



## Robotics Digital Innovation Network



# Project Note: BREXIT Impacts for EC Collaborative Projects

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## History of Changes

<b>Version</b>	<b>Date</b>	<b>Change</b>	<b>Page(s)</b>
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	
3.2	22 Feb 22	Update on Data Protection	
4.0	25 Mar 22	Update on Participation in Horizon Europe, Business Travel & Safety/Conformity Assessment plus general review and update.	
4.1	6 Apr 22	Minor Corrections	



# 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 and Cooperation Agreement (TCA) 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. It should also be noted that the situation in Ireland is different from other EU countries and, in particular, a Common Travel Area between Ireland and the UK has been agreed which permits free travel between the two.

This note is written with particular emphasis on the UK perspective, as the primary effect will be upon UK participants in EC projects and programmes. However, the major impacts for EC organisations with UK partners are addressed and a good summary of the outcome of the trade agreement from an EC perspective can be found at [Questions & Answers: EU-UK Trade and Cooperation Agreement \(europa.eu\)](#).

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 Trade and Cooperations Agreement 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.

<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)



<b>Area</b>	<b>Likely or Potential Impact</b>
<p>Participation in Horizon Europe</p>	<p>In January 2021 the UK applied to be an associate country for participation in Horizon Europe and this has been agreed in principle. According to the European Commission “The association will enter into force through the formal adoption of a Protocol that is already agreed in principle. No additional negotiations are foreseen.” Once the association is adopted UK entities would have the same rights and obligations as other associated countries, i.e. they can join or even lead programmes, they can funded at the same level as other countries and UK participation would count towards the minimum number of countries in a transnational calls.</p> <p>In theory UK organisations can apply now to Horizon 2020 calls. However, while applications may be accepted, no contracts can be signed by the European Commission until the association is adopted. Therefore, no work can start or funding be granted.</p> <p>In practice it is understood that the adoption process is held pending resolution of a disagreement between the European Commission and the UK regarding the Northern Ireland protocol. As at the time of writing no resolution to this disagreement was evident</p> <p>It should also be noted that the UK 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>
<p>Data Protection</p>	<p>The EC has completed its assessment of UK Data Adequacy, which relate to the compatibility of UK data protections 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>It should however be noted that certain safeguards have been put in place including a review of the decision after 4 years and the provision for a further review if the UK changes its data protection laws.</p>

<b>Area</b>	<b>Likely or Potential Impact</b>
<p>Safety / Conformity Certification</p>	<p>From 1<sup>st</sup> January 2021 the UK replaced the CE mark with UKCA mark. However, until 31<sup>st</sup> December 2024 a CE mark will still be accepted as valid in the UK, meaning that CE marked goods can continue to be sold in the UK until then. After this any goods placed on the UK market will need UKCA certification. UK goods sent to the EC will still need to be CE marked.</p> <p>However, under the Trade and Cooperation Agreement there is no provision for mutual recognition of certification bodies. This means that UK certification bodies are no longer recognised for CE certification and that certification bodies based in EU states cannot certify UKCA products. Therefore, while the requirements for CE and UKCA marks remain similar, products that will be sold in the UK and EU, and which need certified body approvals, will now need to undertake two separate approvals processes.</p>
<p>Business travel between EC and UK</p>	<p>From 1<sup>st</sup> January 2021 travellers from the UK to the EU will require a visa for business travel exceeding 3 months 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 generally includes attending business meetings, conferences and seminars, interviewing potential staff and negotiating contracts.</p> <p>From November 2023 all UK citizens will have to apply for an ETIAS (European Travel Information and Authorization System) in order to enter Schengen area countries. This is not a work Visa and the previous rules about 90 days in any 180 days and business activities will still apply.</p>

<b>Area</b>	<b>Likely or Potential Impact</b>
<p>Business travel between EC and UK continued</p>	<p>Note that there is an extensive list of documentation that, in principle, could 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 than 9 years and 6 months from the issue date).</li> </ul> <p>Anecdotal evidence suggests that such stringent checks are not currently being made, except for checks on passport validity. However, it may be prudent to ensure such documentation is available to prevent problems.</p> <p>It should also be noted that the exemptions from requiring a visa or work permit is country based and should therefore be checked for the individual country being visited.</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>

<b>Area</b>	<b>Likely or Potential Impact</b>
<p>Business travel between EC and UK continued</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 citizens do not need an International Driver’s License to drive in EC countries, unless they still have an old-style paper driver’s license. They also need at least 6 months unexpired time on their passport (which should not exceed 10 years from issue) and a GB sticker on their car if they take their car abroad (even if it has a GB symbol on the number plate).</p> <p>UK citizens should generally apply for a GHIC (Global Health Insurance Card) which provides subsidised access to health treatment in EU countries as well as Switzerland (if a UK or European citizen). It does not provide subsidised access to healthcare in Norway, Iceland or Liechtenstein, although holders of a UK Passport can get access to medically necessary healthcare in Norway. However, the recommendation for all UK citizens visiting the EU is to ensure they have adequate healthcare insurance.</p> <p>The reclaiming of VAT by UK organisations from an EU state or an EU organisation from the UK for VAT spent on business trips in the EU is now more complicated and subject to rules on minimum amounts that can be claimed, unless the organisation registered for VAT in the visited country. This will mean that the reclaim of VAT on such trips is infeasible. In turn, this will have a minor effect on what can be claimed on a grant as VAT is still an ineligible item.</p> <p>EU, EEA and Swiss citizens visiting the UK can enter for holidays or “short” trips without a Visa but they must have a passport which is valid for the entire stay. In general, National Identity Cards are not accepted. Business travel is allowed without a Visa for periods up to 6 months for business-related activities including meetings, events and conferences. Additionally, there are certain Permitted Paid Engagements that can be undertaken without a Visa including giving a lecture or series of lectures or as an academic to be a student assessor or examiner. Business visitors without a Visa may not do paid or unpaid work for a UK company or as a self-employed person, do a work placement or internship, or sell directly to the public or provide goods and services.</p>

<b>Area</b>	<b>Likely or Potential Impact</b>
Business travel between EC and UK continued	<p>Visitors to the UK from the EU may drive using their National Driver's License provided they passed the driving test in the EU.</p> <p>EU &amp; Swiss citizens may use an EHIC issued by their own country to access medically necessary healthcare while in the UK. However, all EU visitors to the UK are recommended to ensure they have adequate healthcare insurance.</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 Schengen area countries and, as of the beginning of January 2021 the UK is not listed as a safe third country from the point of view of COVID. Again, individual country rules may differ and should be checked.</p>
.eu Web Addresses	<p>From 1<sup>st</sup> January 2021 UK based individuals and business are not allowed to own or operate .eu websites and domains.</p>
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. However, from 1 July 2021 online sellers, including online marketplaces/platforms have been able to register in one EU Member State and this is valid for the declaration and payment of VAT on all distance sales of goods and cross-border supplies of services to customers within the EU.</p> <p>UK organisations making purchases from Europe that attract VAT and which are not registered for VAT in the country where the VAT was incurred that attract VAT will no longer be eligible to reclaim this using the EU VAT refund scheme (except this is still open to businesses in Northern Ireland) but potentially may 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>EU organisations making purchases from the UK that attract VAT and which are not registered for VAT in the UK may claim from HM Revenue and Customs using form 65A. However, the minimum amount that can be reclaimed is £130 over a maximum of 1 year.</p>



<b>Area</b>	<b>Likely or Potential Impact</b>
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).
Mobile Phones	The use of UK based mobile phone in the EU and EU based mobile phones in the UK no longer benefit from the guarantee of no surcharges for roaming. This now depends on the policies of individual phone operators and should be checked before 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	<p>Apart from Legal qualifications, UK qualifications will no longer be recognised in Europe. This includes, for example, 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 several 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	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.
Contractual Clauses	The UK is no longer part of the EC, EEA, etc so existing contractual clauses should be checked and may need to be rectified.