



## Robotics Digital Innovation Network



# Project Note: BREXIT Impacts for EC Collaborative Projects

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## History of Changes

Version	Date	Change	Page(s)
1.0	7 Jan 2021	First issue	7
2.0	15 Jun-21	Update on Data Adequacy plus minor edits	
3.0	24-Sep-21	Update on Participation in Horizon Europe, Data Adequacy and Travel Requirements plus minor edits	
3.1	10-Nov-21	Minor corrections	
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# Brexit Impacts

This document attempts to summarise the impact upon EC collaborative projects and, particularly, the Networks of DIHs due to the Brexit Withdrawal Agreement and subsequent trade deal between the EC and the UK.

It should be noted that while these highlighted impacts are ones that directly arise from the concluded treaties, two important caveats need to be made. The first is that in some areas the detail of operation of the principles outlined are subject to further negotiation and agreement. Second, while the trade agreement was conducted by the EC as being areas within its competence, in some areas the issues are shared competences with national states and are therefore open to interpretation, elaboration and / or change by national governments within the EC.

This note is written primarily from a UK perspective, as the primary effect will be upon UK participants in EC projects and programmes. However, from an EC perspective a good summary of the outcome of the trade agreement can be found at [Questions & Answers: EU-UK Trade and Cooperation Agreement \(europa.eu\)](https://ec.europa.eu/eu-uk-trade-cooperation-agreement).

A summary of the main research impacts can also be found at [UK-EU research deal at a glance | Science | Business](#)

Lastly, it should be noted that while every effort has been made to ensure that the information in the document reflects published sources, it cannot be taken as a definitive guide to the legal standing between the EC and the UK in these matters. It should be taken that the material is provided for information only. It would therefore be appreciated if any potential errors or omissions be forwarded to the RODIN project.<sup>1</sup>

Area	Likely or Potential Impact
Participation in H2020	There will be no change as under the deal the UK will continue to contribute to the EC Framework Programme funding
UK recipients of H2020 FSTP grants.	No change. New grants can be issues to UK recipients.
Participation in Horizon Europe	The UK have stated that they will participate in Horizon Europe and so UK partners will be eligible to join consortia. The exact details are subject to further negotiations and agreement, although this is mainly expected to focus on how the UK will contribute to the costs of the programme. It is expected that if the UK successfully negotiates Associated Country status for Horizon Europe then UK organisations will meet the eligibility criteria to be one of the minimum 3 country participants for collaborative projects. However, this latter point cannot be confirmed until the participation negotiations are finalised. As of the date of this update,

<sup>1</sup> Emails can be sent to either [info@rodin-robotics.eu](mailto:info@rodin-robotics.eu) or [info@rurobots.co.uk](mailto:info@rurobots.co.uk)

	<p>agreement with the UK had not been reached (unlike some other countries) and imminent progress seemed unlikely. Therefore, while UK organisations are able to join consortia submitting proposals<sup>2</sup>, if there is no agreement by the time of contracts being issued by the Commission then it is likely UK organisations will be treated as an organisation from a third country<sup>3</sup> (e.g. their participation cannot count towards the minimum number of countries). However, there remains a possibility that, because the UK is negotiating to join Horizon Europe, they will not be counted as a Third Country and participation will be delayed or not allowed for that call.</p> <p>The UK, however, will not participate in some other research programmes, notably Digital Europe, Erasmus+, the Galileo programme (and access to the encrypted military data) and the Innovation Council’s accelerator fund.</p>
Data Protection	<p>The EC has completed its assessment of UK Data Adequacy, which relate to the compatibility of UK data protection laws with the General Data Protection Regulation (GDPR) but also the Law Enforcement Directive (LED). As a result, the EC has adopted “adequacy decisions” in both areas on 28<sup>th</sup> June 2021. This means that the EC believes that the UK ensures an ‘essentially equivalent’ level of protection to that within the EU. Consequently, there is no change to current practice regarding the sharing and control of data.</p> <p>However, it should be noted that there has been resistance to the Commission from the European Parliament specifically related to UK implementation differences primarily with regard to immigration issues and surveillance laws, as well as the possibility of onward data transfers to third countries. In late May 2021, the European Parliament passed a motion asking the Commission to modify its draft decision. They further recommended that if the draft decision is not amended then national data protection authorities should suspend transfers of personal data to the UK. To date, it is not believed and such national action has taken place, although it is possible as this is one of the many areas of shared competence.</p>
Safety / Conformity Certification	<p>From 1<sup>st</sup> January 2021 the UK replaced the CE mark with UKCA mark. However, until 1<sup>st</sup> January 2022 a CE mark will still be accepted as valid in the UK.</p>

<sup>2</sup> [ec\\_rtd\\_uk-participation-in-horizon-europe.pdf \(europa.eu\)](#)

<sup>3</sup> [list-3rd-country-participation\\_horizon-euratom\\_en.pdf \(europa.eu\)](#)

	<p>UK goods sent to the EC will still need to be CE marked but UK conformity assessment bodies may not be recognised by the EU.</p>
<p>Business travel between EC and UK</p>	<p>From 1<sup>st</sup> January 2021 travellers from the UK to the EU (except for Ireland where different rules apply) will require a visa for business travel exceeding 3 month or to work for an EU member state organisation. However, visa free business travel will be allowed in Shengen area member states for up to 90 days in any rolling 180 days. It should be noted that this 90 day period includes any personal or leisure travel and therefore UK firms may need to keep track of all business and personal travel to the EC by its staff to ensure problem free access through customs control. However, this arrangement is a guideline and is subject to individual country rules.</p> <p>Business travel includes attending business meetings, conferences and seminars, interviewing potential staff and negotiating (but not signing) contracts.</p> <p>Note that there is an extensive list of documentation that may be required at customs control and that staff could be refused entry if not fully meeting the requirements. If a member of staff attracts refused status this may result in future refused entry, even with the correct paperwork or when travelling in a private capacity. The documentation that may be required includes:</p> <ul style="list-style-type: none"> <li>• A letter of support from the Employer detailing the reason for the visit</li> <li>• An invitation letter from the host organisation.</li> <li>• Proof of return to the UK, such as travel tickets.</li> <li>• Proof of accommodation in the destination country.</li> <li>• Schengen compliant health insurance with a minimum €30,000 cover (NOT standard travel insurance).</li> <li>• A single state A1 form (proof of paying national insurance (HMRC form CA3822)).</li> <li>• A UK passport with at least 6 months unexpired time (and not older that 9 years and 6 months from the issue date).</li> </ul> <p>It should however be noted that the exemptions from requiring a visa or work permit in country based and should therefore be checked for the individual country being visited.</p>

	<p>Business travel does not generally include providing training, signing contracts, or continuous period long term business travel etc</p> <p>Any business-related travel that does not meet the exemptions criteria will require a work permit. Note that a Visa (standard or Schengen visa) only allows travel to Europe. To work the employee needs a work permit.</p> <p>Work permits are issued on a per country basis. To be granted a work permit the employee will require and employment contract consistent with country collective agreements (e.g. minimum wage, working time)</p> <p>If the employee is to stay for longer than 3 continuous months, they will also probably need a residence permit for the country they are staying in.</p> <p>It should also be noted that the contract being performed by the employee must be directly with an end customer and CANNOT be with a middleman (distributor, suppliers, contractors, etc)</p> <p>UK staff will also need an International driver's license to drive in EC countries and a UK sticker on their car if they take their car abroad (even if it has a GB symbol on the number plate).</p> <p>If you are refused at the border you may get refused status and be refused future entry even if you have the correct paperwork that time.</p> <p>For European workers, "short" business trips to the UK will be allowed without the need for a visa, but a visa will be required for longer trips, working for a UK employer or for studying in the UK. To obtain a work visa in the UK you will need to meet the points based access system. For students you need an offer from an accredited provider.</p> <p>EU visitors can negotiate and sign contracts in the UK on short business trips.</p> <p>EU workers can also carry out consultancy and training for sister or subsidiary companies in the UK.</p> <p>There is agreement for reciprocal access to healthcare. For UK staff visiting the EC an unexpired EHIC or a new UK Global</p>
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	<p>Health Insurance Card (GHIC) will be required, plus travel health insurance as the terms of access to healthcare is country dependent. For EC staff an EHC plus travel health insurance is advised.</p> <p>It is believed that UK organisations will be unable to claim back VAT spent on business trips in the EU unless registered for VAT in the visited country and vice versa. This has a minor effect on the recovery of costs claimed on a grant.</p> <p>It should be noted that from 1<sup>st</sup> January 2021 the UK was no longer automatically exempted from the COVID temporary entry ban to EC countries and, as of the date of publication, of this document is not listed as a safe third-country from the point of view of COVID. However, individual country rules may differ and should be checked.</p>
.eu Web Addresses	From 1 <sup>st</sup> January 2021 UK based individuals and business are not allowed to own or operate .eu websites and domains.
Trade between Great Britain & EU [Trade between Northern Ireland & EU and between Great Britain & Northern Ireland will have different rules]	<p>To move goods between the UK and EU will require the UK organisation to obtain an EORI number starting with “GB”</p> <p>UK organisations wishing to sell products or services in the EU will need to register for VAT with each country serviced or set up an EU based importer. NB this will be simplified for e-commerce transactions when the EC introduces the One Stop Shop VAT return in mid-2021, which will then require VAT registration in just one EC state.</p> <p>UK organisations making purchases from Europe that attract VAT will no longer be eligible to reclaim this under the 8<sup>th</sup> Directive but <i>may</i> be able to make a 13<sup>th</sup> Directive claim.</p> <p>EU based organisations wishing to sell goods or services in the UK will need to be UK VAT registered or, in certain cases, set up a UK importer.</p> <p>[As grant payments are VAT exempt a UK organisation receiving only EC grant payments will not be required to register for VAT in the Coordinator’s European country]</p>
EC citizens working in UK or UK citizens working in EC.	EC citizens working in the UK will need a work permit to work in the UK and vice versa (see further notes above under business travel).
Payments	From 1 <sup>st</sup> January 2021 the Payee address must be included in SEPA Direct Debit instructions to UK organisations otherwise the payment will be rejected.
Recognition of Professional Qualifications	Apart from Legal qualifications, UK qualifications will no longer be recognised in Europe. This includes, for example,

	<p>Engineers so if a qualified engineer is REQUIRED to undertake a certain task (either by law or by contractual terms) then potentially, UK qualified engineers (including EC citizens qualified in the UK) will not be allowed to carry out the task or may need to requalify. However, this is country dependent and some states have already stated that if the qualification was used in their country prior to BREXIT then they will continue to recognise it.</p> <p>The UK continues to recognise European qualifications but for regulated professions there is a need to register with the relevant UK regulator before practicing in the UK [see <a href="https://www.gov.uk/get-your-eu-professional-qualification-recognised-in-the-uk">Get your EU professional qualification recognised in the UK - GOV.UK (www.gov.uk)</a>]</p>
Directorships	<p>Although not specifically covered by either the withdrawal agreement or the trade deal, the rules on holding non-EC Directorships of EC based companies is country dependent. In many cases this specifies the percentage of non-EC directors that may be present on the Board. This would need to be checked for any existing or new associations or companies where a UK Director is in post or being considered.</p>
Contractual Clauses	<p>The UK is no longer part of the EC, EEA, etc so existing contractual clauses should be checked and may need to be changed.</p>