

# Brexit – What might still be outstanding for your business?

Despite having now left the EU with a trade agreement, many companies still have some way to go in a number of areas in terms of transitioning their business processes to the new ways of working outside of the EU.

Our checklist outlines some of the key areas for consideration, to help make the transition as smooth as possible for your business.

Area to consider	Action	Further detail
<b>Commercial contracts</b>	Check that your contracts involving supply of goods between the UK and EEA reflect changes in the import/export process	The changes in import and export processes mean there is additional administrative work to be done, which may involve additional cost, as well as potential delays in deliveries. Check your contracts specify who is responsible for dealing with the paperwork and costs, and that delivery timescales reflect the possible delays
	If you sell online into the EEA, check that your website and online sales process complies with the laws of the EEA states you sell into	UK businesses cannot now rely upon the “country or origin” principle, and need to ensure that their website and online sales process complies with the law of each member state which it sells into (in the same way as if you sell into any country outside of the EEA too)
<b>Data protection</b>	Consider whether you need to appoint a representative in the EEA.	If you process personal data relating to people in the EEA as a result of targeting your goods/services at them, or because you monitor their behaviour within the EEA, then you may need to appoint a representative within the EEA to act on your behalf in respect of EEA GDPR compliance.
	Check that the ICO has granted adequacy status in respect of any countries outside of the EEA to which you transfer personal data, where you previously relied upon an adequacy decision of the European Commission.	If you transfer personal data to countries outside of the EEA on the basis that the European Commission granted them adequacy status (e.g. Canada, Japan), you will not be able to rely upon this any longer. You will need to check that the ICO has granted a similar adequacy decision in respect of that country to allow you to transfer personal data from the UK to that country.
	Identify whether you receive any personal data from the EEA and decide what measures you will put in place to ensure this can continue to happen if an adequacy decision is not provided.	The Brexit deal grants a grace period of up to six months for EEA countries to be able to continue to send personal data to the UK. The expectation is that this will be sufficient time to allow the European Commission to issue an adequacy decision in respect of the UK’s data protection regime. However, if such a decision is not forthcoming, then another mechanism (such as Standard Contract Clauses or Binding Corporate Rules) will need to be put in place

...continued overleaf 

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	Identify whether you receive any personal data from the EEA and decide what measures you will put in place to ensure this can continue to happen if an adequacy decision is not provided.	The Brexit deal grants a grace period of up to six months for EEA countries to be able to continue to send personal data to the UK. The expectation is that this will be sufficient time to allow the European Commission to issue an adequacy decision in respect of the UK's data protection regime. However, if such a decision is not forthcoming, then another mechanism (such as Standard Contract Clauses or Binding Corporate Rules) will need to be put in place
<b>Business immigration</b>	Check in with EU staff to see if they are on with settlement applications.	EU staff will only be able to work in the UK after 1 July if they have settled or pre settled status or a visa.
	Consider application for sponsor licence.	If you want to recruit staff from overseas (including Europe) you will need to have a sponsor licence. Consider obtaining one now to avoid unnecessary delays.
<b>Export controls</b>	Consider licensing requirements for exports of any dual use goods from the UK to the EU (or the Channel Islands) and register for licences where necessary.	Exporters who may not previously have needed a licence to export to the EU may now need one. If your goods are controlled, register for the 'Export of dual-use items to EU Member States' open general export licence on SPIRE (the UK's online export licensing system).
	Check with trading partners in the EU as similar controls now apply for businesses in EU member states exporting to the UK	To avoid potential supply chain issues, liaise with EU trading partners to check that they have taken the necessary steps in their own Member States to ensure that their exports are correctly licenced now that the regulatory changes have taken effect.

We are here to help. If you are facing challenges around any of these areas, or have queries about Brexit, please get in touch:



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