

Updated March 2019

Arts Council England EU Exit Guide

This document provides information on Brexit for the arts, museums and libraries. It acts as a guide only and makes reference 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 is due to withdraw from the European Union. If a deal is agreed, this will be followed by a transition period on the basis of a deal being agreed.

It is important for cultural organisations to assess the risks and opportunities that Brexit poses, so that they can prepare as well as possible.

Below we have sign-posted some of the Government's 'no deal' Brexit guidance which your organisation might find useful as you prepare. Government information on what to expect in relation to importing and exporting goods on day one of a 'no deal' scenario can be found [here](#).

Organisations in receipt of EU Funding

- In the event of a 'no deal' Brexit UK organisations would no longer receive future funding for projects under EU programmes such as Creative Europe, the European Regional Development Fund and Horizon 2020.
- However, if you have successfully bid into EU-funded programmes before the end of 2020, the Government has made a guarantee that you will receive funding and continue to receive it over the project's lifetime. You can find further information on the Government's funding guarantee [here](#).
- If your organisation is in receipt of the funds listed below, or you have submitted a bid to one of these funds, you will need to register your projects [here](#).
 - Creative Europe
 - Horizon 2020
 - European Social Fund
 - European Regional Development Funding
 - Erasmus+

Updated March 2019

Queries regarding this form can be sent to the relevant Government Department listed [here](#).

- Information and advice relating to current beneficiaries and prospective **Creative Europe** applicants can be found on the Creative Europe Desk [website](#).
- You can find information on the **Horizon 2020** underwrite guarantee and how Government plans to support UK research and innovation in the [‘Horizon 2020 if there is a no Brexit deal’ guidance](#).
- If you are currently in receipt of **European Regional Development Funds** or are a prospective applicant, you can find more information on how current and future European Regional Development Fund projects would be affected in the [‘European Regional Development Funding if there is a no Brexit deal’ Government notice](#).
- If you are currently receiving or applying for **European Social Fund (ESF)** grants, you can find more information on how grants would be affected in the Government [guidance on ‘European Social Fund \(ESF\) grants if there’s no Brexit deal’](#).
- Given economic uncertainties associated with a ‘no deal’ Brexit, in the event of a ‘no deal’ Brexit, your organisation should also consider its reliance on commercial or philanthropic income through visitor numbers, donations or corporate hire. You should **consider modelling the impact that changes** might have on your organisation and how you might respond to those scenarios.

Freedom of movement, immigration and citizens’ rights

Organisations employing EU nationals

- The Government has confirmed that EU nationals already in the UK by EU Exit day will be able to continue to live and work in the UK after exit day, regardless of the terms on which the UK leaves the EU (a deal or a ‘no deal’ scenario).
- Further details regarding EU and UK citizens’ rights in a **‘no deal’ scenario** can be found in the Government’s [policy paper on EU citizens’ rights in the UK](#).
- Further details on the rights of EU nationals already in the UK, and UK nationals in the EU in a **deal scenario** can be found in the [Withdrawal Agreement](#). These arrangements will apply to all EU nationals already in the

Updated March 2019

UK, and to those arriving before the end of the implementation period, if the UK leaves the EU with a deal.

- **EU nationals already in the UK will have to register** under the EU settlement scheme that will open fully on 30 March 2019 and will be available on the Home Office website. The deadline for applying will be 30 June 2021 in a deal scenario, or the end of December 2020 in a no deal.
- 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](#).

Employing EU nationals: the UK's future immigration system

- On the 19th December 2018, the Government published its immigration [White Paper](#) setting out plans for a new immigration system post Brexit.
- The publication of the White Paper begins a 12-month engagement period, with industry about the future immigration system. Organisations are encouraged to participate in this engagement during this period.

Transitional arrangements in a 'no deal' scenario

- The Home Office has also published a [policy paper](#) on arrangements for EU nationals arriving in the UK after exit day if there is 'no deal' and further information on short-term visits between the UK and the EU in a 'no deal'.
- In the event of 'no deal', EU citizens will be able to enter the UK to visit, work or study after the UK leaves the EU for a transitional period. For stays longer than 3 months, European nationals will need to apply for permission and receive **European Temporary Leave to Remain**, which is valid for a further 3 years. They will then need to apply for permission to stay in the UK under the future immigration system. This [guidance](#) published by the Government contains further information.

Visiting the UK after Brexit

- The Government has issued [guidance](#) for **citizens from EU, EEA countries and Switzerland visiting the UK after it leaves the EU**, including information on both a 'deal' and 'no deal' scenario. It includes practical guidance on whether visitors will need to apply for a visa, what documentation they will need

Updated March 2019

to show at the border, information on driving in the UK and using mobile phones in the UK. This guidance is useful for communicating to your international stakeholders planning a visit to the UK after the UK leaves the EU.

- For **short-term visits** between the UK and the EU in a 'no deal' scenario, the arrangements set out in this policy paper will mean that EU citizens will be able to enter the UK as they can now and stay for up to three months. UK nationals visiting the EU in this scenario will be subject to the same rules that are applied by EU to visitors from other third countries. Further information can be found in the accompanying guidance [here](#).
- The Home office has launched a **new entry process for non-EEA artists, musicians and sportspeople travelling from Ireland to the UK**. It will be free to use and means that eligible individuals in sporting and creative industries will be able to work in the UK for up to 3 months, bringing into line their entry conditions when arriving from other destinations. These new arrangements will allow musicians and sportspeople from countries such as Australia and America to apply for leave to enter remotely, putting an end to their requirement to apply for a visa to perform in the UK when entering through Ireland. See [here](#) for further information.

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 in any scenario. You will therefore be able to book flights as normal even if the UK leaves the EU without a deal. These measures are expected to last until the end of March 2020, when permanent future air service arrangements will be agreed.
- You can find more information on flights on flights between the UK and EU [here](#) and the government guidance on air services in the event of a 'no deal' [here](#).

UK nationals in the EU

- The rights of UK nationals to live and work in the EU in a 'no deal' scenario will be subject to the policies of individual Member States. The European Commission has published an overview of the residency rights of UK citizens who are legally residing in the EU27 Member States at withdrawal date in the case of a 'no deal' scenario, which can be viewed [here](#).
- The European Commission has also collated direct links to [national preparedness websites](#) from EU Member States, which includes relevant

Updated March 2019

information on Brexit published individually by European Member States.

- On the 25th March, the European Commission published information on its completion of preparations for the possibility of a 'no deal' scenario, outlined in a press release [here](#).

UK nationals travelling to the EU

- The government also published [guidance](#) for UK nationals travelling to the EU 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 apply to artists or employees of arts and cultural organisations travelling to the EU for work 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 UK leaves the EU, depending on decisions by individual countries. Go to the [NHS website](#) for the latest information on each country.

Changes at UK border

- The government released information for Arts, Sports and Culture organisations in a 'no deal' EU exit that can be found [here](#), and [guidance](#) on taking performing arts group or productions, exhibitions, or creative samples to the EU temporarily.

Moving objects in or out of the EU

- Organisations should evaluate the impact of goods or **items being delayed at borders** 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 UK leaves the EU.
- Cultural organisations are advised to refer to the Government's [Partnership Pack](#) which will help you prepare for the new procedures around crossborder activity in a 'no deal' scenario.

Updated March 2019

- 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 if there's no Brexit'. 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.
- The CITES guidance states that businesses will not be able to transport goods containing CITES-listed species, such as musical instruments, through certain high-volume ports including Dover-Calais, Eurotunnel and Immingham.
- 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. 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.
- The Department for Transport has published [guidance](#) on what lorry and goods vehicle drivers from the UK may need to do to drive in the EU and EEA when the UK leaves the EU.

Export and import of cultural property

- The Government has issued [guidance](#) on exporting objects of cultural interest if there's no Brexit deal. See section 4, 'notices for exporters' on Arts Council's [Export Licencing webpage](#) for 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 technical notice.
- 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. This is a continuation of the key policy effect of the EU export licensing system.
- 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

Updated March 2019

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 [Brexit preparedness 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 that includes information on loans between museums, and relief from import duty.
- The guidance indicates that Returned Goods Relief can be claimed in a 'no deal' scenario even if the UK leaves the EU after the goods have arrived and before they are returned. This is applicable to organisations that hold artwork or other objects imported from the EU.

Government Indemnity Scheme

- When applying for **UK Government Indemnity** 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.

Data protection

- Your business will need to make sure it follows data protection law if the UK leaves the EU without a deal.
- If you operate across the EU or exchange personal data with organisations in the EEA, there may be changes that you need to make before the UK leaves the EU.
- Read the [6 step process](#) and the [data protection guidance from the Information Commissioner's Office \(ICO\)](#).

Updated March 2019

- 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

- Some artists or organisations will own, or make available, artistic content which can be accessed online.
- The Government released the following [guidance](#) on how restricting access to online content (geo-blocking) between the UK and EU member states would be regulated if the UK leaves the EU with 'no deal'.
- The guidance provides information for consumers, business customers, traders and regulators, and is relevant for online traders who change the content of their websites depending on the physical location of the customers viewing them.

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 re-sale rights.
- The Government's guidance ['Copyright if there's no Brexit deal'](#) contains information on how cross border copyright would be affected in the event that the UK leaves the EU without a deal.
- The Government published a [notice regarding the exhaustion of intellectual property rights](#) if there is a no Brexit deal. 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](#).

Updated March 2019

Broadcasting and on demand services

- In case of a 'no deal' Brexit, the EU's Audio-Visual Media Services Directive, which coordinates national legislation of audio-visual media, on-demand services and the country of origin principle, will no longer apply to services under UK jurisdiction that are broadcast into the EU.
- Before the UK leaves the EU, the Government recommends assessing whether your current licence would continue to be accepted in the 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](#).

Money and taxes/tax relief

- There will be some specific changes to the VAT rules and procedures that apply to transactions between the UK and EU member states if the UK leaves the EU with no agreement in place.
- 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.
- If the UK leaves the EU with 'no deal', businesses registered for VAT in the UK will be able to account for import VAT on their VAT return rather than pay when, or soon after, the goods arrive at the UK border. The government has published guidance on accounting for import VAT that you can find [here](#).
- HMRC have also issued a [letter](#) to VAT-registered businesses trading with the EU and/or the rest of the world. It explains actions to take to prepare for changes to customs and VAT procedures, if the UK leaves in a no-deal scenario including:
 - Getting a UK Economic Operator Registration and Identification (EORI) number
 - Transitional Simplified Procedures for customs
 - Customs facilitations
 - Moving goods within the EU using the Common Transit Convention
 - Further controls for exports
 - Changes to accounting for VAT

Updated March 2019

- VAT registration checks
- EU VAT refunds

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