

Brexit ‘No Deal’ Technical Notices

Government Advice in the event of ‘No-Deal’

29 November 2018

As we approach the deadline for leaving the European Union (EU) on 29 March 2019, it is possible that the UK could leave without a deal covering the terms of withdrawal and likely future relationship. This means the UK would leave without a transition period and EU laws would no longer apply from the point of exit. This will have a significant impact on all aspects of business activity in Britain and our sector is no different.

The government has published several Technical Notices to try and help individuals and businesses prepare in the event of ‘No Deal’. This briefing serves as an index of all the Technical Notices that are relevant to our sector; some are sector-wide, and others are more specific to particular sports. You can find the full list of published Technical Notices [here](#).

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Sector-wide Notices

Travel and Borders

Passports

In the event of a 'No-Deal' Brexit, the government is advising that UK citizens would be considered as coming from a 'third country' when travelling in European countries that are in the Schengen Area (see below). EU rules state that a third country national can only remain in the Schengen Area for up to three months (90 days). However, in practice the government is advising that passports should have no less than six months to run on them. If your passport has six months or less to run by 29 March 2019 then the government is advising that you renew soon, as there is often a surge in renewals in spring.

If you are travelling to countries not in the Schengen Area, then you will need to follow the usual passport procedures for those countries.

Schengen Area countries are:

- Austria
- Belgium
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- The Netherlands
- Norway
- Poland
- Portugal
- Slovakia
- Slovenia
- Spain
- Sweden
- Switzerland.

Non-Schengen Area countries are:

- Ireland
- Romania
- Bulgaria
- Croatia
- Cyprus.

Common Travel Area (CTA) with Ireland

In the event of a 'No-Deal' the UK government has indicated that Irish citizens would have the same rights in the UK as they have now (the right to work, the right to benefits and to vote) and that UK citizens in Ireland will continue to have the same reciprocal rights.

The government has committed to, as now, limited border checks on Irish and British citizens, but in the event of a 'No-Deal' there are no guarantees that this can be fulfilled. There may be some if a hard border is implemented which will slow down the process of moving between the two countries.

There will however, need to be checks on non-Irish or British Nationals at the border so it is worth making sure that overseas staff and members travelling across the border are aware of the arrangements.

Flights after Brexit

In the event of a 'No Deal', flights between the UK and the EU flights will require bilateral agreements with the respective countries and government is warning of disruption to flights if such agreements can't be reached. In the event of a 'No Deal' it is unclear how long it would take to make these arrangements and it is important to check your travel arrangements with your carrier, particularly if you are travelling immediately after 29 March 2019.

Coach and Bus Operation in Europe

In the event of 'No-Deal' the government is not guaranteeing that UK-issued Community Licenses will be recognised in the EU. These Community Licenses allow for the carriage of passengers in return for payment e.g. for scheduled coach services or for coach holidays. This may cause some delays for coach companies which will have to go through extra authorisation processes and the government has said that this does mean that services can't necessarily be continued.

As a non-EU member, the UK would also leave the Interbus scheme which allows UK companies to operate some services in the EU and beyond. The government intends to reapply to the Interbus scheme, but there are no guarantees of acceptance or that this could be done in time for 29 March 2019.

This means there may be limited access for UK coach services in Europe, particularly if the government is unable to join Interbus for any reason. If you are travelling by bus or coach in Europe after 29 March 2019, it is sensible to make sure the coach or bus company you are using is able to continue operating and contingency planning may be needed.

Border checks may cause delays in some cases also.

Rail Travel after Brexit

The government is advising that any travel between the UK and EU countries by train will have to be based on bilateral engagement in the event of a 'No Deal.' There could be possible disruption as a result and the government has emphasised that ticket holders must make sure their insurance and ticket terms and conditions are sufficient to cover any possible disruption.

Initially this is likely to affect train travel between the UK and Belgium, France, Ireland and the Netherlands. If travelling around the date of Brexit, it is worth checking that both your tickets and insurance are valid and that your travel is still running as scheduled.

Movement of sporting goods and equipment

Businesses can currently move goods freely between EU member states. For customs, this means that businesses trading with the rest of EU do not have to make any customs import or export declarations, and their trade with the EU is not subject to import duty.

In the event of 'No Deal' there would be immediate changes to the procedures that apply to businesses trading with the EU. The UK will be considered a third country for customs purposes in the EU, and UK organisations will have to make import and export declarations.

The [guidance](#) for importers and exporters of goods applies to everyone who will be moving objects in and out of the UK to the EU – even if the movement is for non-commercial purposes, or if the movement is temporary.

Sports organisations will therefore need to consider taking action if they are planning to take teams, kit and equipment to the EU temporarily, because everybody moving goods across borders is subject to customs procedures. This may mean liaising with logistics firms employed on your behalf to make sure they have contingency plans in place.

If you're intending to take items temporarily to and from the EU for sporting activities there will be certain processes you may wish to consider using before, during, and after your trip. For more information see the [detailed guidance](#) for organisations, businesses and individuals in the creative, cultural and sports sectors.

Education and Funding

Erasmus+

Should 'No Deal' occur, the UK government has an Underwrite Scheme and has said it will honour UK applications made up until the Brexit date in 2019 - including those applications made beforehand but accepted afterwards - for the lifetime of the bid. In addition, government has also agreed to extend the underwrite so that organisations eligible for funding between the end of March 2019 and the end of 2020 will also receive funding in a 'No Deal' scenario.

However, government will need to reach agreement with the EU for UK organisations to continue participating in Erasmus+ projects and is seeking to hold these discussions with the EU. If discussions are unsuccessful, the government will engage with member states and key institutions to seek to make sure UK participants can continue with their planned activity.

As such, there is an element of doubt about funding going forward, so if you are considering applying for funding it is suggested that you assess the risks in the event of a 'No Deal' outcome.

Employment and business processes

GDPR and Data Protection

The Data Protection Act 2018 enshrined the EU's GDPR legislation in to UK law and these rules will remain in place in the event of 'No Deal.' However, the legal framework governing transfers of data between the EU and the UK would change. In order for data transfers to continue as now, the EU will have to decide whether the UK is worthy of an adequacy decision, which means it assesses our data protection laws as sufficient to allow EU organisations to share their data with their UK counterparts. It is unlikely an adequacy decision would be granted before the UK exits the EU in March 2019.

In the absence of an EU adequacy decision, data transfers from the EU to the UK could still take place but UK organisations will need to work with EU counterparts to make sure there is a clear legal basis for sharing data and that there are sufficient contractual arrangements in place to support this.

The UK government has confirmed that in the event of 'No Deal' it would continue to allow the free flow of data from the UK to the EU based on the existing level of protection offered by the EU.

The government advice is to make sure that you check with your EU partners, if any, and have reciprocal arrangements in place before 29 March for data exchange.

Workplace Rights

In the event of 'No Deal' the government has said there won't be much change. The 2018 Withdrawal Act has transferred EU legislation in this area into UK law and most protections will stay the same. The government has said that it will make some minor changes to the wording of laws to reflect that the UK is no longer an EU member state, particularly around workers' rights, but this will not change the substance of any legislation. The only changes will come in two areas: insolvency protection for employees and European Works Councils. For more information on these issues see the technical notice itself, the link to which is above.

Sport-specific Technical Notices

Horses

The UK will be a third country after 29 March 2019. This will mean that all equines being moved to the EU from the UK will need to have appropriate ID and health documentation for third countries. This is more than is needed at present and more information and links to the relevant EU rules are in the Technical Notice.

Government is seeking discussions with the European Commission to allow the UK to become a listed third country on the day we leave the EU for the purposes of equine movement. However, in the event the UK is not a listed country by 29 March 2019, equine movement to the EU could not take place.

It is important to note that importing equines from the EU to the UK after the Brexit deadline will not change as the government is replicating current structures.

Pedigree horses and those in the studbook as well as those moved as part of a national branch of an international organisation for racing or competition would be able to continue to travel to the EU on an industry-supplied passport, but all other horses would have to travel on a new government-issued document, as this is an EU requirement.

As a third country, exports of horses on a temporary or permanent basis would also need an Export Health Certificate (EHC). These may generate additional costs in the event of 'No Deal,' so it is worth planning for the financial implications of this. The additional cost could be anything from £200 to £500 and there may also be additional administration involved as the EHC replaces the current health certification system and horses would also have to pass through a border check on entry to the EU.

Government has confirmed the Tripartite Agreement between the UK, Ireland and France which facilitates the movement of certain types of horses would cease to exist in the event of a 'No Deal' and the above arrangements would apply.

In summary, in the event of a 'No Deal', owners wishing to move horses to the EU would have to apply through the Animal and Plant Health Agency (APHA) in England, Wales and Scotland or

the Environment Department in Northern Ireland for the new export certification and, if not a pedigree or studbook horse or a horse registered with a national branch of an international organisation for racing or competition, the new government-issued ID certification. A vet could deal with the health elements of both in the same way as now, but there may be additional cost.

Exporting Other Animals and Animal Products

In the event of 'No Deal,' Export Health Certificates (EHCs) would be needed for all exports of animals and animal products to the EU and all consignments would need to pass through a border check.

In addition, vehicle documentation (Transport Authorisation, Certificate of Competence, Vehicle Approval Certificate and in the case of journeys over eight hours the Vehicle Log) issued in the UK would no longer be recognised by the EU. This means that organisations wishing to transport animals (including horses) would need to appoint a representative within the EU in order to get these documents from the country to which the animals are being transported.

Importing Animals and Animal Products after Brexit

Government is currently working to develop an import notification system to replace the existing EU-based system so that those importing animals and animal products can continue to do so after March 2019. Please continue to check for updates if this affects you or your business.

Shooting and travelling with firearms

In the event of 'No Deal,' European Firearms Passes (EFPs) would no longer be available to UK residents seeking to travel with firearms to the EU. The bearer of the firearm must instead comply with the licensing requirements of the country they are travelling to, and the government's advice is to make sure you are aware of the necessary information before travelling after Brexit.