

## **Briefing for the BTA: No Deal Brexit Guidance**

### **Introduction**

Whether for leisure, to live, or to conduct business, Brexit will have a fundamental impact on how people from the UK travel to and from the European Union. While it is hoped that an agreement can be reached between the UK and EU to ensure a smooth transition, all businesses should be prepared for the implications of a No Deal scenario.

The following note has been prepared by Cavendish to provide guidance for business travellers moving between the UK and European Union post-Brexit. Some of the issues touched upon in this note include modal choice, visa requirements, as well as other more long-term factors such as permanent settlement. More detailed information can be found via the Government's most recent [Brexit preparedness note](#), published on 7 October 2019.

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### **Cross-Border Travel**

The Government has committed to ensuring that connectivity with the EU remains strong post-Brexit with only minimum disruption to both services and passengers. However, the withdrawal of the UK from pan-European agencies, organisations and authorities, such as the European Aviation Safety Agency (EASA), mean that how people travel to the continent will be impacted in the event of a No Deal Brexit.

This will mostly likely be felt in terms of the licensing required by transport operators to continue providing cross-border services, while passengers will also be required to provide additional documentation. The below outlines the existing guidance regarding the major transport modes for business travellers, and details how services will likely change and what contingencies have been prepared by the Government and the EU to mitigate disruption.

- **Aviation**

In the event of a No Deal Brexit, both the EU and UK Governments have agreed to implement contingency measures to ensure that flights between the UK and EU can continue as normal until October 2020. It is hoped that a new UK-EU Air Transport Agreement will have been negotiated by this point. If this does not occur, UK airlines will be required to obtain a part Third-Country Operator safety authorisation from the European Aviation Safety Agency (EASA) and an operating permit from each relevant EU member state.

- **Rail**

The Government is seeking bilateral arrangements with France, Belgium, and the Netherlands, as well as Ireland, to replicate existing provisions and ensure the continued smooth functioning of cross-border rail services. However, such bilateral agreements can only be negotiated once the UK has left the EU. That said, for GB-based domestic operators operating on Office of Rail and Road issued licences, there will be no impact from a No Deal scenario and cross-bordered rail services to the EU will continue as normal. For operators in the UK who use licences issued by another EU country, their licenses will remain valid for up to 2 years from exit day. The rights of rail passengers using cross-border services will also remain unchanged.

- **Cars**

Post-Brexit, UK licence holders will require new documentation if they hope to drive in the EU/ EEA. These new documents will include:

- **International Driving Permit**
- **Green Card for UK car insurance to be applicable in the EU**
- **GB sticker for the rear of your vehicle, in addition to the GB identifier on your licence plate.**

The UK Government is currently seeking assurances from EU member states that they will recognise the UK photocard driving licence of visiting UK motorists without requiring an International Driving Permit.

This will hopefully ease some of the administration on car users. However, no confirmation has yet been received on this point.

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## Visiting the EU

Due to free movement ending post-Brexit, there will be a significant impact on how UK nationals move between the UK and Europe, and vice versa. This will most likely take the form of visa requirements and other documentation, particularly for longer visits. Additional impacts may also include delays at border control (in some jurisdictions) and changes to health insurance. Many of the potential pitfalls highlighted below are not insurmountable and are unlikely to impact business travellers in a fundamental way.

- **Visa Requirements**

The European Parliament has confirmed that even in the event of a No Deal scenario, UK travellers will not require a visa to travel to the EU after Brexit for short-term business or leisure trips. Specifically, UK citizens will be able to visit the EU for up to 90 days within a 180-day period without a visa. The Government has also confirmed that travel to Ireland will not change after Brexit and UK citizens will be able to work in Ireland in the same way as before. However, a visa or permit may be required to stay for longer, or if a person wishes to work or study, but this will likely vary on a country by country basis.

- **Passport Requirements**

Since 30 March, new British passports have continued to be issued in burgundy. From late 2020, new passports will begin to be issued in blue. The Government advises that travellers should have at least 6 months left on an adult or child passport to travel to most countries in Europe (not including Ireland). If you have renewed your current passport before the previous one expired, extra-months may have been added to its expiry date. Any extra months on your passport over 10 years may not count towards the 6 months needed.

- **Border Controls**

Post-Brexit there may be increased immigration checks and documentation requirements for UK nationals travelling to the EU. In addition, British passport holders will no longer be entitled to use fast-track lanes at ports and airports for EU/EEA/Swiss citizens. This will likely result in longer queueing for British passport holders at passport controls in other EU countries. More positively, Portugal has committed to establishing dedicated passport control lanes at major airports for flights arriving from the UK to fast-track the entry of UK tourists. However, it is not yet clear whether other EU Member States will offer similar provisions.

For EU nationals coming to the UK, cross-border arrangements will remain largely unchanged, at least for the time being. EU nationals will continue to enter the UK via their passport or national identity card, be able to use eGates on a biometric passport, and will not face routine questioning by a Border Force officer.

- **Healthcare & Health Insurance**

The European Health Insurance Card (EHIC) allows any EU citizen to access state medical care when they are travelling in another EU country. In the event of a no-deal Brexit, UK registered EHICs will no longer be valid. It is advisable when travelling in the EU and beyond, to take out travel insurance and check that it covers your current circumstances, including any medical conditions. For those holding an annual policy, further details should be available via your Terms and Conditions or insurance provider.

- **Roaming**

Roaming arrangements for UK consumers in the EU/EEA may change, but some mobile operators have stated that they have no current plans to change their mobile roaming policies after Brexit.

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## Living in the UK and EU

The question of residency post-Brexit is perhaps the single most important human impact of the Brexit process, and the consequences of a No Deal Brexit are a source of anxiety for many EU nationals living in the UK and vice versa. The Government has already made clear that they will safeguard the status of EU nationals living in the UK regardless of whether a Withdrawal Deal can be agreed with the EU. The EU27 have also begun to implement their own unilateral contingencies. The following points detail what the UK route for EU nationals will look like, as well as what shape future post-Brexit immigration system may take.

- **EU citizens already living in the UK**

EU citizens living in the UK before Brexit will be able to continue to work, study and access benefits and services in the UK on the same basis after 31 October 2019. However, they will need to apply to the EU Settlement Scheme introduced by the UK Government. EU citizens with more than five years' residency will receive settled status, while those with less than five years' residency will receive pre-settled status, giving them time to accumulate the five years required for settled status. Irish citizens are not required to apply as their rights will be protected under domestic Common Travel Area (CTA) arrangements. Outside of the EU, the UK Government has reached separate agreements with the EEA/EFTA States (Norway, Iceland and Liechtenstein) and Switzerland on protecting their citizens' rights in the UK and vice-versa.

- **UK nationals living in the EU**

For UK nationals living in EU Member States, their residency and rights become the responsibility for individual Member States. All Member States have made commitments to protect the rights of UK nationals, but these vary in extent. Every Member State has prepared or enacted no-deal contingency legislation.

- **Post-Brexit Immigration System**

The UK Government has made clear that post-Brexit there will be a transition to a new points-based immigration system, which is expected to be introduced from 2021. While the exact model of this new system is still being consulted on, it is known that EU citizens moving to the UK after a no-deal Brexit on 31 October 2019 will still be able to live and work in the UK for a temporary period (until 31 December 2020). To remain in the UK after 2020, they will need to apply for European Temporary Leave to Remain (Euro TLR) which will last three years. Applications for Euro TLR will open after Brexit and will be free.