

Government of Guernsey (States of Guernsey) – Written Evidence (E000034)

House of Lords European Affairs Committee Inquiry on The Future UK-EU relationship

Written Evidence Submitted by the Government of Guernsey (States of Guernsey) and the Government of Jersey

Executive Summary

The governments of Guernsey and Jersey have submitted this evidence to help the House of Commons European Scrutiny Committee ('the Committee') to address the following questions set by the Committee in relation to culture, education and mobility:

- 14. How important are cultural and educational links to the overall UK-EU relationship and the UK's soft power?*
 - c. How has Brexit impacted school visits between the UK and the EU?*
- 16. What has been the impact of the TCA's mobility provisions on UK businesses and individuals, and particularly on young people?*
 - a. Is the cultural sector well served by the current arrangements?*
 - b. Is the travel sector well served by the current arrangements?*
 - c. To what extent is it possible to distinguish between the impact of Brexit-related restrictions to business mobility on the one hand, and Covid-related travel restrictions and working patterns on the other?*
 - d. Have Brexit-related restrictions to mobility become more apparent as international travel has resumed?*

This evidence outlines the constitutional relationships between Guernsey (and the wider Bailiwick, including the islands of Alderney and Sark ('the Bailiwick of Guernsey')), Jersey (together 'the Channel Islands'), the United Kingdom ('UK') and the European Union ('EU').

It also sets out the Channel Islands' relationship with the EU before and after the UK withdrew from the EU; some aspects of the relationship changed, and others did not. It covers the following areas:

- **The Channel Islands International Identity**
- **Pre-Brexit relationships and representation to the EU**
- **Mobility**
- **Culture**
- **Education**

The Channel Islands International Identity

The Bailiwicks of Jersey and Guernsey are self-governing, democratic jurisdictions with the right to self-determination.

The UK Parliament does not and should not legislate for Jersey or Guernsey without their consent in domestic matters. However, due to the Bailiwicks' historic and special relationship with the Crown, the UK is responsible for the islands' formal international relations and defence. This responsibility exists even where the Bailiwicks' interests differ from those of the UK.

In 2008 the UK Government recognised that Jersey and Guernsey have international identities that are different from that of the UK and that it was appropriate that the Islands had greater autonomy in their international relations^{1,2}.

Each of the Crown Dependencies is a separate jurisdiction and should be distinguished from each other by the UK. The UK has a role to play both in representing the Islands internationally and in supporting the Islands to continue to develop their international identities. It is recognised that the actions of the UK in the international arena need to be taken having regard to the Islands' international relations, policies, and responsibilities.

Pre-Brexit relationships and representation to the EU

Neither Guernsey nor Jersey have ever been Members of the EU (either in their own right or as part of the UK's membership).

Prior to Brexit, there was a formal relationship between the Channel Islands and the EU which was governed by Protocol 3 to the UK's Treaty of Accession to the European Economic Community in 1972 ('Protocol 3'). This relationship, amongst other things, allowed the Islands to be in the EU Customs Territory and to benefit from free movement of industrial and agricultural goods. Certain limited agreements which the UK was party to, because of its relationship with the EU, applied to the Islands insofar as Protocol 3 applied.

Beyond the formal Protocol 3 relationship, Jersey and Guernsey were treated as jurisdictions outside of the EU (i.e. a 'third country') for trade in services (including financial services), data protection and data sharing. As third countries, and due to the Bailiwicks' location and close trading relationships with both the UK and other EU Member States, the Bailiwicks voluntarily implemented appropriate EU legislation and applied relevant international standards to facilitate such relationships, pursuing a 'good neighbour' policy.

Jersey and Guernsey agreed a new Customs Arrangement with the UK in 2018 and secured extension of the UK's membership of the World Trade Organization (WTO).

¹ [Framework for developing the international identity of Guernsey](#)

² [Framework for developing the international identity of Jersey](#)

The Customs Arrangement and the WTO extension came into effect on 1 January 2021.

Both Jersey and Guernsey continue to be part of the Common Travel Area ('CTA').

The Channel Islands Brussels Office ('CIBO') was established in 2011 as the joint office of the governments of Guernsey and Jersey. CIBO's role is to lead and coordinate the Channel Islands' engagement with the EU and to advise Guernsey and Jersey's governments on EU policy developments relevant to the islands' interests.

Jersey and Guernsey's regional relationship with France was, and still is, managed with the assistance of the Bureau des Îles Anglo-Normandes ('BIAN'). BIAN has been operational since 2014 and represents the governments of Guernsey and Jersey in France.

Mobility

- 16. What has been the impact of the TCA's mobility provisions on UK businesses and individuals, and particularly on young people*
- a. Is the cultural sector well served by the current arrangements?*
 - b. Is the travel sector well served by the current arrangements?*
 - c. To what extent is it possible to distinguish between the impact of Brexit-related restrictions to business mobility on the one hand, and Covid-related travel restrictions and working patterns on the other?*
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The Channel Islands are located in the Bay of Granville off the north-west coast of France. Historically, the islands formed part of the Duchy of Normandy – and the constitutional links between the islands and the British Crown originated from the monarch's role as successor to the Duke of Normandy.

The historic and cultural links with France, the geographic proximity of the islands to the French coast, and the family ties that exist for many Islanders all contribute to the particularly strong links with our neighbours in both Normandy and Brittany.

As a result of the UK's withdrawal from the EU, the use of passports has become a requirement for all passengers travelling directly to the Channel Islands from outside the CTA. Prior to this change, the use of national ID cards by travellers for entry was accepted for EU, EEA and Swiss Nationals. This change and the associated consequences are regularly raised with the Islands by French interlocutors.

Historically, France has accounted for the majority of Jersey's day visit market (in 2019, 70% of all day visits were made by French visitors). Post-Brexit, French visitors now require a passport to enter the CTA and can no longer use solely their national ID card.

This has significantly impacted visitor numbers. Total holiday visits to Jersey during June were down -42% compared to June 2019, with a much larger decrease in holiday day visits (-69%) than overnight holiday visits (-38%), largely driven by the French day visit market. This is assessed to be due to reduced capacity on the French sea routes and Brexit-related impacts due to national ID cards no longer being accepted for travel to Jersey (and the UK). France is at -73% by number of visitors, but -21% for overnights, which shows the day trippers are the ones no longer coming.

To note that less than half of French citizens (49%) own a passport, which is now required for travel to the Channel Islands, whereas 84% of French citizens hold a National ID card. Nearly half surveyed this year (45%) still believed that a National ID card was valid for entry to the UK, highlighting the need for greater clarity regarding requirements.

Passenger numbers through the ports in Guernsey also remain below 2019 levels. Total passenger movements through the harbour during 2022 are on average -34% on 2019 levels, and for travel from France the numbers are markedly lower. Passenger movements from St Malo are -61% and passenger movements from Diélette (Normandy) are -78%. While some of the reduction in passenger movements could be attributed to passenger desire to travel further afield, following the lifting of Covid travel restrictions in many places, it is likely that much of the reduction is related to a decrease in the number of daytrips available and, for passengers from the EU, the requirement to have a passport to enter the CTA.

For air travel into Guernsey, analysis of passenger movements through the airport indicates that business travel, which previously would have included many passengers on return daytrips to/from the island, has not returned to pre-pandemic levels due to the increased use of technology such as videoconferencing.

It might not be possible definitively to differentiate between Brexit-related mobility issues and Covid-related issues (including passenger reluctance to travel) at this stage. However, it is likely that these trends will become more apparent as time passes, as anecdotal and statistical evidence suggests that the passport requirement for EU nationals travelling to the Channel Islands is becoming more of a barrier to travel than any Covid-related restrictions; and visa-free travel by islanders to the EU is now limited.

Attention will also need to be given by the Islands in future to any additional requirements implemented for British nationals travelling to the EU, including the EU Entry/Exit System and the European Travel Information and Authorisation System, and any impacts they may have for travellers from the islands, as well as future additional requirements for EU nationals travelling to the islands such as the planned UK Electronic Travel Authorisation Scheme. These could further constrain the movement of passengers between the islands and France.

Ferry companies operating from France to the Channel Islands have alerted both

French and Channel Islands authorities that this will certainly impact the economic viability of the southern and western routes. The ferry company, subsidised by the departmental council of la Manche (Manche Iles Express) operating from Normandy ports to the Channel Islands, has already informed us at political level that they have registered a downfall of over 60% last summer 2022 which means that the company would only survive for two years before they cease all activities. 'Spontaneity bookings' have been lost.

Another particular area where difficulties now exist for the movement of young people is in relation to internships. Prior to the UK's withdrawal from the EU, it was common for young people, particularly from the neighbouring regions of France, to come to the islands to undertake internships in various sectors. The current immigration rules no longer provide a route for such internships to take place in the islands, which limits the possibilities for young people from the EU to spend time in the Channel Islands and so reduces the opportunities for cultural exchange.

Changes to entry requirements for British nationals visiting the EU have also had an impact on individuals who own second homes/property in an EU country. Visa free travel for British nationals visiting the Schengen area is now limited to 90 days in a 180-day period (on a rolling basis)¹. Stays for longer than 90 days may require a visa or permit. Given the geographic proximity of the Channel Islands to France many islanders have second homes or other property in the EU and would previously have benefited from unrestricted travel to the EU through the direct travel links between the islands and France. For islanders who do not have EU residence rights, the enjoyment of their property is now constrained by the limits for visa free travel or through the requirement to obtain a visa.

Culture

16. What has been the impact of the TCA's mobility provisions on UK businesses and individuals, and particularly on young people?

a. Is the cultural sector well served by the current arrangements?

c. To what extent is it possible to distinguish between the impact of Brexit-related restrictions to business mobility on the one hand, and Covid-related travel restrictions and working patterns on the other?

d. Have Brexit-related restrictions to mobility become more apparent as international travel has resumed?

A survey of the creative sector was recently conducted in Guernsey to which respondents working within the sector put forward the concerns raised below. Jersey recognises the same concerns.

Cultural organisations in Guernsey have identified four areas of concern related to importing goods into Guernsey (for example artwork, promotional material, sound equipment, instruments). These are: additional time required to complete additional paperwork; large delays in receiving goods (in some cases months); being unable to

source and/or deliver goods; increased costs (and consequently reduced profits) as a result of the additional requirements on import/export.

In addition to difficulties completing required paperwork for export/import of products to the EU, businesses in Guernsey have also reported complications in conducting business with UK based companies following the UK's withdrawal from the EU.

Businesses and organisations have also reported difficulties and uncertainty around procedures and required paperwork to enable performers from the Bailiwick of Guernsey to travel to the EU, and the potential concerns from EU performers around difficulties travelling to the Bailiwick of Guernsey.

Such travel has not taken place as frequently in recent years due to the Covid pandemic and associated travel restrictions, but it is anticipated that difficulties could become more apparent for both Islands in future years as performers look to travel more frequently for events.

In addition to performers, businesses have also reported difficulties in employing sufficient staff to enable events to take place, as seasonal staff would previously have included a large number of EU nationals.

Since the UK's withdrawal from the EU, various levels of restrictions have been in place at different times in the Channel Islands. These have included restrictions on gatherings and travel restrictions on entry (such as vaccine requirements or self-isolation). Some of the difficulties identified by organisations in Guernsey during this period have been attributed to these restrictions, public nervousness around attending large events, and a reduction in travel links due to reduced demand during the pandemic. It is likely that any difficulties related to the UK's withdrawal from the EU will become more apparent in the coming months and years as the islands continue to manage and live responsibly with the virus, and travel links and numbers start to return to pre-pandemic levels.

The effects of both Covid and Brexit have obviously had a double-impact on the creative sectors in both Islands. However, whilst the effects of Covid have been, we hope, temporary in nature, Brexit presents a significant and fundamental structural challenge for the sectors in both Islands which is permanent.

Education

14. How important are cultural and educational links to the overall UK-EU relationship and the UK's soft power?

c. How has Brexit impacted school visits between the UK and the EU?

The geographic proximity of the islands to the French coast and the travel links between the islands and France have made them a popular choice for school trips to and from France.

Prior to the UK's withdrawal from the EU, school groups would often visit the Channel Islands for trips ranging from day trips to multi-day visits. As a result of the UK's withdrawal from the EU, the use of passports has become a requirement for all travellers arriving directly to the Channel Islands from outside the CTA. Prior to this change, as noted above, the use of national ID cards by travellers for entry was accepted for EU, EEA and Swiss nationals.

The changes to entry requirements for EU, EEA and Swiss nationals have had an impact on the numbers of school groups who would previously have visited the islands from the neighbouring regions of Brittany and Normandy as many students may not possess a passport. This change risks diminishing the historic and cultural links that exist between the Channel Islands and France if it is not possible for young people to continue to visit the islands.

Following discussions with the UK Home Office, the Channel Islands have been able to amend entry requirements for students travelling to the islands as part of organised school groups to ensure that such trips can continue to take place. EU, EEA or Swiss nationals under the age of 19 who are part of an organised school group are able to continue to use their national ID cards for entry to the islands until at least 31 December 2025.

This exemption has been granted in recognition of the particular historic, cultural, and geographic links between the Channel Islands and France on a risk-based approach, whilst still maintaining the integrity of the CTA, and demonstrates the importance of tailoring solutions to the islands where practical, proportionate and relevant.

Conclusion

This is a Channel Islands' response to the questions posed by the European Affairs Committee. The joint nature of the response reflects the fact that both islands share many of the same challenges and issues. However, despite the similarities in experience, there will also be some specific issues unique to each Island. This return should be viewed as the Islands' experience at a particular point in time; it is likely that further challenges will arise in the future and will need to be reflected. The relationships with the UK and with the EU are both important for the Channel Islands, now and for their future.

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