying that.

[14:30]

At the moment I cannot confirm whether that has been necessary but moving to the principle of financial support. There is no question whatsoever that our fishing industry has to face major challenges. That puts it the least. Some might say a disruption from the effect, but what we try to do is minimise that. Nonetheless, there is no question that the industry does require that support both in the short term to enable the transition to be fully complete and then in the longer term, as I think your question obviously highlights, is that it is likely very much that there will be changes in practices and new markets. What I have asked the officers to do, and that work is going on now, because the provision of that support, whether it is supporting kind or money or whatever it is, is a matter that is going to be for our Minister for Economic Development, Tourism, Sport and Culture and what I can say is that you have the Minister for External Relations on board in this call as well, and he has expressed his support as well. Earlier on today we both pressed our officers to try and

get together the various proposals so we can put those in the machinery, which is within the Minister for Economic Development, Tourism, Sport and Culture and the Minister for Treasury and Resources for as early approval as possible. That is a commitment I have made and I will maintain that and ensure that that is delivered. I cannot tell you the details because those are being worked up now. Those details are being worked up in consultation. Those discussions are actively taking place at how best to do it. But we are in the transition period. The situation is changing and that is likely to change during the rest of the transition period and we will not fully know what is the longer-term situation going forward for a while yet.

The Connétable of St. Brelade:

I am going to go back to qualifying vessels. Deputy Young, the Government has stated that the historic data needed to enable full T.E.C.A. permits to be issued as soon as possible to qualifying vessels will be collected and transmitted to relevant authorities. What is the full extent of the historic data required and is it the same for Jersey and non-E.U. vessels?

The Minister for the Environment:

The principles of the T.E.C.A. agreement is that whatever is done has to be based on scientific evidence for a sustainable fishery and also has to be non-discriminatory. There are a lot of details to be worked up before we get to the licensing situation at the end of April because there are a lot of issues to do with the conditions that apply to those licences and a lot of those details are still not determined. At this point that is as far as I can go so I would like to ask if perhaps Greg Morel could add to that on our current knowledge. But this is an emerging situation where everybody is seeking to get that clarification.

The Connétable of St. Brelade:

I am just going to go to Deputy Luce first.

The Deputy of St. Martin:

Minister, can I just ask in regard to issuing licences. We mentioned 1st April and Senator Gorst has mentioned that. Is there a cut-off date by which, after such a date, no more licences will be issued?

The Minister for the Environment:

I am puzzled. There is certainly an end of the transitional period, yes. The transitional amnesty ends at the end of April. The commitment that is given is that, at that point, the new licensing scheme will be in effect. I think at the moment, there has been no decision taken on the duration of those licences. Those are issues which remain for us to work out in detail and I think this is why I am going to have to take advice because I cannot recall whether the T.E.C.A. gives any guidance on that. At the moment, obviously, the Marine Resources team are in contact continually with Defra,

which is the U.K. authorities, and of course this whole arrangement is being, if you like, overseen by the Partnership Council. I think these things have to emerge through those processes. I see Ian wants to comment.

The Minister for External Relations:

Yes, I wonder if the Deputy of St. Martin was asking a slightly different question, Minister. I think he was asking is there a cut-off period that we would issue a licence? So I envisage it like this. We have given the transitional amnesty until the end of April. Therefore, all of the information has to be with the Jersey Minister by the end of April. If there is not that information with the Jersey Minister by the end of April, that boat will not be able to fish in our waters. So, theoretically, it would be possible for us to get to the end of April and 1st May and a boat which had met the criteria for those 10 days in any one of the previous 3 years to not have issued its data to Deputy Young. Until they did, they could not fish in our waters if there was any time lag between the last day of April and the provision of the data. So I would not expect that there were any boats that will not provide the data in this former window. I would expect all of them that had the data to be able to provide it but, theoretically, they might just be slow or might not have realised. So, theoretically, under the terms of the T.E.C.A., they have to provide the data to have a licence. It could take them 6 months to provide the data but between the 4 and the 6 months, they would not be entitled to fish in our waters.

The Deputy of St. Martin:

I am grateful for that answer, Senator. The point I was trying to get at, and maybe I should have been clearer, was was there a cut-off date after which no more licences would be issued? I think you have answered that. Somebody could come up with data 6, 8, 9 or 12 months' later to prove that they had a track record, at which point, they would still be issued a licence.

The Minister for the Environment:

Well, I would like to take advice on that. At the moment, I am not aware of that provision. To me, I think what I am aware of is the agreement provides that qualifying period and the qualifying period triggers the issue of licence but we have to be in receipt of that. There are many details like that about the licensing regime which we have to clear up before 30th April and we will do it.

The Minister for External Relations:

Let us just be clear though. We will of course take the advice that the Minister is suggesting but the T.E.C.A. does not put a time limit on when the licence can be issued. The criteria for a licence is the 10 days in any one of the previous 3 qualifying years. It would seem very, very theoretical that a boat that met those 10 days did not provide the evidence to the Minister in this 4-month window, which we all agree is very generous and more than ample for them to do so. So we will not be extending this transitional amnesty period for those who come on 1st May saying: "We need more

time.” It is very generous. It is an ample period of time. The data must be provided within this window.

Deputy G.J. Truscott of St. Brelade:

I am just curious. If there is a dispute of any description regarding the issuing of a licence, who acts as arbitrator in such cases and is there a need for arbitration?

The Minister for the Environment:

There will be those issues. There is no doubt about it and that, I think, goes back to the question that I answered a few minutes ago perhaps too long-windedly which is what is the evidence? What are the requirements of that evidence and the detail of it? What is regarded as sufficient or not? That is the clarification which we will be going through because this situation is not uncommon to us. That is an issue which we would be guided on in the discussions between Defra. and the E.U., who are the supervising body, but, clearly, if we have V.M.S. computer data, that is clear. We know about those boats. If there is not that and it is manual records, are they complete? Are they not complete? Are they verified? Those sorts of things. I am sorry to say that those are going to have to be sorted out. Here we are. We are on 2nd February. We are only just one month into that 4-month period. I think all of these issues add weight to why it was sensible to do the 4-month amnesty period.

The Connétable of St. Brelade:

Minister, will you announce how many permits have been rejected and why, following the new process for licensing?

The Minister for the Environment:

I will always be as open as I can within the rules of the T.E.C.A. and the agreement, absolutely.

The Connétable of St. Brelade:

Have any permit applications been rejected to date?

Marine Resources Officer:

No.

The Minister for the Environment:

For who?

The Connétable of St. Brelade:

French vessel applications.

Marine Resources Officer:

No.

The Minister for the Environment:

I am not aware of any. Is that Greg Morel?

Marine Resources Officer:

Thank you, Minister. Yes, I can come in there. The answer is very simply no because we are still waiting for that evidence to be provided by the French authorities through the slightly convoluted route that the E.U. requires under the agreement. But, no, we are still waiting for that and, therefore, it would be inappropriate to finally or definitively not issue a licence in the absence of that information.

The Minister for the Environment:

Chairman, could I ask, while Mr. Morel is on the line, if he could just follow up on my answer to Deputy Truscott there about the evidence and what we know about that and the disputes?

The Connétable of St. Brelade:

Indeed. Please do.

Marine Resources Officer:

Yes, very happy to. So as the Minister has alluded to, there is still an ongoing discussion between the E.U. and the U.K. as to the type of data that qualifies as evidence. Under the T.E.C.A. in its purest sense what should happen is that each party would provide a list of qualifying vessels and the Minister for External Relations has referred to what that is, which is more than 10 days in any 3-year period from February 2017 to January 2020, and that would be the list on which licences would be issued. They are still agreeing or at least trying to agree the details of the evidence and, as you can expect, there is a process that is required to do that. The V.M.S. system the Minister has referred to is considered the gold standard, for want of a better description, of evidence and it cannot be tampered with. It is directly reported to the authorities but, strangely enough, even with that, there is some question mark as to whether vessels are fishing or not at the time and you end up in quite a complicated conversation about the speed of a vessel at any certain time and the frequency of the reporting. V.M.S. is clearly evidence that could be used. There is another system that vessels use called A.I.S. (automatic identification system) which is publicly available, which is generally used for safety purposes but also could be considered very good evidence of presence or absence in a certain area. Then you move further down the chain of evidence that is considered acceptable and that will be, as the Minister referred to, fishing diaries or the logbooks that fishermen keep. It could be sales data and it could be other reported evidence that fishermen have and indeed government

surveys and areas and times that we have contacted people to do work. In Jersey's case, we have a very, very long and very good record of vessels that have been sighted and inspected by the marine resources team in the Norman Le Brocq and the vessels that we have had before that over many years, which have a very good record of fishing activity in our waters. So of course we would consider that to be very good evidence as well. They are still finalising that at the moment but we are ready to receive this information from France and make a judgment based on the criteria of the T.E.C.A. as to which vessels do and do not qualify.

The Minister for External Relations:

Sorry, I did not want to interrupt the Minister because I was just going to go back to reiterate something in answer to Deputy Truscott which is sort of in-between what the Minister and what Greg has just said. The decision to issue the licence - we must be clear about this - is the Jersey Minister for the Environment's decision. He or she is the decision maker so if then there is a States disagreement - and I cannot see why there would be a States disagreement because the Minister will make his decision based on the evidence presented to him - that goes to one of the subcommittees of the Partnership Council which is looking at fishing matters.

[14:45]

The decision is not a decision of the E.U. or the U.K. or of France. It is the Jersey Minister for the Environment's decision to issue the licence and we must be clear about that.

The Connétable of St. Brelade:

Thank you. Deputy Young, how will the new licensing process ensure that Jersey fishing vessels benefit economically from fishing the same waters as larger and more powerful French vessels? That probably leads me on also to add to that question. How will the change in vessels be addressed within your department because, clearly, as time goes on, those fishing will remain the same but their vessels will change? They will want different vessels, bigger vessels and more powerful vessels which could have significant effects on what they are being licensed to do so how would you consider that?

The Minister for the Environment:

Well, I think we are talking about the situation following on from the amnesty period. One of the strengths of the T.E.C.A. is that there are very clear overarching principles within it about sustainable fisheries. So those objectives are written right the way throughout the whole basis of the fishing agreement but those principles have to be applied based on scientific evidence and in a way which is non-discriminatory. So the rules have to apply equally to both Jersey boats accessing our waters and to the European Union vessels. What the arrangements will make absolutely plain now,

because Jersey will be the licensing authority and the sole body responsible for managing our seas, is we will receive full and complete information, as I see it, of catches, of the species being landed, the quantity being landed and so on and from where they are fished. These are the kind of raw ingredients of fisheries management and, therefore, as I receive advice from the marine resources team about what conservation work is necessary, those will be discussed through the processes that we have which are very longstanding to ensure that what is done is scientifically based. By "what is done" I mean that if there are to be changes to the rules as far as their *métiers*, the size of vessels, fishing effort, areas, restrictions on the size of particular fish that can be taken, closed seasons and all that type of thing, all of that will be dealt with through the normal processes that we have and are well-established. The key thing is they have to be based on marine science evidence and they have to be applied equally, fairly and non-discriminatory between all vessels accessing our waters. That is it.

The Connétable of St. Brelade:

I am not sure which of you Ministers would be best to answer this one but do you feel that the issuing of the interim licences to new vessels earlier this month without requesting the proper evidence under the T.E.C.A. sets a damaging precedent for future negotiations?

The Minister for the Environment:

I will let my colleague go first. I accepted that it is necessary that we had 4 days to look at this and even in this discussion in the 45 minutes that we have had, hopefully, the full complications and the layers of this new arrangement are still emerging. It is a complicated business and so the notion of a transition to ensure that the transition could be made sensibly, I think I was persuaded and I accept that I have gone along with it. At the moment, I am seeing no signs that that was not the right thing to do.

The Deputy of St. Martin:

Sorry, Chair, I am up to come in but the Assistant Minister just had his hand up as well so if we can go to him and then I will come in after him please.

The Connétable of St. Brelade:

All right, I do not have him.

Assistant Minister for the Environment:

I think the better answer to that question is the fact that we were in a hurry to licence French boats as quickly as possible and the first list that we received from the French through the E.U. and through the U.K. was just exactly the same list of boats that were on the Bay of Granville Agreement and maybe with a few more tagged on. So what we did was the first few boats that were given an interim

licence were boats from which there was public evidence of their presence in the Bay of Granville. So, basically, for the very first ones, those V.M.S. records which are completely public and which you can get from the internet, proves that they have been there so there is not going to be an argument on whether they had their 10 days presence or not. We are absolutely certain that they did. It is the boats lacking such obvious evidence that are now the problem.

The Minister for External Relations:

Sorry, Chair, can I just answer your question directly? No, we do not believe it sets a precedent. Those 57 licences were issued temporarily and the interim amnesty is a temporary interim amnesty and so we are very clear that no precedent has been set.

The Deputy of St. Martin:

Minister, I could not agree with you more. All things to do with fishing are complicated but we are in the middle of a transition and I agree that when it comes to management and the issuing of licences, we need to be fair and non-discriminatory. Can I ask you this tricky question? If we are being fair and non-discriminatory on all things to do with the licence, about the *métiers* and who does what, where and how, how do we square the circle that a French fishing boat can be in our waters fishing the same species as a Jersey fishing boat alongside it? Yet the French boat can go back into the E.U. from non-E.U. waters that may not be classified and yet that non-classification is the exact reason why the Jersey boat is not allowed to land those species in France? It is a rhetorical question, if you like, but do you not agree that if we are going to have this joint approach of non-discrimination, of being fair and equal to everybody, that there must be a way to be found for Jersey boats to land their catch into France in the same way that French boats do if they are fishing alongside each other?

The Minister for the Environment:

Thank you. I think I see that as inherent as a consequence of the approach that was taken between the United Kingdom and the E.U. in producing this agreement where the whole issue of access to fishing waters was inextricably linked to goods. That is something in which Jersey did not have a choice in the matter and so that is what has happened in terms of our waters. The agreement deals with fish access, access to waters and it deals with goods and we were not presented with a situation where you could have one without the other. It was an all or nothing situation and so we had to make the judgment of are we better off with it or without it? A binary situation. There was absolutely no choice, in my view. The wider set of issues requires Jersey to go with it and so I am afraid, logically, you could not justify it but that is where it has finished up. This was the agreement for the whole U.K. and the E.U. I do not know if my colleague wants to add something to that.

The Deputy of St. Martin:

I was going to ask the Minister for External Relations if he wanted to add something about how we might resolve this square peg round hole.

The Minister for External Relations:

So it is indeed and, as the Minister has just said, it is a simple result of the U.K. being out of the single market. We of course, through Protocol 3, had frictionless trade into the E.U. market for goods. Because of Protocol 3, this is simply a result of the type of deal that the current U.K. Government sought with the E.U. Of course, we know that Theresa May's Government was looking for a different type of deal which would have kept a different sort of market access, which could have had less friction but in being out of the single market, border checks are then an inevitability. Therefore, for our fishermen, also out of the single market, there is an inevitability about the added bureaucracy. Having said that, of course what the deal does is take some responsibilities back to the Minister for the Environment in Jersey, which I think is a very positive development. Let us be clear that it is most unlikely that those positive benefits would have been repatriated to the Minister for the Environment in Jersey had there been a broader ability to access the single market without checks at the border. So we cannot say what the outcome would have been had a different type of deal been negotiated. There is this imbalance. We absolutely acknowledge the imbalance but this deal is still, I think, very much in our best medium and long-term interest. We are, as Greg Morel said, keeping our fingers crossed. We are continuing to talk. We are looking at support mechanisms and seeing some settling down of access for Jersey fishermen into the French or European market. That is not what is happening necessarily elsewhere with U.K. fishermen and so we need to just continue the conversations to alleviate that bureaucracy as much as we possibly can but this is the new way of us relating to the E.U.

The Connétable of St. Brelade:

Thank you, Minister. The next question may be one for the Minister of Defence, if we had one. A French skipper was recently quoted by the media as saying: "If one of us is arrested as being a fishing boat without a licence, we will all go together." Deputy Young, would you advise what enforcement action the Jersey Government will take should unlicensed fishing vessels attempt to operate in Jersey's waters after the transition period?

The Minister for the Environment:

Well, I am sorry to tell you that that is not a bridge I want to cross at the moment. We are in a transitional period and we have agreed to honour those vessels that had licences issued by the French prior to the T.E.C.A. agreement. Nonetheless, we have to prepare for that in the future of how we regulate our waters in practice. I am quite clear that we are going to have to put more effort into that. We have to put more effort on marine science, on monitoring and making sure we achieve the level of compliance which is required in order to have sustainable fisheries. I think it is like all

other enforcement issues. I hate to use these words but there is no other way. One uses a balanced approach where you try to be realistic and accept the fact that sometimes people make mistakes. There is always a spectrum of possibilities between the States and deliberate flouting of regulations and so on and one makes a judgment. We have a system where we have a marine resources team who are responsible for reporting. We have legal structures. As you say, the Minister for Defence could follow through those things when it is considered necessary. All I can say is, as Minister, personally I have not had knowledge of or been required to intervene in any enforcement matters that have required things to go before courts and arrests since I have been Minister. I would like to think it is a very uncommon situation but I have to take advice on that. That is my immediate reaction not having thought about that. I think my Assistant Minister wants to say something here.

Assistant Minister for the Environment:

Yes, there is quite an important point to add. Yes, we continue to enforce fishing in our waters in the way that we have always done but because we have had become a third country, now France has to obey our new rules which are rules about unlicensed fishing. Basically, it means that they must ensure that their boats fishing in third countries' waters have a licence from that third country, which is then followed by a licence from the country of the boat called a S.M.E.F.F. (Sustainable Management of External Fishing Fleets) licence.

[15:00]

If you remember, those are the licences from France because of Guernsey last year. The scramble for fishing in Guernsey in January last year was because France had to issue those S.M.E.F.F. licences and Guernsey had to issue licences. To summarise, it means that France, the country, is responsible for its own boats having a S.M.E.F.F. licence issued onsite off a Jersey licence. In other words, they are responsible for their boats fishing in Jersey waters and they have to enforce them.

The Connétable of St. Brelade:

Thank you. The overwhelming view of the fishing industry is that Jersey should be entitled to a full 12-nautical mile exclusion zone including sovereignty over the reefs and that the T.E.C.A. is Jersey's chance to take back control of its waters. Ministers, will you jointly advise what negotiations, if any, are taking place to ensure proper baseline limits for Jersey's fisheries are established with reference to the status of Les Écréhous and the Minkies as well? I need to add that Matthew has given us a good explanation this morning so really I am looking at a higher political level and whether you have any views on that.

The Minister for the Environment:

Well, as far as I am concerned, it is a simple issue. The T.E.C.A. agreement is an agreement for access and access that existed as at 31st December 2020. It says nothing about sea limits and all the rest of it. It maintains the access that was there albeit under a different regime. Those sea areas are not an issue that is under active consideration. I am aware that this issue has been raised by the Jersey Fishermen's Association and that is something which is, as I said, entirely not covered by the T.E.C.A. agreement which is quite simple. Access is defined as what pre-existed and will be maintained but I will take advice on that. That is all. There is nothing in progress on that at the present time.

The Minister for External Relations:

Chair, can I just reiterate that because I know sometimes others would like to drive a wedge between the environmental ministerial team and the external relations ministerial team where there is no wedge to drive? The Minister is absolutely right. This is a trade deal. This talks about the access to those waters in regard to the limits, as in the mile limit, which has not changed. It does not impact the sovereignty of the reefs and baseline issues are not addressed or changed by this trade agreement. More than that, I think it is inferred in the question that some believe that we should throw French fishermen out of our waters to be on the 12-mile limit. I think that is wholly unrealistic and it is wholly unacceptable. Jersey and French fishermen have largely been fishing side by side in the Bay of Granville waters, under the Bay of Granville, for the last 20 years. But before that for hundreds of years. So it is completely unrealistic to think that, through a trade deal of negotiation between Jersey, U.K. and the E.U., that we would not expect French boats to be able to access our waters. But what this agreement does very clearly is, under the terms of the agreement, give back the licensing issue authority to the Jersey Minister for the Environment and the management of Jersey's waters to the Jersey Minister for the Environment. We really should not underestimate the benefit that will be to Jersey fishermen in the medium and longer term, and to Jersey.

The Connétable of St. Brelade:

The next question probably is more for the Minister for Treasury and Resources, but I would be interested in your views. The French fishing industry is set to benefit from a share in the 600 million euros support fund to assist with the consequences of Brexit. Can Jersey expect to see a similar support package offered by the U.K. Government in recompense for losses incurred by our own fishing industry under the T.E.C.A.?

The Minister for the Environment:

I have no idea. It is highly unlikely. We are not part of the United Kingdom. The principle about support for our industry is absolutely vital that we do so. We are going to have to step up to the plate. For as long as I can remember, I thought it was really morally wrong that our agriculture industry has had support and yet our fishing industry has had very little. When one goes to France,

what one sees, you see that they have all this infrastructure, public infrastructure, to support their fishermen. I certainly want to see that enhanced because it is not just about their economic value. Fishing is really an important part of our national souls. As an Island community, it is really important. As a child, I can remember going down to the southeast coast and I just loved the fishing boats. That is the whole reason, because they have all gone into decline now, you will not see their fishing boats there. That I do not want to see happen to Jersey. It is a way of life and it is really important that we support it. I am delighted to say, I do believe that I have the support of my ministerial colleagues, that as soon as we can work out the details that I will do my very best, although I am not the Minister responsible for it, to ensure that it is available.

The Connétable of St. Brelade:

We can take as benchmarks both France and the U.K. in that they both subsidise their fleets for licensing costs, safety equipment and vessel upgrades. But no such support exists here in Jersey at the moment and it is easy to talk about it. With fishermen having to pay up to £250,000 for a licence alone, are there plans on the table to offer similar support? You indicated a willingness to do that, but have we got any further with it at this stage or are we still talking about it?

The Minister for the Environment:

I have discussed it with my officers. They are on the case now. My officers are working with the Economic Development team. Obviously, at the moment, we all know just how stretched they are. I am going to make excuses for them, but we have COVID, we have the issues of other parts of industry. But we have to follow through. So, as soon as that is possible, I will do my best to get it public. But there is nobody arguing against the principle. What I cannot do at the moment is to put the details on the table.

The Connétable of St. Brelade:

Is there any emergency support being developed at the moment to assist fishermen who cannot land or export their catch or who may be struggling financially?

The Minister for the Environment:

There has been. We introduced a short-term emergency scheme. It is an open secret, I have said it before, it took far too long to get that out of the system, but we did get it. I have asked for that to be resurrected as an emergency backfall.

The Deputy of St. Martin:

Minister, can I follow on in the same vein? I wrote to you last week and copied others about the challenges being faced by the oyster industry and the level of paperwork and administration they are having to undertake. We know the fishermen are the same and have great problems with dealing

with a whole amount of paperwork. Where are we with the paper for aid to the industry? Because I was assured that the paper was going to be produced, if not last week, early this week. We are now nearly the end of Tuesday afternoon and we are still to see it. Can you update us on that please?

The Minister for the Environment:

Can I ask, Deputy, I do not recall giving that assurance, could you just enlighten me as to where that came from so I can follow it up?

The Deputy of St. Martin:

One of your officers informed me via email that something was being prepared and it would be ready, if not last week, early this week.

The Minister for the Environment:

Would I be allowed, Chairman, to get an update from my officers now while we are online?

The Minister for External Relations:

Should I just come in, Minister, because it is rather unfair to bear down on the Minister like this because he has been extremely supportive and pushing his officers. Even to the extent that one of my officers from E.R. (External Relations), who is due to move, she is now supporting directly the work of officers in the Economic Development Department. But those on this hearing will know that we had some initial ideas, but some of those initial ideas to support with paperwork, et cetera, were not well received right across the industry. As you know, there are differing sectors to the industry, fishermen catching different catches, those who are direct landing, the agents and those who wholesale. So they are trying to find a package of measures, which is universally accepted. As part of that package is support with some of these paperwork issues. But right across the departments they have been supporting with those bureaucracy issues. There is the emergency support that the Minister has indicated, which was around the reintroduction of the COVID-type payments. We have not yet seen that paper after they have been back to industry. But we expect to see it. We had expected to see it today. I have no doubt that we will see it by the end of today and we will keep the panel informed. We are absolutely committed but it is finding a consensus and agreement also across industry and officials, which is why it has taken slightly longer than both the Minister and myself would have liked.

The Connétable of St. Brelade:

Moving on to the Jersey Marine Resource team, can the Minister give an update on the possible creation of a new government post of catch agent as requested by the Jersey Fishermen's Association to assist with the increased volume of paperwork and export issues at the French ports?

The Minister for the Environment:

That is one of the issues that have been subject to discussion. There have been different opinions about that, of the best way of providing that support and how best to do it. I know that the fishing industry had a local adviser who put that forward, which sounds a very attractive idea. I gave it my support. But, unfortunately, that did not have universal support, as the Minister for External Relations has told us, wide enough. So, at the moment, that is on the table and I have to make a choice. I have to admit to being frustrated with the reports I am hearing. I heard the same reports that my colleague Minister has told you about divisions in different parts of the industry who are not able to agree on these details. If necessary, I shall meet them myself to break this impasse because we have to do it.

The Connétable of St. Brelade:

Do you feel there is sufficient manpower and/or equipment or vessels available to Jersey to enforce the new fishing boundary arrangements in the short and medium term?

The Minister for the Environment:

As you know, Chairman, you and I, we have spoken on this on numerous occasions at the Scrutiny Panel. I have absolutely not been quiet about this. It is not just marine resources, the whole area of our resource for environmental work generally, we are very poorly equipped in terms of numbers. We have outstanding people, high-quality people, real ability, experience and knowledge. But, unfortunately, they are stretched far too far. We always knew that the marine resources part with Brexit would have a lot more work to do. Their task was always big, but it has now become vastly bigger than the team can cope with. That is why we put forward a bid for resources, additional resources into the Government Plan, which is why thankfully, with your support, Chairman, we were supported by that. Therefore that got voted in the Government Plan. Of course, what you are aware of, Chairman, I was very disappointed that the vetting of the proposals removed some of the staff aspects from that. Because, without people, you are not able to do things. So I shall be coming back on that the moment the licensing details become clear. Because I have given commitments, the same as the Minister for External Relations, we will fulfil our part of the T.E.C.A. to the letter. That means us delivering. That means that the outstanding team we have we will need to strengthen. Equipment, as you know, our fisheries regulation vessel is still in the U.K., as I understand it.

[15:15]

There is in the Government Plan, it has just been refitted. That is good news. There is also a smaller R.I.B. (rigid inflatable boat) that has been acquired. There is also, in the Government Plan, a

replacement enhanced vessel ahead. I cannot remember if it is 2024. So those facilities, we will need to carry on making that investment.

The Connétable of St. Brelade:

We note that Ports of Jersey have a new tug being delivered at the end of this year. Will your department have access or will you be negotiating with Ports of Jersey as to how that could bolster the resource over here?

The Minister for the Environment:

I do not know. I am going to have to refer to my officers, if I may.

Marine Resources Officer:

I do not mind coming in here, Minister, if that is useful. Yes, I too heard, Mr. Chairman, about P.O.J.'s (Ports of Jersey) investment in vessels. At the moment, we have a very good relationship with them and we are able to use or to charter either the pilot boat or another one of their vessels if we need to do so. The other area going forward is certainly where we work very well together is the liaison we have with the coastguard, particularly in terms of monitoring and also in terms of routine marine traffic, radio traffic and communications as well. So there is nothing specific in place in reference to the new vessel. But we have a very good working relationship at the moment, which we expect to be able to continue and develop as we need to moving forward.

Environment Director and Acting Director of Regulation:

If I can perhaps interject as well there, Chairman. I know that, over the weekend, we have been having discussions with Treasury colleagues with a view to bidding in or securing funds that were initially put together in respect to Brexit costs. There has been more clarity over how we go about that. Greg has not mentioned it, but I know he is instrumental, as well as many of our colleagues here at the department, in putting together a more consolidated and quick bid to get funds that we know are going to be required for our Brexit obligations. We always knew and we had coupled it with the border control post requirement. We recognise that there is still a lack of clarity from our Defra colleagues about what a border control post is going to look like or what they are going to look like generally. But we do know that the people element or the human resource element of the work that is going to be associated with that is still going to be needed. So that bid is going in and we will seek to resource it accordingly and quickly.

The Connétable of St. Brelade:

Moving on to sustainability issues. How, Minister, are you going to strengthen the conditions around new licensing procedures to prevent damaging fishing practices such as pair trawling, scallop dredging and mobile gear *métiers*?

The Minister for the Environment:

There is a discussion to be had here because it would be wrong if I were to sit here and say: "This is what I propose to do." But there is no question, in the past, in order to introduce conservation and sustainability measures, we have gone through a process of first of all doing the scientific work where the officers come forward and advise that something is necessary. There is a marine resources panel, which my Assistant Minister chairs, meets with the different parts of the industry on a quarterly basis. They discuss those conservation measures. Obviously, then what we have had to do, from the fruit of that work, in the past under the Bay of Granville Agreement, has then been necessary to enter into a process of discussion with French fishermen interests. That has been an open secret. It has been more difficult in recent years to secure those joint agreements. So, for example, it took quite a long time to extend the size limits for lobsters and so on, with their carapace length and so on. Now, the situation has changed, Jersey is able to manage its own waters. That means that we make the decisions. But of course we have to do that in proper process, which is non-discriminatory, which means that we have to have processes of listening to people, taking the evidence. But the difference is we will be able to make those decisions. We have the power and the law to introduce those measures. I do not want to list them too much, but those potentials are there. I will certainly take advice on those from our officers. Because, obviously, one of the complaints we have had, for example, is that very large vessels, pair trawling, in areas that are very sensitive, where, for example, I recall an issue to do with the bream nursery beds at certain times of the year and where those activities have been damaging. I gave commitment in the States that we would do more on that. But they have to be sustainable. They have to be science-based. They have to apply equally to Jersey and to E.U. boats.

The Connétable of St. Brelade:

I am going to address this to Senator Gorst, the Minister for External Relations. While this particular review focuses on fisheries, Minister, would you please help us to understand what the wider implications would be if Jersey withdrew from the T.E.C.A.?

The Minister for External Relations:

Firstly, we would no longer have any formal relationship with the E.U. We would be the only place in the British islands to not have that formal relationship, so Guernsey would continue and the Isle of Man as well as all of the other British islands. We would suffer tariffs on all of our goods into the E.U. I think we would find it even more difficult, or our fishermen would find it even more difficult, to access European markets. They would have, not only then tariffs, but we have seen already some of the difficulties of accessing those markets when we do have this new and exciting formal relationship. From a fishing perspective, of course, we would then have to continue to use the Bay of Granville Agreement, which would take away from the Minister for the Environment the right to

issue permits in our own waters and the management of our own waters. So the issue that the Deputy of St. Martin raised, about you could refer to the non-level playing field of S.P.S. (sanitary and phytosanitary) checks, would be even greater. Because we would have joint management of our waters by an E.U. state when we were a third country and out of the single market and have no formal relationship with the E.U. We would be out of the Partnership Council. There would be no mechanism to deal with difficulties either in regard to fishing or in regard to other trades. So the Council of Ministers made the right decision in unanimously backing this new trade deal and the States Assembly made the right decision. I look forward to receiving the report from our lawyers confirming, one way or the other, I hope and understand that currently there is nothing in the legal text, which would mean that we needed to change our minds in that regard. But I look forward to their formal report confirming that the legal text does work and does have the effect that we thought it had when we made those decisions.

The Connétable of St. Brelade:

Leading on from that, could you advise what communication you have had with both France and the U.K. in respect of Jersey's participation in the T.E.C.A.? Has there been frequent communication and could you elaborate on how you have approached communication between all parties?

The Minister for the Environment:

I think Ian would be better to answer that question.

The Minister for External Relations:

We have done that in exactly the way that you would expect, at European level, at French level, nationally and regionally, and with the various secretaries of state in the U.K. Government as well as at official level. Certainly, the U.K. Government is absolutely clear that we are right to maintain our position that we should remain in the T.E.C.A. and they support that. The conversations I have had with the E.U. commissioner indicates an understanding at that level that we wish to remain in the T.E.C.A. and they understand why. At regional level in France they equally understand why we wish to maintain our continuance in the T.E.C.A. But we will continue reiterating that point.

The Connétable of St. Brelade:

It seems to me that the issue may be more at quay level than regional level in France. I wonder whether Aurélie would have any observation on that. We have been made aware of various press releases in France and the dissatisfaction at the quay by various fishermen. What is your take, Aurélie? What is the groundswell of opinion locally in France, particularly in Normandy?

The Minister for External Relations:

Aurélie may have left. Maybe that was a slightly unfair question to Aurélie as well, Chair. We are fully aware of, in some quarters, the disquiet with the T.E.C.A. We have seen the media releases from their Minister of the Sea. We have seen the commentary in local French media at the quayside, as you have indicated. But I absolutely believe that local artisanal fishermen in the Norman and Breton community will and can benefit greatly from this new arrangement. It is in their interest, as well as our fishing interest, economically and from a sustainability perspective, that we all keep this T.E.C.A. on the road and we form a new and positive relationship based upon it.

The Connétable of St. Brelade:

The *Ministere de la Mer* expressed a contrary view fairly recently. Given that you have responsibility for communications with Paris, how would you be dealing with that?

The Minister for External Relations:

In the same way that I always do, Chair, directly but diplomatically. We have had those conversations and I have no doubt that we will need to continue having those conversations, not only throughout the 90-day period, but as we maintain and get used to the new arrangement.

The Connétable of St. Brelade:

I am not sure whether this is one for the Minister for the Environment. In terms of stakeholder engagement with Jersey's fishing industry, could you let us know how you have approached engagement and communication with our industry? Are you in active discussion or did you approach them for consultation at the time of lodging P.70 or soon after? I just wondered if they had raised concerns at that stage. I am just interested, or the panel are interested, to know how you propose to allay some or all of their concerns.

The Minister for the Environment:

That is a very big question. Can I just add, because obviously you are now on to communications, my colleague Minister there is responsible for External Relations? But of course I would also add that this shows the complexity of this situation that is still unfolding. He and I both had occasion to speak to the U.K. Secretary of State. We emphasised clearly for the environment to show what we were doing to make this agreement work and how important it is for us. That was an important conversation because it is possible that misinformation gets around and rumours run and so on. We were able to explain exactly what we were doing, the approach we were taking. That is now paying dividends with where we have ended up. Now, what do we do about the fishing industry? Certainly, Ian and myself and Deputy Luce was present at those meetings as well. We had a meeting with the chairman of the J.F.A. during the negotiations period. We covered this probably in a previous meeting before the deal was struck, so I do not want to go over too much about that. We did have those meetings and invited the chairman to bring along a colleague and we were constrained there.

There is no getting around it, we were constrained because we were part of a long chain of negotiation.

[15:30]

But, anyway, I can tell you that as soon as we knew the deal landed, Christmas Eve, within 5 minutes I was on the telephone speaking to the chairman of the J.F.A. and explaining exactly what was in it, what we thought was the position and, being blunt about it, this was a take it or leave it choice. We needed to clear that misunderstanding. Because it was not a question of negotiating the details. That is what we were presented with. I tried to explain that. I have lost count of the number of conversations that I have had. Myself and the Minister for External Relations held Zoom calls, I cannot recall the dates of them. There was an open invitation to the chairman of the J.F.A. to talk to us about the agreement. I cannot remember the date but it happened and it was a pretty long meeting. Deputy Luce might have been on that as well. So we did that. That was before or around the time that the States had to sign up, as I say it was a yes/no choice. After that of course, we have had various periods where we had immediate disruption. So again there have been discussions there, how we could get around that. We seem to have overcome some of those very early and I am very pleased at that. The amnesty has done that. Then we have gone into a series of different discussions. Again, if the chairman of the J.F.A. wants more Zoom calls, then I am happy to have them. But the reality is that we are in a 90-day period and this is a period that the agreement allows either party to terminate. It is absolutely in the best interests of Jersey that we maintain that agreement, for all the reasons. So, now, on the details of what we do about conservation measures and support, all of that we will have ongoing discussions. It is a dynamic situation.

The Connétable of St. Brelade:

Minister, I am conscious of the time. I am just going to round up the panel members' questions.

The Deputy of St. Martin:

This is for the Minister for External Relations. Minister, getting back to your last answer, you have also been criticised for, how can I put it, negotiating away Jersey fishermen's best interests. But we certainly appreciate you spend a lot of time in France. Could you just elaborate for us on the difficulty of, while the French, Normandy, Brittany and Jersey, might have had a desire to come to an arrangement, the difficulty that you have had in negotiating - and I use that word lightly - in a way that has meant that the U.K. and Brussels have, at the end of the day, done the negotiating on our behalf? Could you just give us literally a couple of minutes as to how challenging it has been to try to negotiate with the French via the U.K. and E.U. Governments?

The Minister for External Relations:

The issue of course is multi-layered because we have at a political level a very good relationship with Normandy politicians. Certainly at the Manche level they fully understand that our interests are aligned. That we have an artisanal fishing fleet. That fishing fleet interest is aligned with the artisanal fishing fleet in Normandy. We of course started off and would have liked, which I think was the inference of your earlier question, to have been able to build a regional agreement that allowed friction-free access to markets and access to waters. But the E.U. were very clear that was not possible and there had to be one agreement with one institutional arrangement. That of course creates friction for Norman fishermen. We fed into the negotiation via the U.K. of what we felt was appropriate. If we step back slightly, the one issue that our fishing industry feels most aggrieved about, and the Minister and I have said we fully understand that, is the access between the 3 to 6 miles. The reason that the E.U. were not prepared to budge on that particular issue was, as we have known from day one, they said that nobody can benefit from Brexit. Therefore, we find ourselves, we were unaligned with Guernsey and the Isle of Man prior to this new agreement, and we remain unaligned with this new agreement. But, despite that difficulty, which the E.U. were not prepared to move on at all, this agreement still is strongly beneficial to our fishing industry in the medium and long term. We have explored some of the reasons why that should be. It was completely, and it still is completely, unrealistic to believe that Jersey could unilaterally expel all French fishing boats from its waters like some seem to believe. Because we have not done that, because the E.U. rightly said that was inappropriate, we are accused of negotiating Jersey's fishing industry, I say "down the river", but of course it is not down the river, rather than if we look at, certainly in Guernsey, they think that the result, which is identical for them other than the ... which is no different from what was there before, they think it is a good deal for their fishing industry in the medium to longer term. Once it settles down and once the licences are issued and we can properly consider conservation measures and sustainable fishery management measures, we will all look back and see that this deal was in Jersey's best interests and in the Jersey fishing industry's best interests. But change is always difficult. I have also been accused of selling the rights down the river in the short term. But this was a Government position, which was agreed by senior Ministers in Jersey on New Year's Eve, that we would offer a transitional amnesty. That of course got into trouble and difficulty until we got the political support from the E.U. Commission last week. It is still too early to say, but I hope that we will see some alleviation of the difficulties at the border because of that amnesty. That amnesty does not give rights to any boat that did not have a right to access our waters prior to 31st December anyway. So it is a complete overstatement to suggest that any Jersey Minister sold the Jersey fishing industry down the river because they have not. What they have done is make difficult decisions in the best medium and long-term interests of Jersey and the fishing industry. It is important that we make decisions in the best long-term and medium-term interests of Jersey because our relationship with France and our relationship with Brussels is fundamental to the entire Island's cultural and economic interests.

The Deputy of St. Martin:

I thank the Minister for his answer. Could I just add, before I close, I too agree that the transitional amnesty was the right thing to do, absolutely. Thank you, Chair.

The Connétable of St. Brelade:

Are there any other further questions from the panel? No? In that case, Ministers, I would thank you both for your continued efforts in your work in this area. I would just note, for the public's point of view, these negotiations have been going on since 1204. Unlikely that we are going to resolve all issues today. Minister, thank you and your team for attendance and we look forward to talking to you again in due course. Thank you very much.

[15:39]