

**QUESTIONS TO BE ASKED OF THE PRESIDENT OF THE POLICY AND RESOURCES
COMMITTEE ON TUESDAY 1st APRIL 2003,
BY DEPUTY R.G. LE HERISSIER OF ST. SAVIOUR**

Question 1

Will the President inform members whether the Policy and Resources Committee will review the matter of Jersey-born passport holders who, under Protocol 3 of the Treaty of Accession of the United Kingdom to the European Community, are not entitled to live and work in the European Union?

Answer

No.

The Island is not a separate member state, nor is it an associate member state of the European Union. The Island's relationship with the European Union is defined by Protocol 3 to the Treaty of Accession of the United Kingdom to European Economic Community.

Article 299.6 of the EC Treaty provides that the Treaty shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those Islands as set out in Protocol 3, and those arrangements apply to the free movement of industrial goods and agricultural products. Other elements of the Treaty, including the free movement of persons, the free movement of services and fiscal harmonisation, are not covered by the Protocol.

In a speech made by the then Rt. Hon. Geoffrey Rippon, Q.C., MP, Chancellor for the Duchy of Lancaster to the States of Jersey on the 19th November 1971, the issue of free movement of people was fully explained, and accepted by the States of the day. Members will find attached an extract of this speech.

To revisit the issue of free movement of people, in order for Jersey-born passport holders to be entitled automatically to live and work in the European Union, would require revisiting the entire Treaty. The EU is unlikely to be willing to examine the applicability of the Treaty on a piecemeal basis. Even if it were, any change in the arrangements for the Island could involve revisiting the whole relationship between the Island, and indeed the other Islands, and the European Union. This would involve changes to the Treaty of Accession and could in turn require amendments of the EC Treaty itself, which would require the agreement of the U.K. and all 14 other member states.

As such, no review of this matter is, therefore, intended.

Question 2

Will the President describe what steps the Committee will take, if any, to involve States members more fully in the formulation of international affairs policy in the future?

Answer

As I have said previously, both in the speech I made during the election for the presidency of Policy and Resources Committee and, more recently, in response to questions asked in this Assembly, it is my intention, and that of the Policy and Resources Committee, to operate in an even more open manner than ever before and to involve more States members in the development of major policies. My Committee is continuing to work with the Privileges and Procedures Committee on proposals for greater information sharing with and involvement by members and I am sure that we will come forward with clear proposals in the very near future.

What I should add, however, is that the question appears to be set within a context that major decisions are somehow being made behind closed doors in relation to international affairs. I can assure members that this is not the case and, as long as I have been on the Policy and Resources Committee, it certainly never has. Neither I, nor the Policy and Resources Committee would countenance such action and fully recognise the absolute need and indeed the right for all States members to be involved in major international policy decisions.

It must, of course be remembered that the decision to approve Protocol 3 of the Treaty of Accession of the United Kingdom to the European Community, the matter to which the Deputy's first question referred, was a States decision and that full consultation did take place at that time. It was not a matter which could possibly be decided by one or more Committees.

Examples of other major issues that we recently brought to this Assembly and which could not possibly have been dealt with by Committee alone were:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms - Individual Right to Petition, (P.110/2002); and,
- the Tax Information Exchange Agreement with the United States of America, (P.172/2002).

In the near future, we will be bringing forward a proposal regarding Protocol 13 of the European Convention on Human Rights in connection with the abolition of the death penalty and, of course, in due course we will be asking the States to consider proposals in relation to the EU Tax Package.

There always has been and will continue to be a whole range of international matters upon which the States will have to decide and we will continue to ensure that all significant international policy matters are brought before this Assembly and, that States members and others, as has been the case hitherto, are openly and actively involved in policy formulation.