

2.11 Deputy K.C. Lewis of the Chief Minister regarding any plans to revise Protocol 3 under the new draft treaty of the European Constitution:

Would the Chief Minister advise Members whether he has been notified of any plans to revise Protocol 3 under the new draft treaty of the European Constitution and, if so, will he also advise whether any pressure has been brought to bear in relation to any changes which specifically affect Crown dependencies, including the Channel Islands?

Senator F.H. Walker (The Chief Minister):

In 2003 the then Policy and Resources Committee was notified of plans to review Protocol 3 as part of drafting the then proposed European Constitution. A new protocol was proposed to cover the dependant territories of all the member states, for example, Gibraltar, the Channel Islands, the Isle of Man and the Canary Islands. Jersey's Law Officers and the Policy and Resources Department were closely involved in discussions on the new protocol, and they proposed a number of minor amendments to the draft. The principal objective in these discussions was to ensure that any changes were limited only to necessary minor and insubstantial drafting revisions. Jersey's present relationship with Europe would remain unchanged in legal effect, notwithstanding any modifications to the text of the treaty. There have been no further plans to revise the protocol and no pressure has been brought in relation to Jersey as part of this process. According to accepted constitutional practice, the U.K. (United Kingdom) will be required to seek the approval of the States of Jersey before any new provisions are agreed.

2.11.1 Deputy K.C. Lewis:

I thank the Chief Minister for his reply, Sir. The European Union has just celebrated its 50th birthday. The chairmanship is now passed to Germany under the presidency of Chancellor Myrtille who has made it clear that all countries of the European Union and affiliated nations will be encouraged to bring in tax harmonisation. Will the Chief Minister be opposing this? Thank you, Sir.

Senator F.H. Walker:

Yes, Sir. As will the U.K. government as well, unless things change materially, Sir.

2.11.2 Deputy P.V.F. Le Claire:

I wonder if the Chief Minister might circulate the proposals that were drafted in 2003 for the new protocol with the amendments that were suggested by the Law Officers at the time to all Members so that they might be made aware as to what the contents of those were and the relevance of those amendments?

Senator F.H. Walker:

I will take advice. I can assure the Deputy and the House it was nothing of any significance whatsoever, but I will take advice on whether or not they can be circulated and, if so, will do so.