

STATES OF JERSEY



DRAFT EUROPEAN UNION (AMENDMENT – WITHDRAWAL AGREEMENT) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 28th January 2019
by the Minister for External Relations**

STATES GREFFE



Jersey

DRAFT EUROPEAN UNION (AMENDMENT – WITHDRAWAL AGREEMENT) (JERSEY) REGULATIONS 201-

REPORT

This amendment to the interpretation provision of the [European Union \(Jersey\) Law 1973](#) makes it clear in Jersey law that if a Withdrawal Agreement is concluded between the United Kingdom and the European Union, the arrangements will apply to Jersey during any transition period only in so far as they apply now (via Protocol 3).

Article 3 of the draft Withdrawal Agreement already states that the Withdrawal Agreement extends to the Channel Islands and the Isle of Man, “to the extent that Union law was applicable to them before the date of entry into force of this Agreement”. This amendment provides similar clarity, in Jersey law.

Financial and manpower implications

There are no financial or manpower implications for the States arising directly from the adoption of these draft Regulations.

Explanatory Note

These Regulations would amend the interpretation provision of the European Union (Jersey) Law 1973, to add explanatory material about the meaning of “the arrangements for the Channel Islands set out in the Treaties”. Those arrangements determine which parts of European Union law are directly applicable in Jersey.

The amendment makes express provision that those arrangements include the arrangements in the main document governing Jersey’s relationship with the European Union, namely Protocol 3 to the Act annexed to the treaty of accession of the United Kingdom to the European Economic Community (as it was at the time of the accession, in 1972). It also clarifies that the arrangements include those under an EEC Regulation (No 706/73) made in 1973, under Protocol 3, dealing with trade in agricultural products, along with a subsequent amending EEC Regulation (No 1174/86) made in 1986.

The amendment then adds provision that, if a Withdrawal Agreement is concluded between the United Kingdom and the European Union under Article 50 of the Treaty on European Union, the “arrangements” will include the arrangements that would be made under that Agreement for the relevant parts of European Union law to continue to be directly applicable to Jersey via Protocol 3 during any transition period.

The Regulations would come into force on the day after they were made.



Jersey

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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Articles 5A and 6A of the European Union Legislation (Implementation) (Jersey) Law 2014¹, have made the following Regulations –

1 Amendment of European Union (Jersey) Law 1973

After Article 1(4A) of the European Union (Jersey) Law 1973² there is inserted –

“(4B) For the purposes of this Law a reference to the arrangements for the Channel Islands set out in the Treaties is to be taken to include a reference to –

- (a) the arrangements provided for in Protocol No 3 (OJ No L 73, 27.3.72, p. 164) of the Act annexed to the treaty described in sub-paragraph (a) of the definition “Treaties” in paragraph (1);
- (b) the arrangements provided for in Regulation (EEC) No 706/73 of 12 March 1973 (OJ L 68, 15.3.1973, p. 1) concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products;
- (c) the arrangements provided for in Council Regulation (EEC) No 1174/86 of 21 April 1986 (OJ L 107, 24.4.86, p. 1) amending Regulation (EEC) No 706/73 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products; and
- (d) if a withdrawal agreement is concluded under Article 50 of the Treaty on European Union between the United Kingdom and the European Union, the arrangements provided for in that withdrawal agreement for the continued effect in Jersey of the arrangements described in sub-paragraphs (a) to (c).”

2 Citation and commencement

- (1) These Regulations may be cited as the European Union (Amendment – Withdrawal Agreement) (Jersey) Regulations 201-.
- (2) These Regulations come into force on the day after they are made.

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- ¹ *chapter 17.245*
² *chapter 17.210*