

**INTERNATIONAL CONVENTIONS AND AGREEMENTS - PROGRESS REPORT FOR THE PERIOD 1ST  
APRIL 1998 TO 30TH SEPTEMBER 1998**

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**Presented to the States on 19th January 1999  
by the Policy and Resources Committee**

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**STATES OF JERSEY**

**STATES GREFFE**

140

1999

R.C.2

Price code: C

## **REPORT**

This report contains a list of international treaties, conventions and agreements that have been referred formally to the Insular Authorities during the six months from 1st April 1998 to 30th September 1998, and those from earlier reports on which discussion or consultation continues to take place.

### **International Labour Organisations**

The Island is party to a number of Conventions under the auspices of the International Labour Organisation. A number of Conventions require reports to be submitted on a regular basis.

The following reports were requested during the six months period -

- Convention 2 - Unemployment 1919
- Convention 5 - Minimum Age (Industry) 1919
- Convention 8 - Unemployment Indemnity (Shipwreck) 1920
- Convention 29 - Forced Labour
- Convention 44 - Unemployment Provision 1934
- Convention 87 - Freedom of Association and Protection of the Rights to Organise 1948
- Convention 108 - Seafarers' Identity Documents

## **Part One - new issues referred to the insular authorities**

### 1. United Nations Convention on Contracts for the International Sale of Goods

*Purpose:* The Convention, which was adopted by a Diplomatic Conference in Vienna, April 1980 and came into force in January 1988, provides a uniform law for the international sale of goods. It enables the United Nations to play a more active role in reducing or removing legal obstacles to the flow of international trade.

*Action:* The Insular Authorities have engaged in a consultation process to ascertain whether it would be desirable for the Convention to be extended to Jersey.

### 2. Council of Europe Cultural Convention

*Purpose:* To achieve a bilateral cultural Convention between members of the Council as well as to pursue a policy of common action designed to safeguard and encourage the development of European culture. It covers the study of languages, history and civilization which is common to all European states.

*Action:* The Insular Authorities have indicated that they would be grateful if a declaration could be produced extending the Convention to Jersey. The urgency is due to the fact that the Jersey Maritime Museum is a candidate for the European Museum of the Year Award, and the award administrators have a rule which requires all participants to come from countries which are party to the European Cultural Convention, and this needs to be achieved by May 1999.

### 3. European Agreement on Reciprocal Arrangements for Orange Badge Holders

*Purpose:* To standardize disabled parking permits across the European Union.

*Action:* The Insular Authorities have indicated that they would like to take advantage of the suggestion of the Home Office legal advisers and liaise with the Department of the Environment, Transport and the Regions (DETR) on the design of the Jersey card in order to achieve reciprocity on an informal basis.

### 4. Locarno Agreement Establishing an International Classification for Industrial Designs

*Purpose:* The Agreement establishes a classification for industrial design.

*Action:* The Insular Authorities believe it would be sensible, especially as Jersey will eventually have new legislation on design rights similar to that of the United Kingdom, for the Agreement to be ratified on behalf of the Island, if this is possible.

### 5. Draft United Kingdom Maritime Bill to address sub-standard and universal ships-oil pollution response, International Convention on Oil Pollution Preparedness, Response and Co-operation

*Purpose:* To respond to and co-operate in oil pollution incidents.

*Action:* The Insular Authorities are considering whether the Convention should be extended to Jersey and if it should be implemented by local legislation or by extension of United Kingdom legislation through Order in Council.

### 6. Sea carriers' liability for claims arising from the carriage by sea of passengers and their luggage

*Purpose:* To ensure that adequate compensation is available to meet claims arising from the carriage by sea of passengers and their luggage.

*Action:* The Insular Authorities have made no comment on what is proposed but have asked that they be kept informed of any further developments.

### 7. United Kingdom Trade Marks Act 1994

*Purpose:* This Act introduced a number of new provisions and in particular made provision for international trade marks and for the Community Trade Mark System.

*Action:* The Insular Authorities are considering whether there is a need to incorporate into a new Trade Marks Law

provisions dealt with by the Paris Convention 1883, in order for the Island to participate in the Community Trade Mark System, and whether an official request should be made for the Paris Convention to be extended to Jersey.

#### 8. United Kingdom Trade Marks Act 1998

*Purpose:* This Act seeks to accommodate both Community and Madrid Protocol Trade Marks.

*Action:* As the Island is not a member State or a signatory of the Paris Convention, its entities are not entitled to hold Community Trade Marks. Jersey's domestic legislation is now being actively reviewed so that the Island may be able to provide specific proposals for dealing with the international and Community aspects of the United Kingdom Trade Marks Act.

#### 9. European Judicial Network

*Purpose:* To speed up and improve the effectiveness of international and judicial co-operation in criminal matters by helping European Union judicial authorities make direct contact with their counterparts in other Member States.

*Action:* The European Judicial Network is being extended to Jersey. The Insular Authorities have nominated the Attorney General as the contact point in the Island for requests for legal assistance.

#### 10. European Community Regulation to set limits for lead and cadmium in foodstuffs

*Purpose:* To set maximum limits for lead and cadmium in foodstuffs.

*Action:* The European Commission has proposed maximum limits for lead and cadmium in foodstuffs. The Insular Authorities have indicated that when firm proposals are agreed they would wish to see similar standards adopted in Jersey.

#### 11. Customs Convention on the International Transport of Goods under Cover of the TIR Carnets 1975

*Purpose:* To standardize the conditions governing the international transport of goods under cover of the TIR convention.

*Action:* Amendments have been made to the TIR Convention which was extended to Jersey and these will come into force on 17th February 1999.

#### 12. British/Irish Agreement on Northern Ireland

*Purpose:* The agreement involves the total and absolute commitment to exclusively democratic and peaceful means of resolving political differences through partnership, equality and mutual respect.

*Action:* The Policy and Resources Committee has proposed that representatives of the Island should participate in the British-Irish Council to be formed as part of the British - Irish Agreement on Northern Ireland.

#### 13. United Kingdom - Italy Co-Production Agreement

*Purpose:* An agreement between the United Kingdom and Italy concerning the mutual co-operation in the production of films and the resulting increases in financial and cultural exchanges.

*Action:* The Insular Authorities have been advised by the United Kingdom Department for Culture, Media and Sport that there would be no advantage at this time for Jersey to be included in the agreement.

### **Part Two - existing matters resubmitted to the Insular Authorities**

Nothing to report.

### **Part Three - those referred to in earlier reports where there has been no action since the previous reports**

#### 1.(a) Bern Convention on European Wildlife and Natural Habitats (The Habitats Directive)

*Purpose:* To conserve wild flora and fauna and their natural habitats especially across borders.

*Action:* Further consultation concerning the application of the Convention will follow the enactment of the proposed Conservation of Wildlife (Jersey) Law.

#### (b) Bern Convention on the Conservation of Wild Fauna and Flora

*Purpose:* To provide enabling powers for relevant authorities to form a joint management scheme and for those authorities to use their existing powers, within the framework of the management scheme, to manage those sites designated as being of high ecological value in light of conservation objectives.

*Action:* Further consultation concerning the application of the Convention will follow the enactment of the Conservation of Wildlife (Jersey) Law.

## 2. Bonn Convention on Conservation of Migratory Species - new Agreement on the Conservation of African-Eurasian Migratory Waterbirds

*Purpose:* To protect particular species of migratory waterbirds which are under threat.

*Action:* The Agreement will be implemented through the Conservation of Wildlife (Jersey) Law when enacted.

## 3. United Nations Convention on Independent Guarantees and Standby Letters of Credit (UNCITRAL)

*Purpose:* To establish uniform rules on guarantees and to examine the desirability and feasibility of any future work towards a uniform law.

*Action:* This matter remains under consideration.

## 4. United Nations Convention on Pyschotropic Substances

*Purpose:* To monitor trade between the European Community and third countries in substances frequently used for the illicit manufacture of narcotic drugs and psychotropic substances for the purpose of preventing the diversion of such substances.

*Action:* A response is awaited to the view of the Insular Authorities that the Misuse of Drugs (Jersey) Law, as amended, is sufficient to permit ratification of the Convention to be extended to the Island.

## 5. Vienna Convention for the Protection of the Ozone Layer

*Purpose:* To extend trade controls to methylbromide prohibiting its trade with non-parties, to require that all parties have a licensing system in place for imports/exports of controlled substances, and to require Parties in non-compliance to ban exports of used, recycled and reclaimed controlled substances.

*Action:* This matter is under consideration by the Law Officers.

## 6. European Convention on the use of information technology for Customs purposes - (The Customs Information System (CIS) Convention)

*Purpose:* To strengthen customs co-operation between Member States to combat the increased risk resulting from the completion of the single market and the abolition of routine customs checks on goods and people crossing frontiers.

*Action:* The Insular Authorities have expressed the wish to be included in the United Kingdom's ratification of the Customs Information System Convention, which is the legal basis for inter-governmental information exchanges between Member States relating to customs matters which are outside community competence, such as illicit drug trafficking.

## 7. UNESCO Unidroit Convention on Stolen or Illegally Exported Cultural Objects

*Purpose:* To curb illicit trade in cultural property in a way which achieves a proper balance between the interest of the legitimate trade in such property and the victims of illicit activity.

*Action:* The Insular Authorities are of the view that it would be in Jersey's best interests to be included in the United Kingdom's ratification of this convention. It is preferred, however, that Jersey waits until the United Kingdom has decided on the form of legislation it proposes to introduce, before making a final decision on the form of the domestic legislation required in order to implement the Convention.

8. United Kingdom and Union of Soviet Socialist Republics 1968 Treaty on Merchant Navigation - The State Immunity (Merchant Shipping) Order 1997

*Purpose:* The State Immunity (Merchant Shipping) Order 1997 implements the 1974 Protocol to the 1968 United Kingdom and Union of Soviet Socialist Republics Treaty on Merchant Navigation.

*Action:* The Insular Authorities has made no comment in relation to the Review of Treaty on Merchant Navigation between the United Kingdom and Union of Soviet Socialist Republics and related Protocols.

9. European Convention for the Protection of Animals for Slaughter

*Purpose:* To introduce general rules governing the movement, lairaging, restraint, stunning and slaughter of domestic solipeds, ruminants, pigs, rabbits and poultry with a view to harmonizing these practices in Member States of the Council of Europe.

*Action:* The Insular Authorities have requested that Jersey be included in the United Kingdom's ratification of this Convention.

10. European Community Distance Selling Directive

*Purpose:* To approximate European Union Member States' laws on contracts between suppliers and consumers for goods and services solicited and concluded at a distance, as part of a sales or service provision scheme, which do not involve the seller and consumer coming into face-to-face contact. Designed to perfect the internal market for goods and services.

*Action:* Discussions are continuing with the Law Officers Department on the application of the Directive to the Island.

#### 11. Energy Charter Treaty

*Purpose:* To liberalise energy markets across Europe and the former Soviet Union and to promote investment in the energy sectors of the new democracies in Eastern Europe and the Republics of the former Soviet Union.

*Action:* Discussions are continuing with the Law Officers Department on the implications for the Island of an amendment to the trade-related provisions of the Treaty and a Supplementary Treaty which will open up investment in the energy sector and provide further comfort for investors.

#### 12. Brazil Extradition Treaty

*Purpose:* To allow extradition arrangements to be established with Brazil.

*Action:* The Insular Authorities are of the view that the Brazil Treaty should not be extended until the 1989 Extradition Act has been modified in its application to the Island.

#### 13. The Plant Protection Products Regulations 1995, The Plant Protection Products (Amendment) Regulation 1996, European Union Directive 91/414/EEC

*Purpose:* To provide the market with plant protection products

*Action:* The Insular Authorities have indicated that they would be content for the United Kingdom Pesticides Safety Directorate to inspect plant protection products on behalf of Jersey applicants and in due course would amend the Pesticides (Jersey) Law 1991 to take account of this change.

#### 14. Council Of Europe Convention on Protection of Farm Animals

*Purpose:* To introduce general rules to protect animals kept for farming purposes.

*Action:* The Insular Authorities are currently examining their animal welfare legislation with a view to introducing new legislation to cover 'domestic' and 'farm' animals. This will have regard for the points outlined in the Annex to E.C Directive 98/58.

#### 15. United Nations Convention on the Rights of the Child and Juvenile Employment

*Purpose:* To promote human rights by extending special safeguards on care and protection of children.

*Action:* This matter remains under consideration by the Law Officers.

#### 16. European Community Directive concerning the Placing of Biocidal Products on the Market

*Purpose:* To control the authorisation and the placing on the market for the use of biocidal products within the Member States of the EU.

*Action:* The Insular Authorities believe that the proposed EC Directive on the Placing on the Market of Biocidal Products should be implemented in the Island, and that this can be achieved by the introduction of controls on imports and exports of the products concerned which do not bear the European Community Mark.

#### 17. Agreement on Trade Related Aspects of Intellectual Property Rights - TRIPS legislation

*Purpose:* To provide a modern system for the protection of international property rights at least matching the internationally accepted minimum levels laid down by the Agreement.

*Action:* The Insular Authorities are currently taking steps to enact legislation in the area of intellectual property which will be compatible with the Agreement on Trade Related Aspects of Property Rights (TRIPS). This will enable the World Trade Organisation Agreement to be extended to Jersey.

### **Part Four - those referred to in earlier reports where there has been a decision since the previous report**

#### 1. Maritime Security (Jersey) Order 1996, the 1996 Protocol to amend the 1976 Convention on Limitation of Liability for Marine Claims



*Purpose:* Builds on the 1976 Convention which establishes common procedural rules for limitations of liability in respect of general maritime claims. The Protocol sets higher limits on shipowner liability for general maritime claims.

*Action:* The Protocol is unlikely to come into effect before the year 2000, and the Insular Authorities have indicated that they do not wish the Merchant Shipping (Convention on Limitation of Liability for Maritime Claims) (Amendment) Order 1998 to be extended to Jersey in the interim.

## **Part Five - matters where a decision has been made by the Insular Authorities - extension awaited**

### 1. Multilateral Agreement on Investment

*Purpose:* To facilitate direct investment between countries on a non discriminatory basis.

*Action:* The Insular Authorities have indicated on a number of occasions their wish to have the Multilateral Agreement on Investment extended to Jersey through the extension of the United Kingdom's ratification of the Treaty. This has been put back to 1999 and there are a number of issues covered by the Agreement on which the negotiating parties have yet to agree.

### 2. United Nations Framework on Climate Change

*Purpose:* The monitoring of emissions of greenhouse gasses.

*Action:* The Insular Authorities have indicated that they wish Jersey to be included in the United Kingdom's ratification of the Kyoto Protocol to the United Nations Convention on Climate Change. This Protocol sets targets for Europe to reduce its emissions of the six main gases that cause climate change to eight per cent below 1990 levels between 2008 to 2012.

## **Part Six - matters where a decision has been made by the insular authorities - awaiting legislation**

### 1. Convention on the Prohibition of the Development, Production, Stockpiling and use of chemical weapons - Chemical Weapons Act, 1996

*Purpose:* To achieve effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction.

*Action:* The Chemical Weapons Act 1996, will be extended to Jersey by Order in Council. The Department of Trade and Industry have confirmed that the Open General Import Licence has now been extended to Jersey

## **Part Seven - matters resolved**

### 1. Asbestos waste

*Purpose:* Transboundary shipment of hazardous waste is governed internationally by the Basel Convention, which lists household waste in its Annex II.

*Action:* Jersey and the United Kingdom have entered into a Memorandum of Understanding, which allows exports of certain wastes from Jersey for disposal in the United Kingdom. The United Kingdom has agreed to amend the memorandum of understanding so that asbestos is included on the list of wastes that the United Kingdom currently accepts from Jersey for disposal.

### 2. Approximation of Provisions relating to Propriety Medicinal Products (European Union Directive - 75/319/EEC)

*Purpose:* Requires any manufacture of propriety medicinal products to fall within the requirements of the Directive.

*Action:* The European Union Directive has already been implemented in Jersey by the Medicines (Jersey) Law 1995.