



Brexit Business Checklist

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Whilst political turmoil around Brexit continues, we've produced the following checklist for you to identify the aspects of your business which may be impacted by Brexit (in whatever form it ultimately takes):

People

- Do you currently employ EU nationals?
- Are you likely to seek to recruit EU nationals in the next couple of years?
- Are you likely to recruit workers from non-EU countries following Brexit?
- Are you or any of your staff reliant on professional qualifications from other EU countries?
- Do your staff regularly travel to the EU on business?

Place

- Do you operate in (as opposed to export to) other EU countries?
- Do you have business premises elsewhere in the EU?
- Is your UK business controlled by an entity based in another EU country?

Trading: Customs etc.

- Have you traded outside the EU before?
- Have you and your staff been trained on trading internationally?
- Are you familiar with Incoterms forms of contract?
- Do you have an EORI (Economic Operator Registration and Identification Scheme) number?
- Have you familiarised yourself with post-Brexit VAT guidance?
- Have you researched the EU (and in due course UK) customs tariffs which would be applicable to your business?
- Are you an Authorised Economic Operator?

Trading: Ability to export

- Do you deal with goods or materials (e.g. plants, timber, GM food or animal products) the movement of which from outside into the EU is subject to restriction?
- Have you reviewed the packaging and labelling requirements for your products post-Brexit?
- Is your ability to sell products in the conformity assessment and certification of compliance with EU-wide standards?
- If so are you currently relying on UK bodies approved by the EU for certification?

Data

- Do you transfer personal data to or from the EU?
- Do you offer goods or services to customers elsewhere in the EU, or otherwise monitor their behaviour?

Intellectual Property/ Brand protection

- Do you rely on EU-registered trade marks and designs in the UK?
- Have you considered whether you may need to submit additional trade mark or design filings in the EEA to secure protection?
- Do you trade in goods with a protected designation of origin (e.g. Shetland wool) or a protected geographical indication (e.g. Stornoway black pudding)?
- Are you likely to need to enforce particular European or UK patent rights in the Courts after Brexit?
- Do you rely on database rights?
- Where you export products from the UK to the EU, does another business own the intellectual property rights applicable to those products (trade marks, patents etc.) in the EEA?
- Have you reviewed the territorial scope of your IP Licences and future assignments of rights?

Regulatory framework

- Are the regulatory regimes which govern your business derived from EU law?
- Are you regulated by an EU regulator?
- Does the Scottish Parliament have devolved legislative competency for matters affecting your industry sector (e.g. environment, agriculture)?

Finance

- Do your existing financing arrangements impose any conditions which could be impacted directly or indirectly by Brexit?
- Have you reviewed your financial model and cash flow with Brexit (and associated contingency planning) in mind - do you need additional funding?
- Have you considered exchange rate risk?
- Do you rely on EU funding?
- Do you understand export finance?

Contracts

- Have you considered how Brexit may impact you or your suppliers' ability to timeously meet contractual obligations?
- Have you reviewed both your supply chain and customer contracts for Brexit issues?
- Have you adapted your standard procurement and sales contracts?
- Do you understand who bears the burden of delay, changes in standards or other additional cost?
- What are your or the other party's rights to renegotiate, terminate or seek compensation as a consequence of Brexit related issues?
- Are you clear about what will be a Brexit risk?
- What will happen to goods delayed or stuck in transit, especially if perishable or otherwise time sensitive?
- What is your trade association or professional body saying on such matters - is there an emerging market standard position?
- Have you reviewed your insurance cover and terms?

Supply Chain

- Do you import or otherwise rely upon materials, components or consumables (including packaging and labelling) sourced from other EU countries?
- Have you made contingency arrangements (e.g. creating a buffer stock)?
- What about your suppliers - how reliant are they on deliveries from the EU? Have you sought assurances from them?
- If you export goods, whether to the EU or to the wider world via EU ports, have you created buffer stockpiles in the EU

Disputes

- Are you engaged in any form of contractual or regulatory dispute with a European dimension?
- Have you considered how you will enforce your contractual and other rights in future?



If you would like to speak to one of our
Brexit experts about your business plans,
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