

Arts Council England Guide to the end of the Transition Period

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1. Introduction

This guide provides information on what the end of the transition period will mean for the arts sector now that the UK has left the European Union. It acts as a guide only and refers to a number of external sources. It should therefore be read with the understanding that matters contained in this note may be subject to change.

We recommend that you carry out all necessary due diligence in relation to your organisation and encourage all cultural organisations to seek independent advice on matters that may be specifically relevant to them.

The United Kingdom left the European Union on 31 January 2020. The transition period ends on 31 December 2020, after which the UK will have a new trading relationship with the EU.

It is important for cultural organisations to assess the risks and opportunities arising from the end of the transition period, so that they can prepare as well as possible.

Below we have sign-posted some of the Government's post-transition period guidance which you or your organisation might find useful as you prepare. Government information on what to expect in relation to importing and exporting goods can be found [here](#), and you can also access the government's 'Check, Change, Go' transition page [here](#). This will help you understand what you need to do in order to get ready for the conclusion of the transition period.

The Arts Council will continue to update this guide as further information becomes available and we therefore recommend that you continue to check our EU Exit webpage for further information.

If you have any further queries regarding the information provided in this guidance,

please use the [contact form](#) to contact our enquiries team who will do their best to answer your questions.

2. Getting EU funding

- Although the UK has left the EU you'll continue to receive any EU funding you've already been awarded, for the duration of the project. This includes funding you're due to receive after 31 December 2020.
- You can still apply to some EU funds under the current spending framework. Further advice can be found on the relevant websites.
- It has not yet been decided what funding UK organisations will be able to apply for after the spending framework ends.
- EU funding you can still apply for, until the 31st of December 2020, includes:
 - Creative Europe
 - Erasmus+
 - European Social Fund
 - European Regional Development Funding
 - Horizon 2020
- Further information can be found [here](#).

3. Travel into the EU, immigration and citizen's rights

EU Citizen's Rights

- The Government has reached an agreement with the EU that will protect the rights of EU citizens and their family members living in the UK. This means that EU nationals who were already living in the UK by EU Exit day can continue to live and work in the UK.
- **EU nationals already in the UK have to register under the [EU settlement scheme](#).** EEA citizens resident in the UK before the end of the transition period will have until 30 June 2021 to apply to the EU Settlement Scheme.
- We recommend that arts and cultural organisations employing EU nationals **inform staff about the new settlement scheme and encourage employees to register by the deadline**. More information about the settlement scheme can be found [here](#).
- You can use the following government [tool](#) to find out what to do and when.

Transitional arrangements for EU citizens

- The Government has confirmed that EU nationals and Swiss citizens moving to the UK after 31 January 2020 are still able to live and work in the UK for a temporary period during a transition to a new points-based immigration system that will be introduced in 2021.

Visiting the UK after the end of the Transition Period

- The Government has issued [guidance](#) for **citizens from EU, EEA countries and Switzerland visiting the UK after the end of the transition period**. It includes practical guidance on whether visitors will need to apply for a visa, what documentation they will need to show at the border, information on driving and using mobile phones in the UK. This guidance is useful for communicating to your international stakeholders who are planning a visit to the UK after the end of the transition period.

Travel and flights from the EU to the UK

- The UK and the EU have put forward measures to ensure that flights can continue to operate between the UK and the EU after the end of the transition period.
- You should have at least 6 months left on your passport to travel to most countries in Europe (not including Ireland).

UK nationals travelling to the EU, Switzerland, Norway, Iceland or Lichtenstein

- The government published [guidance](#) for UK nationals travelling to the EU, Switzerland, Norway, Iceland or Lichtenstein for short periods of time.
- The guidance contains information on visa requirements for stays longer than three months, driving permits and the use of mobile phones. This will also apply to artists or employees of arts and cultural organisations travelling to the EU for work who will stay for short periods of less than three months.
- The Department of Health and Social Care issued guidance on access to healthcare when visiting the EU and the use of European Health Insurance Cards (EHIC). If you have an EHIC issued by the UK, it may not be valid after the end of the transition period, depending on decisions by individual countries. You can go to the [NHS website](#) for the latest information on each country, and you can find advice on buying travel insurance with the right cover [here](#). You may need extra documents from 1 January 2021.

- You may need an international driving permit (IDP) to drive in some countries. If you're taking your own vehicle, you might also need a 'green card' or valid proof of insurance and a GB sticker. Further guidance for driving abroad can be found [here](#).
- Travelling to the EU for the purposes of work and for certain business activities, including touring multiple EU states, may involve extra conditions. You will need to check individual EU Member State immigration rules for more information regarding visits, and whether there are any requirements or conditions around supporting documentation, work permits or visas.
- The government released [guidance](#) on taking performing arts groups or productions, exhibitions, or creative samples to the EU temporarily.

The UK's future immigration system

- Now that the UK has left the EU, there will be a transition to a new points-based immigration system, built around skills and talent. This system will be introduced from January 2021.
- In September 2019, the Home Secretary announced a new two-year immigration visa for international students who have graduated from a UK Higher Education Provider. This replaces the current four-month graduation visa and will be available to students who start courses from 2020-21 at undergraduate level or above. See the announcement [here](#).
- Further information for employers regarding the Points Based Immigration System can be found [here](#).

UK nationals residing in the EU

- The rights of UK nationals to live and work in the EU following the end of the transition period will be subject to the policies of individual Member States. The European Commission has published readiness notices [here](#).

A1 Social Security Payments - UK employers sending workers to the EU, the EEA or Switzerland

- The UK Government is working to protect UK nationals by seeking reciprocal arrangements with the EU or Member States to establish social security coordination following the conclusion of the Transitional Period.
- There may be changes for UK employers who have people working in the EU, the EEA or Switzerland.

- Currently the EU Social Security Coordination Regulations ensure employers and their workers only need to pay social security contributions (such as National Insurance contributions in the UK) in one country at a time.
- Your employees working in the EU, the EEA or Switzerland may need to make social security contributions in both the UK and the country in which they are working at the same time, depending on the outcome of negotiations between the UK and the EU or Member States,
- Businesses will need to do the following to prepare:
 - If your employee is currently working in the EU, the EEA or Switzerland and has a UK-issued A1/E101 form, they will continue to pay UK National Insurance contributions for the duration of the time shown on the form.
 - However, if the end date on the form goes beyond the end of the transition period, you will need to contact the relevant EU / EEA or Swiss authority to confirm whether or not your employee needs to start paying social security contributions in that country from that date. [The European Commission's website](#) will help you find the relevant country's authority.
 - If your employee is a UK or Irish national working in Ireland, their position will not change after the end of the transition period, they are covered under the international agreement signed by the UK and Ireland in February 2019. You, as their employer, won't need to take any action.
 - A replacement for the A1/E101 form will be issued for new applications after the end of the transition period. This ensures your employee continues to make UK National Insurance contributions to maintain their social security record. You can still use the [same form on GOV.UK](#) to make an application after the UK has left the EU.
- For more information about sending workers to the EU, the EEA or Switzerland after the end of the transition period please go to the [information on GOV.UK](#). Further information will be published as it becomes available.

4. Export, import and movement of objects

Moving objects in or out of the EU

- Organisations should evaluate the impact of goods or **items being delayed at borders** immediately after the end of the transition period and consider ways to minimise reliance on these routes.
- If relevant, you may also wish to contact your existing shipping and logistics agents to **review potential costs associated with these delays**, as well as identifying any assets held across EU member states and those you will have outside the country when the transition period ends.
- You need an **Economic Operator Registration and Identification (EORI)** number to move goods into or out of the EU (including the UK), otherwise you may experience increased costs and delays. You'll need an EORI number that starts with GB to move goods in or out of the UK after the end of the transition period. If you are looking to take goods into the EU in the future, you should apply for an EORI number as soon as possible. You can apply for an EORI number [here](#).
- If you are a museum or cultural organisation trading or **moving endangered species or their products across the EU**, you should refer to the Government's guidance on 'trading and moving endangered species protected by CITES from 1 January 2021'. Please refer to the most recent version of this guidance [here](#). This guidance outlines how the UK would continue to comply with its international obligations under the Convention in International Trade in Endangered Species of Wild Fauna and Flora (CITES) if no deal is reached with the EU.
- In total there are 29 CITES points of entry and exit (PoE) in the UK . In September 2019, the Government announced that there will be an additional four PoE for CITES items, including:
 - Eurotunnel
 - Dover
 - Holyhead
 - Belfast Seaport
- The Government has published [guidance](#) on arrangements for importers and exporters **moving goods to and from the EU through roll on roll off ports or the Channel Tunnel** if the UK leaves the EU without a deal. You'll need to be prepared to make customs declarations and follow other customs rules for the goods you import. You can also find guidance on taking goods out of the UK temporarily [here](#).

- Sometimes you might need to carry items or equipment you need for projects or performances in your baggage, or in your car. In the event of a no-deal exit from the EU, if you're planning to take such items between the EU and UK there will be new processes at airports, roll on roll off ports, and Eurostar Terminals. You can find guidance on them [here](#).
- The Department for Transport has published [guidance](#) on what professional lorry and goods vehicle drivers from the UK may need to do to drive in the EU and EEA following the end of the transition period.
- The Government has also issued [guidance](#) on driving in the EU after the end of the Transition Period if you are taking your own vehicle. If you're taking your vehicle to countries in the EU, you'll need:
 - a 'green card' - allowing 1 month to get this from your vehicle insurance company
 - a GB sticker
 - an International Driving Permit (IDP) for some countries. Check if you need an IDP, and which type you need, on the Post Office [website](#). You can get them over the counter in participating branches if you do. Each permit costs £5.50.

Export and import of cultural property

- The Government has issued [guidance](#) on exporting objects of cultural interest. You will need a UK licence to export cultural objects from the UK to any destination. You will no longer need to apply for the EU licence.
- Arts Council's [Export Licensing](#) webpage provides further information, including two draft documents (entitled "EU Exit: Draft Amended Statutory Guidance", and "EU Exit: Draft Amended OGEL") that support the information in the guidance.
- We would like to draw your attention in particular to paragraphs 30 and 31 of the Draft Amended Statutory Guidance. Those paragraphs set out that where an object is intended for export to a country outside the EU, and the object was dispatched from an EU Member State on or after 1 January 1993, an export licence will only normally be granted if that dispatch was lawful and definitive. If that dispatch was not lawful and definitive, an application for a licence will normally be refused.
- You should also be aware that you can scan licences for objects of cultural interest and upload them as attachments to your export declarations. If you do so, depending on the licence type and circumstances, it may be possible to streamline licence checks at the point of export (for example, by giving permission to proceed with your consignment without further checks on the licence).

- The European Commission's [Getting ready for the end of the transition period webpage](#) also includes specific information on export of [cultural goods](#) and export licencing requirements, which will apply to museums and other organisations exporting objects to EU countries.

Customs and loans between museums

- The European Commission has published the following [guidance](#) on customs procedures that includes information on relief from import duty.
- The guidance indicates on page 16, paragraph 5.4, that Returned Goods Relief can be claimed even when the goods have arrived in the UK before the end of the transition period and return to the EU after the end of the transition period.

Government Indemnity Scheme

- When applying for [UK Government Indemnity Scheme](#), consideration should be given to the likelihood of delays taking account of the type of shipment, the route to be taken and the time of travel.
- Borrowers will be asked to justify applications for any particularly long periods of cover sought due to delays in a 'no deal' scenario. Cover will not be extended automatically in the event of delays and borrowers will have to apply for an extension, although efforts will be made to process these swiftly to avoid delay.

5. Data protection, copyright, broadcast and tech

Data protection

- You should check if you need to change your contract to keep accessing personal data from the EU, Norway, Iceland or Liechtenstein
- You may not be able to access personal data from the EU without the right arrangements in place.
- For further information please read the following government guidance and the [overview](#) and [data protection guidance from the Information Commissioner's Office \(ICO\)](#).
- You can also [check if you can use standard contractual clauses \(SCCs\)](#) for transfers from the EEA to the UK.

Geo-blocking of online content

- The Government released the following [guidance](#) on Geo-blocking rules when selling to and buying from the EU after the end of the transition period. You must follow the EU Geo-Blocking Regulation to sell goods and services into the EU after the end of the transition period. You do not need to make any changes to how you provide goods and services if you already meet the EU Geo-Blocking Regulation.

Copyright and Intellectual Property Rights

- European legislation currently provides the legal framework for the work of artists and arts and cultural organisations. This includes issues such as intellectual property, copyright, and artist resale rights.
- The Government has issued guidance on [Changes to copyright law from 1 January 2021](#), which explains the impact on businesses, right holders, and consumers.
- The Government published a [notice](#) regarding the exhaustion of intellectual property rights from 1 January 2021. If no deal is agreed, organisations may need the right holder's consent to export intellectual property-protected goods that have been legitimately put on the market in the UK to the EU. You may wish to seek legal advice on how this arrangement could affect your intellectual property rights.
- The Intellectual Property Office has also published a [factsheet on intellectual property rights and EU exit](#).

Broadcasting and on-demand services

- On 1 January 2021, the Audiovisual Media Services Directive (AVMSD) and the country of origin principle will no longer apply to services under UK jurisdiction broadcast into the EU. However, the European Convention on Transfrontier Television (ECTT) framework will still apply and works originating in the UK will continue to be classed as European Works from 1 January 2021.
- Before the end of the transition period, the Government recommends assessing whether your current licence would continue to be accepted in EU countries where the service is made available and seek independent local advice if necessary.

- More information on how the rules would change for broadcasters and providers of video on demand services can be found in the Government notice on [Broadcasting and video on demand](#).

6. **Money, taxes and tax relief**

- From 1 January 2021, if your business is registered for VAT in the UK, you'll be able to account for import VAT on your VAT Return for goods imported from anywhere in the world.
- This means you'll declare and recover import VAT on the same VAT Return, rather than having to pay it upfront and recover it later.
- The normal rules about what VAT can be reclaimed as input tax will apply.
- If your organisation trades with EU countries, you should refer to the Government [guidance on VAT for businesses](#). This guidance summarises the main VAT issues that will affect UK businesses trading with the EU in goods and services.
- From 1 January 2021, if your business is registered for VAT in the UK, you'll be able to account for import VAT on your VAT Return for goods imported from anywhere in the world. This means you'll declare and recover import VAT on the same VAT Return, rather than having to pay it upfront and recover it later. The normal rules about what VAT can be reclaimed as input tax will apply.
- The Government has published guidance [here](#) on when you can, or need to, account for import VAT on your VAT return.