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31 OCTOBER



# Get **ready** for Brexit



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# Industry Day – Madrid

Current information as of 23<sup>rd</sup> October 2019

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# Goods Regulation

Department for Business, Energy and Industrial Strategy

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## Check which regulations apply to your product

**‘Old Approach’:** goods such as cars, medicines, chemicals and aerospace, with standalone models of regulation

**‘New Approach’:** a common toolkit of regulatory measures covering goods, such as toys and machinery

**‘Non-harmonised goods’:** subject to national rather than EU-wide product rules

Examples: toys, electronics, machinery, pressure equipment, personal protective equipment, construction products, medical devices, domestic appliances, lifts, pyrotechnic articles and recreational craft



## Existing regulation of 'New Approach' goods



High-level requirements in legislation and use of harmonised standards to achieve compliance.



Conformity with requirements of 'New Approach' legislation shown by use of the CE marking.



In most cases manufacturers take sole legal responsibility for compliance and can self-declare.



In other cases manufacturers need to use a third party assessment body (a 'notified body').





## Selling goods into the UK



New approach goods meeting EU regulations and CE marked can still be sold in UK for time-limited period.



UK will directly recognise conformity assessment carried out by EU notified bodies.



A new UK database will replace the EU's NANDO database.



Products assessed against UK rules by a UK 'approved body' will need the UKCA marking.



We will consult with businesses before making any changes to these arrangements.



## Other issues to consider



EU-based authorised representatives who received their mandate pre-exit day recognised in UK.



An UK-based distributor of EU goods may become an ‘importer’ – and vice-versa.



Compared to a distributor, importers have a stronger duty to ensure products are compliant.



The importer’s address also often has to be put on the product or its packaging.



Different arrangements apply to medical devices.



## Arrangements for other goods



The UK will have its own REACH regime post exit for chemicals manufactured in or exported to the UK.



EC type-approvals no longer automatically accepted for motor vehicles on the UK market – the UK Vehicle Certification Agency (VCA) will issue provisional UK type approvals.



Medicines with a 'centralised' authorisation will be given a UK authorisation.



In various areas (cosmetics, chemicals, medicines) - companies may need to appoint new UK representatives.



Exact arrangements will depend on specific goods – lots of guidance available on GOV.UK.





## Non-harmonised goods



Products subject to national rather than EU-wide rules can sometimes be sold freely across the EU by virtue of the 'mutual recognition principle'.



UK will no longer be within scope of the mutual recognition principle after Exit.



April 2020: updated 'Mutual Recognition Regulation' will come into force in the EU but will not apply to UK.



If you export these goods to the UK you must check they meet UK national requirements.



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## Available guidance

Please visit **gov.uk/Brexit** for the latest information:

[Placing manufactured goods on the UK market after Brexit](#)

[www.gov.uk/guidance/placing-manufactured-goods-on-the-uk-market-if-theres-no-brexit-deal](http://www.gov.uk/guidance/placing-manufactured-goods-on-the-uk-market-if-theres-no-brexit-deal)

If you are unsure what guidance is relevant to you or if you have general queries relating to the regulation of manufactured goods, email: [goodsregulation@beis.gov.uk](mailto:goodsregulation@beis.gov.uk)



## Other contacts

Sector	Contact(s)
New Approach goods	<a href="mailto:Goodsregulation@beis.gov.uk">Goodsregulation@beis.gov.uk</a>
Chemicals	General Brexit enquires: <a href="mailto:EU-exitchemicals@hse.gov.uk">EU-exitchemicals@hse.gov.uk</a> Biocides: <a href="mailto:biocidesenquiries@hse.gov.uk">biocidesenquiries@hse.gov.uk</a> CLP: <a href="mailto:ukreachca@hse.gov.uk">ukreachca@hse.gov.uk</a> PIC: <a href="mailto:ukdna@hse.gov.uk">ukdna@hse.gov.uk</a>
Automotive	VCA: <a href="mailto:UKTA@vca.gov.uk">UKTA@vca.gov.uk</a> DfT: <a href="mailto:IVS.ENQUIRIES@dft.gov.uk">IVS.ENQUIRIES@dft.gov.uk</a>
Medical devices	<a href="mailto:devices.regulatory@mhra.gov.uk">devices.regulatory@mhra.gov.uk</a>



## Checklist of actions for new approach goods

- Check whether you need to change your conformity assessment body and/or the conformity marking on your goods.
- Check whether you need to appoint a new Authorised Representative or equivalent in the UK.
- Determine if you or your distributor will become an importer and understand your new legal duties.
- Update your product's labelling and declaration of conformity based on the above actions.



## Automotive: checklist of actions for selling into the UK

- Motor vehicles to be placed on the UK market will need to convert their existing EC type-approvals to UK type-approval by applying to VCA for a provisional UK type-approval.
- New vehicle approvals will require VCA-issued UK type-approval after exit day (subject to new legislation which will come into force in Autumn 2019).
- For manufacturers with valid EC type-approval post exit: duplicate testing is not required, but manufacturers will need to supply documentary evidence to prove compliance.
- Read the detailed guidance on [gov.uk](http://gov.uk).



## Chemicals: checklist of actions to maintain UK access

### UK REACH:

- Those with 'grandfathered' UK held EU REACH registrations would need to open an account on the new UK REACH IT system and provide some basic information in the first 120 days after Exit.
- If their EU/EEA supplier does not appoint a UK Only Representative, UK downstream users will need to notify their continued use of substances covered by an EU held registration within 180 days.
- Both of these groups are then able within 2 years to provide the full technical information appropriate to their tonnage band to ensure continued use after that time.

**Note** – For continued EU market access, any EU REACH registrations held by a UK entity will need to be transferred to an EU entity.



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# Services

Department for Business, Energy and Industrial Strategy

Prepare for Brexit at [gov.uk/brexit](https://www.gov.uk/brexit)



## Trade in services if the UK leaves the EU without a deal

### What would change

Today, the UK and EU trade +£120B of services partly based on

- our membership of the Single Market
- mutual recognition of qualifications
- visa-free business travel

If the UK leaves without a deal, businesses will face new barriers to trade in services and investment, and will need to take steps to mitigate them

The UK will maintain liberal market access and business travel, but will insist professional qualifications are equivalent

In the EU, market access and recognition of qualifications is expected to be more difficult, and will vary between Member States for the UK

### What this would mean for you

If you export services to the UK

- Check what, if any, new barriers you may face
- Check if your professional qualifications will be recognised as equivalent
- Check if you will need to take steps to continue to send data to the UK

If you import services from the UK

- Check if your provider will face any additional barriers to serving you
- Check if your provider will remain qualified in your local market





We will cover three topics



**Market access**

Liberal access to the UK but  
varying access across EU



**Recognition of professional  
qualifications**

Reciprocal recognition ends



**Business travel**

No visas expected for  
some short-term visits

Please visit [gov.uk/brexit](https://gov.uk/brexit) for full information



Prepare for Brexit at [gov.uk/brexit](https://gov.uk/brexit)



## UK services market will remain accessible but the EU's will vary

Businesses and professionals providing cross-border services in the UK or the EU will no longer be covered by the EU Services Directive. UK businesses providing services through a branch or subsidiary will no longer benefit from treaty rights on freedom of establishment and will be regarded as originating from a 'third country'.

### EU → UK

EEA businesses can expect minimal additional barriers to access the UK market:

- The UK does not apply any nationality restrictions to owners or managers of UK companies
- Companies that operate in the UK are currently subject to the overseas company regime
- Businesses already established in the UK will face minor changes in the administrative regime
- Those looking to invest in the UK are not expected to face new barriers

### UK → EU

Member States may impose additional legal, regulatory and administrative barriers, which will vary by sector and country and may include:

- Additional requirements for those providing services remotely
- Nationality or residency requirements for individuals who own, manage or direct a company or other asset
- Limits on the total amount of equity that non-EU or non-EEA nationals may hold
- Requirements to hold an EU-recognised qualification to supply a service or direct a company

Check the detailed guidance [Providing services including those of a qualified professional after Brexit](#) and your local regulators for restrictions on UK services

Prepare for Brexit at [gov.uk/brexit](https://www.gov.uk/brexit)



## Mutual recognition of professional qualifications will stop

If the UK leaves the EU without a deal, there will be no system of mutual recognition of professional qualifications between the EU and the UK.

- EU → UK** UK will introduce a new system for the recognition of EEA and Swiss professional qualifications
- Recognition decisions made before Brexit will not be affected
  - Applications in progress before Brexit will follow pre-Brexit rules as far as possible
  - UK regulators will be required to recognise EU, EEA and Swiss qualifications which are of an equivalent standard to UK qualifications
- UK → EU** Professionals with UK qualifications will no longer be able to rely on EU law to guarantee a route to recognition and should check the policies of specific Member States
- This may affect you, your employees or your service providers
  - Recognition decisions made on UK qualifications before Brexit are not affected

Check the detailed guidance [Providing services including those of a qualified professional after Brexit](#) and your regulators for restrictions on UK services

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## No changes expected for short-term travel to UK but check rules in EU

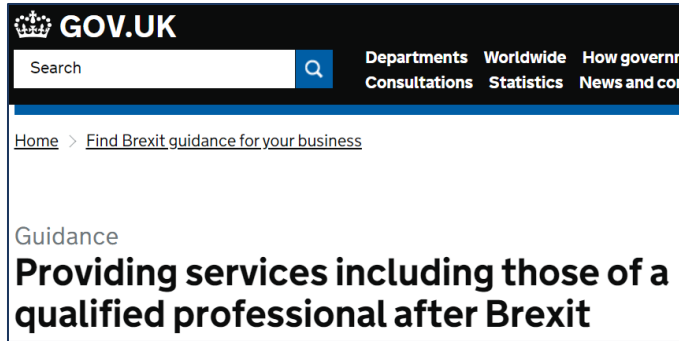
Short-term travel to the UK will remain largely unchanged until a new immigration system is in place from 2021. Rules will vary in each Member State.

- EU → UK** • In the short-term, EU citizens arriving after 31 October 2019 will still be able to come to the UK as they do now, and border crossing arrangements will not change
- UK → EU** • UK citizens should ensure their passport is less than 10 years old and has at least 6 months validity on the day of travel
- The EU will allow UK citizens to travel to the EU for 90 days in any 180 days for business meetings, training, sports and cultural events, and short-term study
- If you are undertaking activity outside of these areas or intend to stay for more than 90 days in any 180-day period, you should check in the country you are travelling to whether you will need a visa, work permit or other documentation

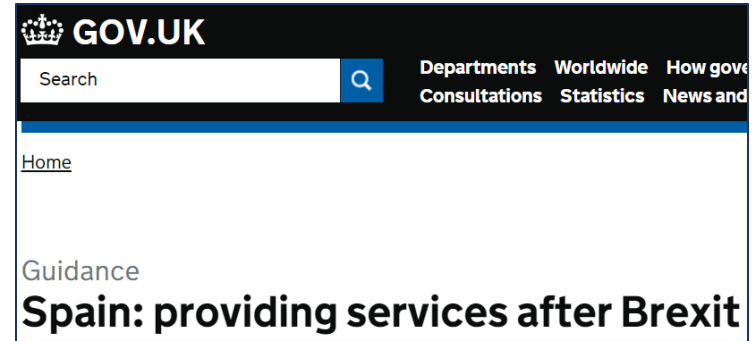
Use the signposting information on [gov.uk](http://gov.uk) and check with your local immigration authorities for more information on UK to EU business travel



Further information is available



Providing services after Brexit



Specific guidance for Spain



There may be other issues not addressed in this material In some areas, policy content is still being developed



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# Data Protection

Department for Digital, Culture, Media and Sport

Prepare for Brexit at [gov.uk/brexit](https://www.gov.uk/brexit)

## Data flows

- The ability to collect, share and process data is **crucial for the economy and public sector organisations**
- Cross-border data flows are the basis of today's digitised economies; they are important to **individuals and businesses** of all sizes and sectors
- In the last 10 years, global flows in goods, Foreign Direct Investment and data have raised world GDP by more than 10%; data flows account for a larger share of this growth than trade in goods, **contributing \$2.8 trillion to the world economy (McKinsey 2016)<sup>1</sup>**



# Many businesses rely on the transfer of personal data

1

## Trading goods

- Addresses in delivery details
- Bank accounts in order details

2

## Trading services

- Personnel files in outsourced HR, accounts, back office functions
- Names and addresses of partners and resellers

3

## European operations

- Intra-company transfers of customer details
- Intra-company transfers of HR personnel detail

# Data transfers between the UK and EU

- Today the transfer of personal data between the UK and the rest of the EU is governed by the General Data Protection Regulation (GDPR) and the Law Enforcement Directive (LED).
- When the UK leaves the EU, we will become a third country. The EU has an established mechanism to allow the free flow of personal data to third countries, called adequacy decisions.
- It is critical that the UK's adequacy assessment process commences as soon as possible to **minimise the risk of disruption to data flows** - the UK stands ready.
- When the UK leaves the EU there will be no immediate change to the UK's data protection standards. We have already passed legislation to ensure that after Brexit the GDPR will be brought into UK law and the Information Commissioner will remain the UK's independent supervisory authority on data protection.

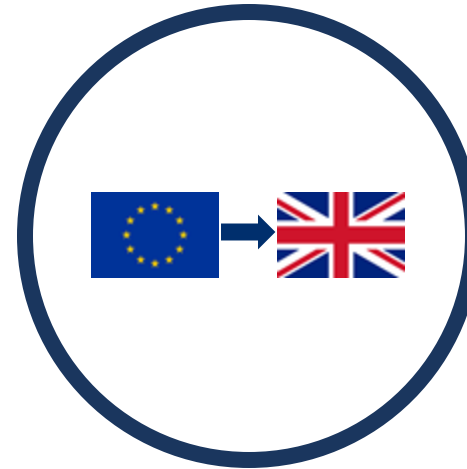
## Data transfers in No Deal

*We will discuss data transfers both to and from the UK*



### **From the UK to the EU**

The UK does not intend to impose additional requirements on transfers of personal data from the **UK to the EU**. Personal data can continue to flow freely as it does now.



### **From the EU to the UK**

The European Commission's current position is not to put in place a similar arrangement for EU to UK personal data transfers. Therefore EU business will need to implement alternative transfer mechanisms.

## What do you need to do to prepare?

- Find out if your organisation transfers personal data to the UK.
- If so, consult the European Data Protection Board guidance for EU organisations on data transfers under the GDPR in a No Deal.
- You can also consult guidance from the European Commission that was published in September 2019.
- The UK government and UK data protection regulator - the Information Commissioner's Office - have also issued guidance for UK organisations to plan accordingly.

## Further information is available

- **European Data Protection Board** ([https://edpb.europa.eu/our-work-tools/our-documents/drugo/information-note-data-transfers-under-gdpr-event-no-deal-brexite\\_en](https://edpb.europa.eu/our-work-tools/our-documents/drugo/information-note-data-transfers-under-gdpr-event-no-deal-brexite_en))
- **European Commission checklist and factsheet for no deal readiness** - [https://ec.europa.eu/info/sites/info/files/brexit-preparedness-communications-checklist\\_v3\\_en.pdf](https://ec.europa.eu/info/sites/info/files/brexit-preparedness-communications-checklist_v3_en.pdf) **and** [https://ec.europa.eu/info/sites/info/files/factsheet-preparing-withdrawal-brexit-preparedness-web\\_en.pdf](https://ec.europa.eu/info/sites/info/files/factsheet-preparing-withdrawal-brexit-preparedness-web_en.pdf)
- **UK's Information Commissioner's Office (ICO)** (<https://ico.org.uk/for-organisations/data-protection-and-brexit/data-protection-if-there-s-no-brexit-deal/>)
- **ICO SCC tool kit** (<https://ico.org.uk/for-organisations/data-protection-self-assessment/>)
- **UK Government** (<https://www.gov.uk/guidance/using-personal-data-after-brexit>)
- **Your Domestic Data Protection Authority**



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