

No deal Brexit preparations



Since the Brexit referendum, the Government has declared that leaving the EU with "no deal is better than a bad deal". The Prime Minister and others have made it clear that while they want to get a good deal, the UK is prepared to leave the EU in March 2019 with no agreement in place.

This would mean a significant and immediate change in the UK's relationship with the EU. The UK would no longer be part of the EU's regulatory regime, introducing barriers for businesses trading between the UK and EU. Leaving with no deal would also create uncertainty around the legal status of EU residents in the UK and Brits living in the other 27 member states.

As part of its preparations, between August and December 2018, the Government published a series of 'technical notices' setting out how government bodies, businesses and individuals would need to prepare for the UK leaving the EU with no deal in March 2019.

The Government has published 107 notices, along with one summary document, covering a range of areas from flights between the UK and EU to pet passports to exporting organic food.

What does the Government need to do to prepare for no deal?

The majority of the notices set out actions that the Government and/or business will need to take ahead of a no deal exit, to ensure they are prepared.

For the Government, the biggest challenge will be establishing a large number of new systems and processes, to replace those currently carried out by EU bodies. These range from a new licence system for trailers at the Driver and Vehicle Licensing Agency to managing funds currently disbursed by the European Commission to creating a temporary licence for banks from the EU to continue trading in the UK.

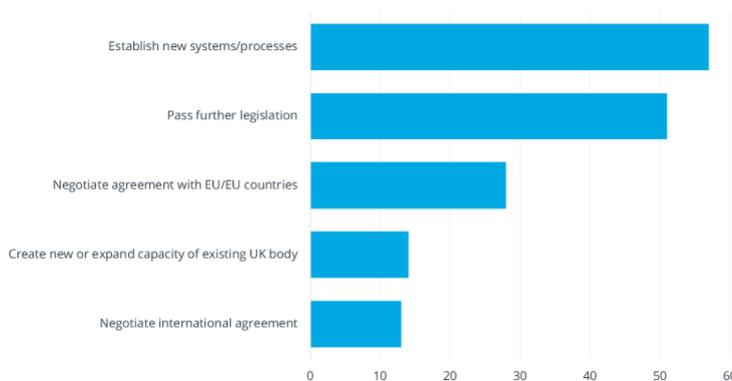
The Government will also have to pass legislation for many of the areas covered in its notices. Much of this will be 'secondary legislation' under the EU Withdrawal Act. The Leader of the Commons, Andrea Leadsom, told Parliament that the Government does not expect any difficulty in passing the required secondary legislation before exit day. However, this volume of legislation is straining government drafting capacity – the National Audit Office found that by June 2018, the Department for Environment, Food and Rural Affairs had drafted only 33 of the 93 statutory instruments it requires by March 2019 to implement Brexit smoothly.

Several notices refer to other legislation that may or may not fall under the Withdrawal Act. And we know that the Government will have to pass at least two more pieces of primary legislation before a no deal exit – the Trade Bill is proceeding but no legislation protecting citizens' rights has yet been introduced.

Another strategy the Government will pursue in the case of no deal is to attempt to reach agreement with the EU, or individual member states, on specific issues. Around a quarter of the notices suggest some kind of 'side deal', particularly in transport-related areas like flights and road haulage. However, Michel Barnier, the EU's chief Brexit negotiator, told the Exiting the EU Select Committee that "if there is a no deal there is no more discussion" and no 'mini-deals'.

Number of technical notices setting out actions the Government will take to prepare for no deal

IFG



Source: Institute for Government analysis of the Government's technical notices, available at: www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal



Number of technical notices setting out actions the Government will take to prepare for no deal (Updated: 20 Dec 2018) ⁽²⁾

[government-no-deal-notices-IFG-analysis-201218.xlsx](#) ⁽³⁾

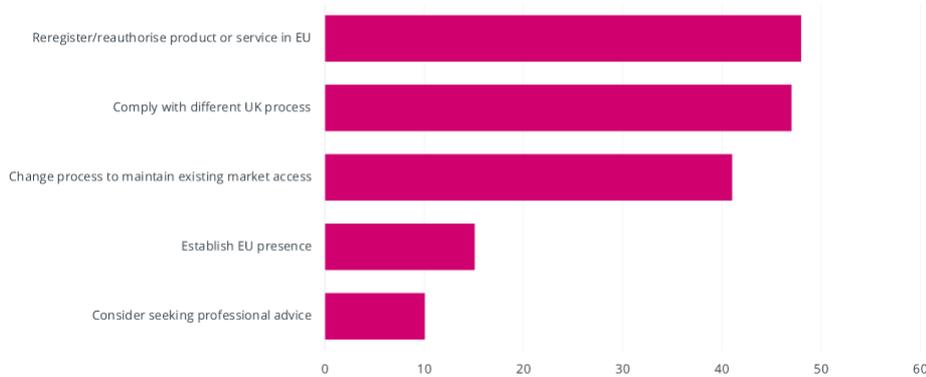
⁽⁴⁾

⁽⁵⁾

What does business need to do to prepare? ⁽⁶⁾

Businesses also face a significant amount of work to prepare for no deal. Given all the new processes and systems that the Government will be setting up in the UK, there will be a lot of new British bureaucracy for businesses to deal with, including [filling out customs declarations](#) ⁽⁷⁾, [changing labels on food products](#) ⁽⁸⁾ and getting [export health checks](#) ⁽⁹⁾ for exports containing animal products.

Those businesses that export to the EU may also face bureaucratic hurdles to ensure they can continue to sell their products or services in the other 27 member states. Many will have to seek new approval for their exports from an EU body, as the EU will no longer recognise approvals issued by UK authorities. This affects many sectors of the economy, from [car manufacturers](#) ⁽¹⁰⁾ to media companies [broadcasting](#) ⁽¹¹⁾ from the UK to other EU countries to [UK banks providing financial services](#) ⁽¹²⁾ in the rest of the EU. A smaller number of notices recommend that businesses establish some form of presence in the rest of the EU to be able to continue to serve that market.



Source: Institute for Government analysis of the Government’s technical notices, available at: www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal



Number of technical notices setting out actions business will take to prepare for no deal (Updated: 20 Dec 2018) ⁽¹⁴⁾

[government-no-deal-notices-IfG-analysis-201218.xlsx](#) ⁽¹⁵⁾

⁽¹⁶⁾

⁽¹⁷⁾

How dependent are preparations on new government IT? ⁽¹⁸⁾

Almost 60 of the notices say that the Government will create a new process, to replace a function currently carried out by the EU. We estimate that 25 of these new processes require new IT systems, which need to be ready for March 2019. These include a replacement for the EU’s Trade Control and Expert System (TRACES), used for managing the import and export of [live animals and animal products](#) ⁽¹⁹⁾, along with [organic food and feed](#) ⁽²⁰⁾; an e-notification service for [public sector contract](#) ⁽²¹⁾ opportunities in the UK; and new systems for [validating UK VAT numbers and collecting VAT](#) ⁽²²⁾ from overseas businesses.

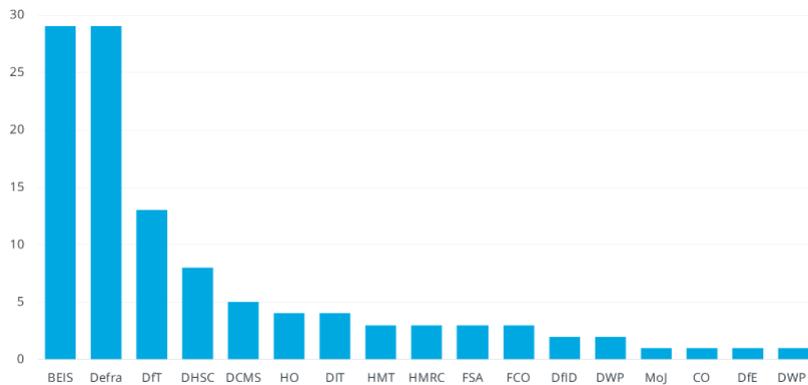
These new systems come on top of the Government’s plan to build a [new IT system for customs declarations](#) ⁽²³⁾, which HMRC was planning before the referendum but has been brought forward to be ready for when the UK leaves the EU next year. However, HMRC has [been criticised recently](#) ⁽²⁴⁾ for not providing enough information to businesses on what the new process will entail.

Simply setting up government systems is not enough. Many of them will need to be accessed and used by business, who may need to make significant changes to their own technology in order to adapt. A full list is provided at the end of this explainer.

Which government departments face particular challenges in preparing for no deal? ⁽²⁵⁾

The amount of work faced by businesses in preparing for no deal is reflected in the distribution of technical notices by departments, with the Department for Business, Energy and Industrial Strategy (BEIS) and the Department for the Environment, Food and Rural Affairs (Defra) publishing or co-publishing 29 notices each (a number of the notices are co-published by multiple departments). The top two departments facing the greatest pressure are unsurprisingly also the ones which have [the most Brexit workstreams](#) ⁽²⁶⁾: 72 for BEIS and 64 for Defra.

Number of technical notices published by department



Source: Institute for Government analysis of the Government’s technical notices, available at: www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal



Number of technical notices published by government department (Updated: 20 Dec 2018) ⁽²⁸⁾

[government-no-deal-notices-IfG-analysis-201218.xlsx](#) ⁽²⁹⁾

⁽³⁰⁾

⁽³¹⁾

What will the devolved governments have to do if there is no deal? ⁽³²⁾

All the notices refer to the need for the Government to work with the devolved governments to prepare for no deal. Around a third of them make explicit reference to work that the UK Government is doing with its counterparts in Wales, Scotland and Northern Ireland to prepare for such an outcome.

The majority of these relate to agricultural or environmental policies or processes which are some of the most high profile areas [currently governed by EU rules](#) ⁽³³⁾ but which are devolved. Currently the governments of the UK are in discussions about [how to manage these](#) ⁽³⁴⁾ areas when they return to the UK, although nothing more than a preliminary [UK Government analysis](#) ⁽³⁵⁾ has been published. In other areas, such as [chemicals](#) ⁽³⁶⁾ and [state aid](#) ⁽³⁷⁾, it is more commonly accepted that new UK-wide rules will be needed and the technical notices refer to Westminster agreeing these with the devolved governments.

The devolved governments have not published their own notices, although the [Scottish Government has warned](#) ⁽³⁸⁾ of the impact of leaving with no deal and has [made funds available](#) ⁽³⁹⁾ for firms to adapt to post-Brexit trading circumstances.

What do the notices say about EU businesses doing business in the UK? ⁽⁴⁰⁾

Almost half of the UK notices – 50 of the 107 – express an intention to unilaterally recognise EU standards and measures in the hope of minimising disruption in March 2019, at least for a time limited period.

This recognition covers EU product authorisations in a number of goods categories, including most [plants and plant products](#) ⁽⁴¹⁾, [medical devices](#) ⁽⁴²⁾ and some [car components](#) ⁽⁴³⁾. The UK has proposed introducing ‘temporary permissions regimes’ for various [financial services](#) ⁽⁴⁴⁾, allowing EU firms to continue to trade in the UK for a period after Brexit. Among other things, the UK also plans to accept EU [road haulage](#) ⁽⁴⁵⁾ documentation, [aviation safety standards](#) ⁽⁴⁶⁾, and [data protection standards](#) ⁽⁴⁷⁾.

But there are some areas where the UK proposes to treat the EU like those from any third country straight away: for example with relation to the quality of [blood](#) ⁽⁴⁸⁾ or [organs](#) ⁽⁴⁹⁾, [vehicle insurance](#) ⁽⁵⁰⁾, and (almost all) [civil legal measures](#) ⁽⁵¹⁾.

How will no deal affect UK citizens? ⁽⁵²⁾

In 27 cases, the technical notices suggest UK citizens will face some kind of additional burden.

Any additional costs of doing business with the EU may be passed onto UK consumers. For instance, rules governing [trade in electricity](#) (53) between EU member states will no longer apply to the UK – disrupting the supply of electricity between Great Britain and the continent as well as potentially severing the integrated Single Energy Market on the island of Ireland, both of which could result in higher prices for UK consumers.

UK citizens would also lose access to EU laws protecting their ability to work, travel or live in other EU member states. For example, access to [consumer rights](#) (54) that allow UK citizens to take EU businesses to court will be diminished, professional qualifications or licences enabling UK citizens to provide services – from [road haulage](#) (45) to [auditing](#) (55) – in the EU will no longer be recognised, and taking [pets](#) (56) or [horses](#) (57) abroad will be costlier or require additional bureaucracy.

The technical notices do not cover UK citizens living in the EU. However, as remaining EU member states begin their own process of contingency planning for no deal, it may become clear that those UK citizens will be affected too. The French Government has published a [draft law preparing emergency Brexit measures](#) (58) and other member states are also starting to make preparations.

What has the EU said about no deal? (59)

The EU began publishing its [own no deal notices](#) (60) in early 2018. Unlike the UK, the EU has said that it will no longer recognise UK approvals for products or services if the UK leaves with no deal. This is because legally the UK will be a ‘third country’ – i.e., one with no special arrangements with the EU.

As a result, many UK firms that want to continue trading in the EU will need to seek new approvals for their products and services; and as noted, some may need to establish a presence in one of the remaining 27 EU countries. Professionals, including [pilots, aviation engineers](#) (61) and certified [seafarers](#) (62), may need to seek new recognition of their qualifications and/or licences in another member state.

There are a handful of exceptions to this. In a December 2018 communication, the Commission said that it would allow UK air service providers to fly between the UK and EU – although not between EU countries. It also plans to grant the UK ‘equivalence’ on some financial services for up to 24 months, and allow UK hauliers to continue transporting goods in the EU for 9 months.

Some member states are making their own [preparations for no deal](#) (63).

How will the Government deal with the Irish border in a no deal Brexit? (64)

Seventy-four notices contain a reference to the UK’s ‘unique relationship with Ireland’, stating that the UK is committed to the Good Friday/Belfast Agreement and that the UK will work with the Irish Government and the rest of the EU to ‘act in the best interests of the people of Northern Ireland’.

The majority of the notices that contain this reference relate to issues that are particularly pertinent for the border between Northern Ireland and Ireland, including the [import](#) (65) and [export](#) (66) of animals, cross-border [road transport](#) (66) and [trading in goods](#) (67) with the EU – which recommends that businesses trading across the border consider asking the Irish Government for guidance.

One notice [sets out that the rights of Irish citizens](#) (68) to live and work in the UK will not change, with no action needed from individuals. It also makes clear that the Common Travel Area between the UK and Ireland (as well as Jersey, Guernsey and the Isle of Man) will remain in place regardless of the terms of Brexit.

However, despite the [Government’s previous commitment](#) (69) to avoiding a hard border between Northern Ireland and Ireland, there is as yet no clarity as to how this will be delivered.

New government IT systems needed for no deal

Responsible department	
BEIS	
Relevant notice(s)	Civil nuclear regulation
Purpose of new system	For authorising new shipments of spent fuel and radioactive waste
BEIS	
Relevant notice(s)	Horizon 2020
Purpose of new system	For ensuring payments to beneficiaries of Horizon 2020 funding can continue
BEIS	
Relevant notice(s)	Nuclear research
Purpose of new system	For ensuring beneficiaries of Euratom research and training grants can continue to receive funding
BEIS	
Relevant notice(s)	Trading goods regulated under the ‘New Approach’
Purpose of new system	For listing approved UK product testing bodies (database)
CO	
Relevant notice(s)	Accessing public sector contracts
Purpose of new system	For publicising public sector contract opportunities
Defra	
Relevant notice(s)	Accessing animal medicine IT systems Regulation of veterinary medicines

Purpose of new system For submitting regulatory information on veterinary medicines and applying for market authorisation approvals

Defra

Relevant notice(s) Commercial fishing

Purpose of new system For managing the increase in export catch certificates to be submitted to UK fisheries authorities

Defra

Relevant notice(s) Importing animals and animal products
Importing high risk food and animal feed

Purpose of new system For notifying the Food Standards Agency in advance about imports of high-risk food and feed

Defra

Relevant notice(s) Importing animals and animal products
Producing and processing organic food
Importing high risk food and animal feed

Purpose of new system For tracing imports of animals and animal products, and organic food, replacing TRACES

Defra

Relevant notice(s) Regulating chemicals (REACH)
Control on persistent organic pollutants

Purpose of new system For registering chemicals, to replace REACH

Defra

Relevant notice(s) Regulating chemicals (REACH)

Purpose of new system For notifying Defra about chemicals imported from the EEA without a REACH registration (transitional process)

Defra

Relevant notice(s) Regulating pesticides

Purpose of new system For checking decisions on active substance approvals (database)

Defra

Relevant notice(s) Regulation of veterinary medicines

Purpose of new system For applying for market authorisation approvals

Defra

Relevant notice(s) Using and trading in fluorinated gases and ozone depleting substances if there is no Brexit deal

Purpose of new system For managing UK quotas of fluorinated gases and ozone depleting substances

DfT

Relevant notice(s) Commercial road haulage

Purpose of new system For registering trailers travelling internationally

DfT

Relevant notice(s) Commercial road haulage

Purpose of new system For allocating road haulage permits

DFT

Relevant notice(s) Reporting CO2 emissions for new cars and vans if there is no Brexit deal

Purpose of new system For recording and verifying new car and van registrations for emissions compliance

DHSC

Relevant notice(s) Labelling tobacco products and e-cigarettes

Purpose of new system For submitting information about new tobacco products and e-cigarettes

DHSC

Relevant notice(s) Submitting regulatory information on medical products

Purpose of new system For submitting regulatory information on medical products

HMRC

Relevant notice(s) VAT for businesses if there is no Brexit deal

Purpose of new system For validating UK VAT numbers

HMRC

Relevant notice(s) VAT for businesses if there's no Brexit deal

Purpose of new system For collecting VAT from overseas businesses selling goods worth up to £135 into the UK

HSE

Relevant notice(s) Classifying, labelling and packaging chemicals

Purpose of new system For listing substances requiring mandatory classification and labelling

HSE

Relevant notice(s) Classifying, labelling and packaging chemicals

Purpose of new system For notifying HSE with details of any self-classifications for substances placed on the market

HSE

Relevant notice(s) Export and import of hazardous chemicals

Purpose of new system For notifying HSE about exports of listed chemicals from the UK, replacing ePIC

HSE

Relevant notice(s) Regulating biocidal products

Purpose of new system For receiving and processing applications for active substance approvals and biocidal product authorisations (interim arrangements for March, then new IT system)

Responsible department

Relevant notice(s)

Purpose of new system

BEIS Civil nuclear regulation For authorising new shipments of spent fuel and radioactive waste

BEIS	Nuclear research	For ensuring beneficiaries of Euratom research and training grants can continue to receive funding
BEIS	Trading goods regulated under the 'New Approach'	For listing approved UK product testing bodies (database)
CO	Accessing public sector contracts	For publicising public sector contract opportunities
Defra	Accessing animal medicine IT systems Regulation of veterinary medicines	For submitting regulatory information on veterinary medicines and applying for market authorisation approvals
Defra	Commercial fishing	For managing the increase in export catch certificates to be submitted to UK fisheries authorities
Defra	Importing animals and animal products Importing high risk food and animal feed	For notifying the Food Standards Agency in advance about imports of high-risk food and feed
Defra	Importing animals and animal products Producing and processing organic food Importing high risk food and animal feed	For tracing imports of animals and animal products, and organic food, replacing TRACES
Defra	Regulating chemicals (REACH) Control on persistent organic pollutants	For registering chemicals, to replace REACH
Defra	Regulating chemicals (REACH)	For notifying Defra about chemicals imported from the EEA without a REACH registration (transitional process)
Defra	Regulating pesticides	For checking decisions on active substance approvals (database)
Defra	Regulation of veterinary medicines	For applying for market authorisation approvals
Defra	Using and trading in fluorinated gases and ozone depleting substances if there is no Brexit deal	For managing UK quotas of fluorinated gases and ozone depleting substances
DfT	Commercial road haulage	For registering trailers travelling internationally
DfT	Commercial road haulage	For allocating road haulage permits
DfT	Reporting CO2 emissions for new cars and vans if there is no Brexit deal	For recording and verifying new car and van registrations for emissions compliance
DHSC	Labelling tobacco products and e-cigarettes	For submitting information about new tobacco products and e-cigarettes
DHSC	Submitting regulatory information on medical products	For submitting regulatory information on medical products
HMRC	VAT for businesses if there is no Brexit deal	For validating UK VAT numbers
HMRC	VAT for businesses if there's no Brexit deal	For collecting VAT from overseas businesses selling goods worth up to £135 into the UK
HSE	Classifying, labelling and packaging chemicals	For listing substances requiring mandatory classification and labelling
HSE	Classifying, labelling and packaging chemicals	For notifying HSE with details of any self-classifications for substances placed on the market
HSE	Export and import of hazardous chemicals	For notifying HSE about exports of listed chemicals from the UK, replacing ePIC
HSE	Regulating biocidal products	For receiving and processing applications for active substance approvals and biocidal product authorisations (interim arrangements for March, then new IT system)

Further information

[Download the data for our analysis of the Government's no deal preparations.](#) ^[70]

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[8] <https://www.gov.uk/government/publications/producing-and-labelling-food-if-there-is-no-brexiteal/producing-and-labelling-food-if-there-is-no-brexiteal>
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