



European Federation of
Catering Equipment Manufacturers

The Federation was founded in **1969** and includes the key **European National Associations** and its **Members**. The total turnover of the **660 companies** represented by **EFCEM National Associations** amounts to over **€ 14.000 m** and their products range from utensils to full professional kitchen schemes.

15th December 2020

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EFCEM

European Federation of
Catering Equipment Manufacturers

BREXIT – Product Compliance

14th December 2020

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Guidance in this presentation may be subject to change pending negotiations,
further discussion or legal challenge

Information has been collated from various sources and is not legally
binding on FEA.

BREXIT – The Big Issues for Foodservice Equipment Suppliers

Agenda

- 1. PRODUCT COMPLIANCE**
- 2. BORDER CONTROLS**
- 3. EU TRAVEL & IMMIGRATION**

- Deal or No deal?
- Borders
- Tariffs
- Compliance – CE Marking
- £ vs. Euro / \$ etc.
- EURIS – 14 Engineering trade associations inc. FEA



End of the UK Transition Period

- [Placing-manufactured-goods-on-the-market-in-great-britain-from-1-january-2021](#)
- [Placing-manufactured-goods-on-the-eu-market-from-1-january-2021](#)
- [Using-the-ukca-mark-from-1-january-2021](#)
- [Conformity-assessment-bodies-change-of-status-from-1-january-2021](#)
- [The Border Operating Model](#)

Placing goods on the GB market - after 1 January 2021

Placing goods on the market - UKCA

1. From the 1 January 2021 the essential requirements and standards that can be used to demonstrate compliance will be the same as they are now.
2. Businesses are encouraged to use the new UKCA mark and regime as soon as possible after 1 January 2021.
3. However, to allow businesses time to adjust, HMG has agreed CE marked goods that meet EU requirements can continue to be placed on the GB market until 1 January 2022 in most cases*
4. If you have already placed your good on the UK or EU market – in circulation- before 1 January 2021, you do not need to do anything.

Placing goods on the GB market - after 1 January 2021

Conformity markings and declarations of conformity

4. From 1 January 2021 products assessed against GB rules by a GB 'Approved Body' will need the UKCA marking.
5. If you self-certify or use an EU Notified Body you will still be able to use the CE marking until 1 January 2022 even for goods that are manufactured after 1 January 2021.
6. For 24 months after the 1 January 2021 (until 1 January 2023), for most CE marked goods you have the option to affix the UKCA marking on a label affixed to the product or on an accompanying document.

Placing goods on the GB market - after 1 January 2021

Conformity markings and declarations of conformity

7. You can place the UKCA and CE marking on the same product if it is destined for both the GB and EU markets (so long as the product meets the relevant regulatory requirements for both markets)
8. If you use the UKCA mark you will need to draw up a UK declaration of conformity. This should be available to market surveillance authorities on request.



Placing goods on the GB market - after 1 January 2021

Conformity assessment bodies

9. All UK-based EU 'notified bodies' will automatically become UK approved bodies from 1 January 2021. (listed on the EU NANDO database & UKAS website)
10. Manufacturers may require separate UK and EU certificates from 1 January 2021 – businesses are encouraged to arrange for separate certificates well in advance of this date.
11. Outside of any mutual recognition agreement as part of the UK-EU negotiations, mandatory conformity assessments by EU bodies will no longer be recognised in the UK after January 2022.

Placing goods on the GB market - after 1 January 2021

Economic operators

14. From 1 January 2021 all authorised representatives for the GB market must be based in GB or NI. Generally authorised representatives are optional.
15. From 1 January 2020, GB based distributors of EU goods will become importers (and vice-versa).

The importer may also need to indicate their name and address on the product or documentation, keep a copy of the declaration of conformity, and ensure the technical documentation can be made available on request.

For 24 months from 1 January 2021, for most CE marked goods being placed on the GB market this additional address can go on an accompanying document rather than on the product.

Placing goods on the GB market - after 1 January 2021

1. Outside of any potential mutual recognition agreement, from 1 January 2021 conformity assessments by UK notified bodies will no longer be recognised in the EU. Voluntary testing is not impacted.
2. Where legislation currently allows for self-declaration of conformity for the EU market, it will continue to do so at the end of the transition period. The manufacturer can affix the CE marking and draw up the EU Declaration of Conformity. This can be done even when they are not based in the EU.



Placing goods on the GB market - after 1 January 2021

3. UK-based Authorised Representatives will also no longer be recognised in EU after the 1 January 2021. Although for most CE marked goods Authorised Representatives are optional.
4. Products that have already been placed on the EU27 or UK market before the end of the transition period will not be impacted.
5. From 1 January 2021, EU based distributors of GB goods will also become importers. The importer may also need to indicate their name and address on the product or documentation, keep a copy of the declaration of conformity, and ensure the technical documentation can be made available.

UKNI

The **Northern Ireland Protocol** comes into force from 1 January 2021. For as long as it is in force, Northern Ireland will align with all relevant EU rules relating to the placing on the market of manufactured goods. You must show that your products meet those rules by using 'conformity markings.'

The UKNI marking is a new conformity marking for products placed on the market in Northern Ireland which have undergone mandatory third-party conformity assessment by a body based in the UK.

For further information on the general arrangements for placing goods on the Northern Ireland market, see the [guidance on placing manufactured goods on the market in Northern Ireland](#).

For further information on general requirements across the UK, see [marking, labelling and marketing standards from 1 January 2021](#).

Trader Support Service

If you are a trader or carrier that moves goods between Great Britain and Northern Ireland, you need to register for the Trader Support Service, otherwise you will not be able to move goods between the regions.

<https://www.tradersupportservice.co.uk/tss>

Accepted markings for different markets

Goods may require different markings for different markets.
The table below illustrates the accepted markings on each market.

	Type of good (see list of product areas below)	Accepted marking or combination of markings*
Placing goods on the market in Northern Ireland	Manufactured goods being placed on the market in NI using an EU conformity assessment body	CE
	Manufactured goods being placed on the market in NI using a UK-based body	CE and UKNI
Placing goods on the market in Great Britain	Manufactured goods being placed on the GB market until the end of 2021	UKCA or CE
	Manufactured goods placed on the GB market from 1 Jan 2022	UKCA
Placing qualifying Northern Ireland goods on the market in Great Britain (unfettered access)	Qualifying Northern Ireland goods being placed on the GB market under unfettered access	CE or CE and UKNI
Placing goods on the EU market	Manufactured goods being placed on the EU market	CE

*You may use combinations of the product markings listed in each box and your goods may be acceptable with more than one marking. For example, a product with both the CE and UKCA markings can be placed on the EU market. However, for the EU market the CE mark must appear without the UKNI indication as goods bearing the 'CE and UKNI' marking are not acceptable in the EU market. This means these goods must be manufactured to EU rules and cannot be assessed by a body based in the UK

**UK
NI**

Designated Standards – Introduction

Many businesses currently use European harmonised standards to provide a presumption of conformity with the relevant EU laws. Immediately after the end of the transition period, the **essential legal requirements** that businesses must meet will be the **same as they are now**. All harmonised standards that give a **presumption of conformity** to EU law at the end of the transition period will become '**designated standards**' by the references being published on GOV.UK. Businesses will be able to use designated standards to provide presumption of conformity with GB law.

Harmonised standards will remain the relevant standards for placing goods on the **Northern Ireland** market where EU rules will continue to apply.

[Find out about placing manufactured goods on the market in Northern Ireland from 1 January 2021](#)

A designated standard is a standard, developed by consensus, which may be recognised by government in part or in full by publishing the reference on GOV.UK. Depending on the product, it can be a standard published by any of the following recognised standardisation bodies:

- British Standards Institution (BSI)
- European Committee for Standardisation (CEN)
- European Committee for Electrotechnical Standardisation (Cenelec)
- European Telecommunications Standards Institute (ETSI)
- International Organization for Standardization (ISO)
- International Electrotechnical Commission (IEC)
- International Telecommunication Union (ITU)

Designated Standards

The content of the standard is the responsibility of the recognised standardisation bodies, with **BSI** as the UK's National Standards Body representing the interests of UK stakeholders.

From 1 January 2021, when deciding if a standard is appropriate for designation, the government will check how far the standard covers the various essential requirements set out in the relevant legislation. The government may decide not to designate or to designate with restriction. Any such restrictions will be described on the GOV.UK pages, and businesses should check frequently.

In the interests of transparency, the government will, for **28 days**, make publicly available a notice of proposal to publish references to standards. Interested parties may object to the publication within the 28-day timeframe. The references to the standards will be published for the purposes of designation of the standards on the 29th day unless the notice is withdrawn or amended before that date.

References of designated standards

Designated standards are prefixed “BS”, “EN”, “EN ISO” or “EN IEC”, for example: EN 71-1:2014+A1:2018.

Designated Standards :-

The Government has begun the process of publishing the UKs lists of Designated standards. As stated previously these are currently the full list of standards currently giving Presumption of Conformity with EU Directives/ UK Regulation.

Harmonised standards will remain the relevant standards for placing goods on the Northern Ireland market where EU rules will continue to apply.

The published lists include:

- [Electromagnetic compatibility](#) (EMC)
- [Low voltage equipment](#) (LV)
- [Machinery](#)
- [Pressure equipment](#) (PE)
- <https://www.gov.uk/government/publications/designated-standards-low-voltage>

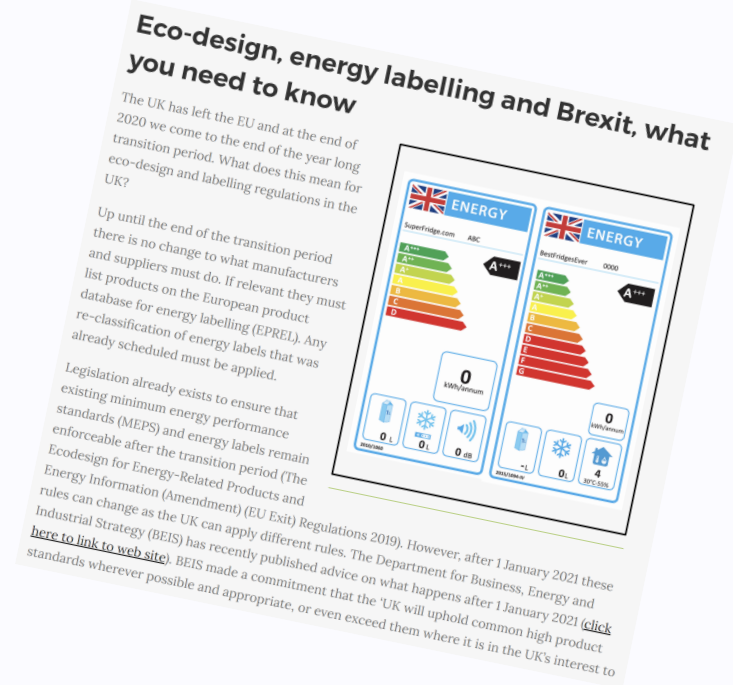
Electrical, Mechanical, Energy Efficiency:

https://www.gov.uk/guidance/designated-standards?utm_source=5b86f61c-d046-447e-8509-3b255e216d8e&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily

Refrigeration – Energy Labeling - Eco design

(unofficial)

- https://www.rdandt.co.uk/news/eco-design_and_energy_labelling
- EPREL
- MEPS



Businesses affected by Ecodesign and Energy Labelling standards

In terms of the EU product database (EPREL):

- all consumers will still have access to the 'open' section of the database
- however, GB's Market Surveillance Authorities will no longer have access to the 'closed' compliance section of the database
- a decision on Northern Ireland's Market Surveillance Authority access to the 'closed' compliance section of the database is pending

There will be changes for UK and EU suppliers regarding the EU product database. UK and EU suppliers placing relevant energy-using products:

- on the EU or Northern Ireland markets will have to enter relevant information into the EPREL database. Suppliers based in GB will need to access EPREL via an authorised representative or importer based in the EU. Suppliers in NI will be able to access EPREL directly
 - on the GB market will not be required, under domestic law, to enter relevant information into the database from 1 January 2021
- Subject to the final passage of UK legislation, UK and EU suppliers must ensure that relevant energy-using products:
- placed on the GB market comply with minimum UK Ecodesign and Energy Labelling standards
 - placed on the EU and Northern Ireland markets comply with minimum EU Ecodesign and Energy Labelling standards

UK and EU suppliers must ensure that relevant energy-using products:

- placed on the GB market comply with minimum UK Energy Labelling standards
- placed on the EU and Northern Ireland markets comply with minimum EU Energy Labelling standards

UK and EU retailers must ensure that relevant energy-using products:

- placed on the UK market comply with minimum UK Energy Labelling standards
- placed on the EU market comply with minimum EU Energy Labelling standards

From 1 January 2021, products placed on the GB market must comply with relevant UK legislation which includes UK branding and English language text. Where QR codes are present, they must link to the required product information on a publicly accessible website. Compliant products placed on the market up to 31 December 2020, with EU flags on their energy labels, may continue to remain in circulation following the end of the transition period.

Products placed on the NI market must comply with relevant EU legislation; this includes the EU flag and QR codes that link to the required product information on the EPREL database.

A [UK energy label generator](#) is available for products being placed on the GB market and will be updated soon with UK energy labels.

Businesses placing products in the EU or NI market can create their own energy labels using a range of tools including the [EU label generator](#).

Implications

UK

Enforcement activities will continue as normal, carried out by the Office for Product Safety and Standards, Trading Standards (for GB) and the Department for the Economy (for NI) which will maintain their roles as Market Surveillance Authorities.

Stakeholders will be made aware in advance of any necessary actions to take should there be any temporary differences between UK and EU regulatory standards.

NOTE:-

EU Commission statement (Extract) on enforcement

“First of all, it should be noted that the obligation of Member States’ market surveillance authorities to monitor compliance is an ongoing one and not linked to any specific date after the obligations start to apply on 1 April 2020 (for Ecodesign provisions) and 1 November 2020 (for Energy labelling obligations), respectively.

Second, as regards ensuring effective market surveillance, the Commission recalls the requirement laid down in Article 14(2) of Regulation (EU) 2019/1020 that market surveillance authorities must exercise their powers efficiently and effectively, in accordance with the principle of proportionality.”

Personal Data

If you receive personal data from the EU/EEA, act to ensure you can continue to lawfully receive data from your clients in the EU from 1 January 2021, whatever the EU decides. Specifically, this means:

- You should take stock of the personal data you process prior to 1 January 2021.
- If you receive personal data from a company based in an [EU/EEA country](#), you should map your data flows and put in place [alternative transfer mechanisms](#), such as Standard Contractual Clauses (SCCs), with any relevant EU organisations (the EU has yet to make a decision as to whether they accept that the UK's data protection regime is still adequate).
- Visit [UK/using-personal-data-2021](#) for guidance on the actions your business or organisation needs to take regarding data protection and data flows.

FAQs

Question:

The DoC needs the name and address of the manufacturer (or authorised representative) together with information about the product and the conformity assessment body (where relevant).

It doesn't need to be a UK address, as the UKCA DoC can be drawn up by a manufacturer based anywhere.

If there is an AR, they will need to be based in the UK.

Answer:

There is no absolute requirement for a UK branch office.

If the appropriate regulation for the product does not require an Approved Person in the UK, products can be shipped directly to the end user.

If however there is a third party economic operator (acting as a distributor/importer) then their details should be present on the product/ accompanying documentation.

Residency

In general terms there is only a need for an Authorised representative if it is a requirement in the EU directive and mirrored in the UK Regulation.

However “*Mandated authorised representatives for the GB market can be based in GB or Northern Ireland but after 1 January 2021 cannot be based outside the UK”.*

Which is where the residency comes from.

UK plans for adopting Eco-Design and labelling

- BEIS (Energy Group) had confirmed fully aware of Omnibus Regulation and are considering. As with other EU activities they will be informed by EU's Workplan. BEIS had combined Ecodesign and Energy Labelling to streamline its passage through Parliament

Request: Concern around the clarity of the wording around the importer address being on documentation until end 2022. After that date, industry would like to see it match current Blue Guide practice, where the address can continue to be on documentation where not economically viable to put it on the product.

Response: We understand that there may be a period of adjustment to the new arrangements for importer documentation for the GB market, and it may be difficult to provide details on documentation accompanying each and every individual product.

Importers may therefore use an alternative method where, for example, contact information is on a document accompanying a batch of products. This document would then follow each batch of products through the distribution chain. The contact details must follow each product through the distribution chain, but not necessarily by one document per product. Ultimately, the end-user, each distributor (and a regulator) must be able to access the information.

Methods which enable traceability of the product after the initial batch has been broken up could include:

- The importer address is present in shipping documents.
- The importer address is present on the invoice to the GB customer.
- The importer address is present on the label that is on the outer packaging ("shipper") in which a number of finished goods is packed (normally customers will receive shippers unless the order is very small so that the shipper has to be opened and split).
- The importer address is included on the EU Declaration of Conformity and/or UK Declaration of Conformity (whichever is relevant for the product in question).

You should work with your distributors to ensure physical documentation does accompany batches of product as far as possible, and in all cases that there are measures in place to ensure end users are able to identify the UK importer.

Alongside that, but not as an alternative, businesses can use their company website to provide more information, access to product details and contact points for retailers, consumers and enforcement bodies.

These options are for a time limited period only and may not be used after 31 December 2022. Businesses are encouraged to put in place measures to ensure that individual items do carry the importer's address where required ahead of this date.

Noting again that it is compliant to include this information on packaging or accompanying documentation under current rules and guidance where it is not possible or not practical to affix to the product so this principle should continue beyond 2022.

EFCEM

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BREXIT Border Controls – What you need to know now.

15 December 2020

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Preparing for Brexit

Seminar includes:

- Things you need to do now
- Importing goods into GB
- Exporting goods from GB
- Northern Ireland
- UK Transition to 30/06/2021
- The Border Operating Model

Things you need to do now

Economic Operator Registration and Identification (EORI) number

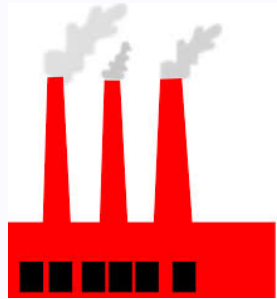
- VAT Number PLUS 000

GB123456789000

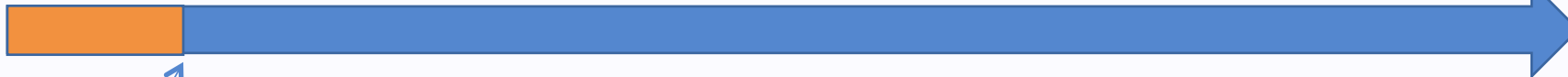
- Entered on all Customs declarations

Incoterms

EXW-Ex works



**Makes the goods
available for
collection**



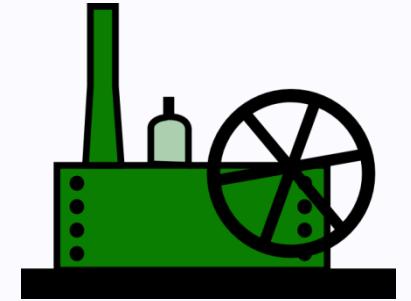
Delivery happens and risk passes here



Costs for Buyer's account

Buyer

**Buyer's responsibility to load the collecting vehicle, obtain any
Export license, clear the goods for export, arrange and pay all
freight costs**



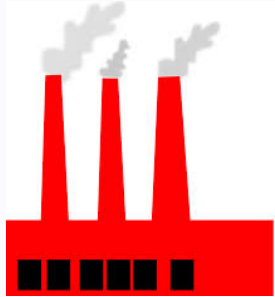
e.g. EXW sellers factory UK



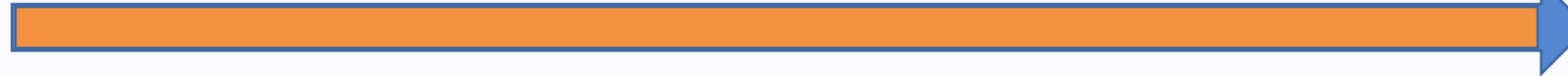
Incoterms

DDP-delivered duty paid

**Shipper responsible for
ALL RISKS AND COSTS TO DESTINATION**

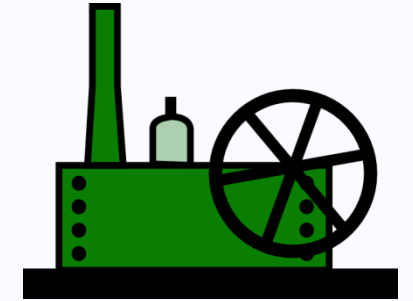


Export Entry



Export license

**Duty at Destination
(DDP)**



**Import license
Import duty
Import VAT**



This terms puts the maximum responsibility on the seller to deliver whilst bearing all costs (including import duties and taxes) and risks to named destination. Extra bureaucracy involved depending on the country of destination.

The UK Global tariff

Check the UK Global tariff to check the import for import duty rates for the goods you are importing – they are likely to be lower the current EU Tariff

Licence requirement decided by the issuing agency (e.g. Department for Business, Energy, Industrial and Strategy – Dept. for International Trade, Home Office, Rural Payments Agency, etc.)

Goods cannot be cleared without a licence where one is required.

Things you need to do now

Declarations - Basic Requirements

- You must declare your goods to Customs on entering or leaving the UK
- An entry is made on a Single Administrative Document, or SAD (C88).
- The SAD is used throughout the EU - each country having the same design but in their own language. **Single Administrative Document (C88A)** Use form C88A as an alternative to form C88 to enable the importation and exportation of goods.

<https://www.gov.uk/government/publications/import-and-export-single-administrative-document-c88a>

EUROPEAN COMMUNITY

1 6

Copy for the country of dispatch/export
Copy for the country of destination

1 DECLARATION

2 Consignor/Exporter No

3 Form No

4 Loading date

5 Item No

6 Total packages

7 Reference number

8 Consignee No

9 Person responsible for financial settlement No

10 City, lat/long, alt, country

11 Total, Prod, country

12 Value details

13 Country of dispatch/export

14 Declaration representative No

15 C disp/exp Code

16 Country of origin

17 Country of destination

18 Country of destination Code

19 Country of destination Code

20 Delivery terms

21 Identity and nationality of active means of transport crossing the border

22 Currency and total amount invoiced

23 Exchange rate

24 Nature of transaction

25 Mode of transport at the border

26 Inland mode of transport

27 Place of loading/unloading

28 Financial and banking data

29 Office of export

30 Location of goods

31 Packages and description of goods

32 Item No

33 Commodity Code

34 Country origin Code

35 Gross mass (kg)

36 Preference

37 Procedure

38 Net mass (kg)

39 Quota

40 Summary declaration/previous document

41 Supplementary units

42 Item price

43 A.I. Code

44 Adjustment

45 Statistical value

46 Identification of warehouse

47 Calculation of taxes

48 Deferred payment

49 ACCOUNTING DETAILS

50 Principal

51 Inland office of transit (and country)

52 Guarantee

53 Office of destination (and country)

54 Place and date

55 Signature and name of declarant/representative

56 Stamp

57 Code

58 Result

59 Basis of issue Number

60 Identity

61 Time limit (date)

62 Signature

C88A

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POU January 1995

Who is Who?

The Declarant could be:

- the Exporter/Importer
- the Agent
- the Forwarder
- the Fast Parcel Operator

Things you need to do now

Making Customs declarations

- Customs Agent
 - Direct representation
 - Indirect representation
- Making your own declarations

Deferment Accounts

- Apply for a Duty Deferment Account (DDA)
- No longer requires a mandatory guarantee to be in place
- Must meet compliance and solvency criteria for a waiver
- Delays payment of charges by 15 – 45 days (payment taken on the 15th of each month)

Imports

Some important elements of a declaration

- Classification (Commodity Code).
- Valuation of the goods
- Origin of the Goods

Imports

Classification

8 or 10-digit code number

Sometimes referred to as :-

- 'Classification code'
- 'Harmonised Code'
- 'Tariff Code' or 'Tariff Number'
- 'Comcode'

Commodity Code

A coffee percolator being exported from the UK will require an 8-digit commodity code...

841981 20

The same percolator imported from outside the UK will have a 10-digit commodity code...

841981 2000



Why must the Commodity Code be correct?

To ensure that the correct customs charges are paid.

To provide accurate trade statistics.

To help establish whether the goods need an export or import licence.

To identify goods with special import or export arrangements.

The process of finding the right code is called.....'*Classification*'

Commodity Codes – Info

<https://www.gov.uk/check-tariffs-1-january-2021>

If still unsure:

email the Tariff Classification Service: classification.enquiries@hmrc.gov.uk for non-legally binding advice on classifying your goods.

And ultimately (if required): Apply for **an Advanced Tariff Ruling decision**

Customs Import Value

Valuation

Legal requirement to give value of importation for Customs purposes

Cost of items

Insurance

Freight charges to EU

= **C.I.F.** value

There are 6 valuation methods

Rules of Origin

If you import and add value , this affects the calculation. % of finished value?
Thresholds are required.

You must declare the origin of the goods you are importing in order to manage;

- Preference – where goods are eligible to a preferential duty rate on import
- Non-Preference – Where the origin is required to manage quota restrictions for import

Import Preference allows you to import eligible goods from qualifying (developing) countries at a reduced, often nil, rate of Customs duty.

More on Import Charges

Import VAT element can be reclaimed as input tax on next VAT return.

- Postponed VAT Accounting (PVA) introduced from 1/1/21

Charges are usually due when the import entry is accepted by Customs.

However, charges may be deferred between 15-45 days by using a duty deferment account.

Exports

National Export System (NES)

1. Entry pre-lodged to Customs Handling of Import and Export Freight (CHIEF)
2. Goods Arrival message sent to CHIEF
3. CHIEF issues a 'Permission to Progress' (P2P) message
4. Goods Departure message sent to CHIEF when goods leave

The export declaration will produce a Unique Reference Number required to get your goods across the GB border

You should check with your customer that they are set up for making import declarations into the EU

Preference

Export

- Bi-lateral trade agreement between the EU and certain other countries & territories
- Allows Customs clearance of certain goods at preferential (reduced), often nil, rates of duty
- Your customers will usually contact you for a Certificate of Origin if a preferential duty rate can be claimed
- Where the UK will sit regarding EU/UK preference is still to be clarified

Moving goods between the UK and NI

Goods moving from NI to GB

- trade from Northern Ireland to Great Britain continues for those businesses as it does now.

That means:

- no import customs declarations as goods enter the rest of the UK from Northern Ireland
- no entry summary ('safety and security') declaration as goods enter the rest of the UK from Northern Ireland
- no tariffs applied to Northern Ireland goods entering the rest of the UK in any circumstances
- no customs checks
- no new regulatory checks
- no additional approvals required for placing goods on the market in the rest of the UK

Moving goods from GB to NI

- Goods movements declarations and safety and security declarations will apply.
- Goods deemed to be 'at risk' of moving across the border into Ireland may attract tariffs – discussions are ongoing as to which goods may fall into the at risk category.
- Businesses can sign up to the new Trader Support System (TSS) which aims to ensure that the process is straightforward.
- The TSS is free to use.

UK Transitional Arrangements

Stage 1 from January 2021:

- Traders importing non-controlled goods will need to prepare for basic customs requirements such as keeping sufficient records of imported goods
- Traders will then have up to six months to complete customs declarations.
- While tariffs will be payable where due on relevant goods, payments can be deferred until the customs declaration has been made.
- UK Safety and Security declarations will not be required on imports for the first six months.
- Full customs declarations will be needed from this date for controlled goods and excise goods like alcohol and tobacco products. There will also be physical checks at the point of destination or other approved premises
- Export declarations and UK exit Safety and Security declarations will be required for all goods
- Need Customised Supplements status

UK Transitional Arrangements

Stage 2. From April 2021:

- All products of animal origin (POAO) – for example meat, honey, milk or egg products – and all regulated plants and plant products will also require pre-notification and the relevant health documentation.
- Any physical checks will continue to be conducted at the point of destination until July 2021.

UK Transitional Arrangements

Stage 3. From July 2021: Full trading requirement as a 3rd Country

- Traders moving any goods will have to make full customs declarations at the point of importation and pay relevant tariffs.
- The Goods Vehicle Movement Service (GVMS) will be in place for all imports, exports and transit movements at border locations which have chosen to introduce it.
- Still to be put in place, to be ready by July '21.

The Border Operating Model

<https://www.gov.uk/government/publications/the-border-operating-model>

- Detailed information on how the GB-EU border will work
- Published in October 2020
- 271 pages
- 5 sections covering import and export requirements for all types of goods and facilitations

Valuation

Import to UK from manufacturing sister company in EU, shipped to the UK customer directly.

- On transfer value of goods value – not the mark up to the customer.
- Need to have 'fair and reasonable import value' justification of the transfer value (market value).
- Must not suppress the value.

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EU Business Travel Business Visitors

Short-term business visitors 2021



- Definition of a business **visitor**:
 - You are a **visitor** (going for a meeting, conference, trade fair, or similar)
 - You are not providing a service(s) or otherwise working. This includes meetings with existing clients/customers
 - The length of stay is irrelevant
- 2021 rules include:
 - Advance notification of arrival
 - Documentary proof – these vary depending on the purpose of the visit
 - Proof of NICs payment (A1 form)
- These requirements vary by Member State.

Short-term business visitors 2021

- What do you need to do?
- **Advance notification:** The requirement is to notify the host State in advance of travel. This varies by m/s. There are various names for notification forms including, permit, short-stay visa, residence and so on.
- **Proof of travel:** You will need to show you are **VISITING** not providing services. This will be a list of documents, which vary by country.
- **Proof of NICs payment:** You will need to **bring, show** and **send in advance** your A1 form. A1 forms are issued by HMRC and can take anywhere between days to months to receive.

Posted Workers

Definition of a posted worker:

A worker travelling from one EU m/s to another, to provide a service

The service provided is for another company or your own

This includes secondments (Intra-company transfers)

You are **NOT** there solely for meetings and conferences.

Includes agency workers sent to the EU



There were changes to the posted workers directive (PWD) this year and it **WILL** affect workers providing services in the EU

Posted Workers – Remuneration

- Remuneration means total salary, including allowances (travel and accommodation expenses) and overtime.
- The legal requirements concerning a posted worker's remuneration is that they are paid the “going rate” that a local worker with the equivalent job would receive.
 - The applicable going-rate can be found in some, but not all, collective agreements.
 - Allowances and expenses will be subject to UK P11D treatment.
 - Some countries will have rates set by regulation for some workers but not all.
 - Much will depend on the worker being sent, their qualifications, age, seniority and task performed.
 - Many member states have local collective agreements alongside national ones.

Posted workers – Advance notification

- An employer needs to notify host country in advance of posting.
- They also need to provide substantial specific documentation
- This varies country by country
- Many require translation
- The notification will need in most cases, to be updated after the posting. (Online portals or local labour authorities respectively)
- Time limits apply

Social Security Rules

- All UK travellers can be covered by the UK social security system
- Both business visitors and posted workers can choose to continue to pay UK NICs
- To prove this, the traveller must provide their PD A1 form, obtained from HMRC.
- Be aware that not all member states will recognise A1 forms in 2021

Penalties and Liabilities

- **What are the consequences of non-compliance?**
 - Individual member state rules are legally binding. If you are found to breach these, you will be breaking local law.
 - Penalties vary according to severity of breach.
 - Fines of €10,000 - € 15,000 per worker are common
 - The sending employer can be taken to court
 - The company/worker can be banned from trading/entering the country altogether.
 - Liability for non-compliance will include the client/customer as well as the sending employer
- **We have case studies where a company was fined £32,000 for failing to make an application.**



Schengen
visa waiver
scheme

Mitigation measures — Schengen visa waiver scheme

- It is expected that the UK will join the waiver scheme
- It allows a 90-day stay in any rolling 180 day period for **business visitors only**
- It covers multiple entries but does not mean the holder can work
- Much will depend on the activity of the worker/visitor
- This is subject to entry requirements of each member state
- May be easier to apply for a physical visa to avoid border delays

Mitigation measures — Schengen visas #2

- The Scheme is subject to a number of regulations and restrictions
- There are documentation requirements and checks upon entry and exit
- The documents needed, vary according to the activity of the worker
- The Scheme does not expressly permit work; it simply provides the visa exemption
- Depending on time limits, the traveller/worker will have to register in the place they are working
- There are additional rules for workers who travel to more than one member state in a 180-day period



Professional Qualifications

Professional Qualifications and Brexit

- After the end of 2020, the EU MRPQ will cease to apply
- Holders of UK qualifications will no longer be assured of their recognition
- Previous recognitions may not be valid
- Future recognitions will rely on each member state
- Each EU member state has different rules
- Each member state regulates industrial sectors differently
- Most of manufacturing is regulated in the member states
- Manufacturing qualifications are both required and recognised differently locally
- This will need to be checked for 2021

Travel to the UK



New UK Immigration system

- This will come into force **1 January 2021**
- Applications can be made now
- Detailed new UK rules have been published
- Points will be required in all skilled routes
- Health and skills surcharge has doubled
- There are salary and skill thresholds
- Intra-company transfer rules have changed

Characteristics	Tradeable	Points
Offer of job by approved sponsor	No	20
Job at appropriate skill level	No	20
Speaks English at required level	No	10
Salary of £20,480 (minimum) – £23,039	Yes	0
Salary of £23,040 – £25,599	Yes	10
Salary of £25,600 or above	Yes	20
Job in a shortage occupation (designated by Migration Advisory Committee)	Yes	20
Education qualification: PhD in subject relevant to the job	Yes	10
Education qualification: PhD in a STEM subject relevant to the job	Yes	20

PBS, Skilled Workers

Business Visitors to the UK

- The New immigration rules permit temporary entry
- Maximum of 6 months w/o a visa
- Can travel with passport or ID card
- But the visitor cannot work/provide services
- Not available to ICTs

- Can't be paid from a UK source
- Can't bill a UK entity for their time
- Can attend meetings, conferences, seminars, interviews
- Cannot attend commercial events
- Can carry out site visits and inspections
- Can attend trade fairs, but cannot sell

Business Visitors to the UK - limits

Secondments to the UK

- Must be part of a specific project
- **Can't work for customers/clients**
- Can advise/consult/trouble-shoot
- Can provide training
- Can share skills/knowledge
- Cannot receive training
- Some manufacturing derogations
- Posted workers need a visa

EU Settlement Scheme -- EUSS

- All EEA/Swiss Nationals resident <31/12/20 can apply
- Deadline of 31/06/21 for applications
- Requires 5 years UK residence
- Those with less get time limited status, and can later reapply
- Subject to proof of residence/criminality check
- Additional settlement rights for close family members
- Preserves bulk of current EU rights

Further Reading...

<https://www.gov.uk/transition>

What your business needs to know

Import from the UK

Find out what your EU-based business needs to do to import from the UK, including customs procedures and importing goods such as food, drink, animal, and plant products.

[Learn more about importing from the UK](#)

Export to the UK

Find out what your EU-based business needs to do to export to the UK, including new rules for hauliers, checks, moving goods across borders and exporting goods such as food, drink, animal, plant, and energy-related products.

[Learn more about exporting to the UK](#)

Pay taxes and tariffs

Find out more about tariffs and reclaiming VAT for your EU-based business.

[Learn more about taxes and tariffs](#)

Provide services to the UK

Find out how providing services in the UK may change if you're an EU-based business.

[Learn more about providing services to the UK](#)

Work in the UK

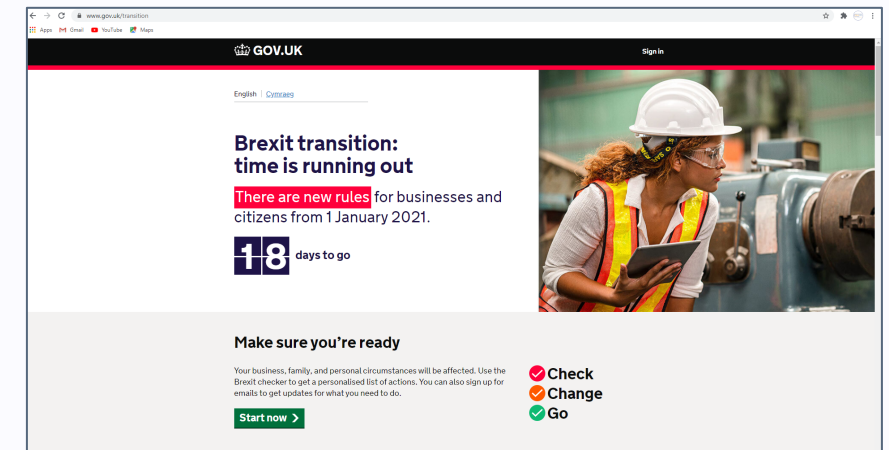
Find out what EU workers in the UK need to do from 1 January 2021, including rules on driving, visas, and recognising professional qualifications.

[Learn more about working in the UK](#)

Data protection and copyright

Find out more about changes to rules including intellectual property, copyright, and sharing personal data.

[Learn more about data protection and copyright](#)



*Thank you for
listening*

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Information Involvement Influence