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BREXIT UPDATE: TRAVELLING TO THE EU IF THERE'S NO DEAL

The UK is currently due to leave the EU on the 12 April 2019 (after the date was delayed from the 29 March). If the UK approves the Withdrawal Agreement by this date, the UK will leave the EU on 22 May 2019. If it does not, then the UK will leave the EU on 12 April 2019 without a deal being reached... unless a further extension is agreed or the UK decides to revoke Article 50 and remain in the EU. This note deals with the rules that will apply to British citizens travelling to the EU on business if there's no deal.

Assuming the UK leaves the EU on the 12 April with no deal, British citizens will be considered to be "third country nationals" (non-EU nationals) and as a result will no longer benefit from the EU free movement rights they currently enjoy when travelling to the EU. This could potentially mean that after the 12th April, British citizens would be subject to a visa requirement when travelling to the EU. However, the European Council has confirmed that subject to the UK not applying visa restrictions on EU nationals, British citizens will be able to travel to the Schengen area for short business trips and leisure purposes visa free under the Schengen arrangements.

Schengen Arrangements

The Schengen zone is a passport-free zone and is the largest free travel area in the world. Under the Schengen arrangements, once you have entered the zone, there are no internal borders from one Schengen country to another. There 22 EU Member States in the Schengen area including Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia,

Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain and Sweden. In addition, four non-EU countries are also covered: Iceland, Norway, Switzerland and Lichtenstein. Monaco, San Marino, and Vatican City have also opened their borders with, but are not members of the visa free zone.

British citizens should be considered "visa free nationals" so won't require a visa to travel to the Schengen area, but they will still need to comply with all of the restrictions that apply to anyone entering under the Schengen arrangements:

Passport Validity

You must have a passport that was issued within the last 10 years and is valid for three months after your scheduled departure date from the Schengen area.

Length of Stay

You may remain in the Schengen zone for up to 90 days within any 180 day period (from the date of your first entry into the zone) or for the duration of your Schengen visa if you have one and it's issued for a shorter period. The 90 days may be spread out or continuous. When calculating the length of your stay, your entry and departure dates fully count. Therefore, if you enter on Monday and leave on Wednesday of the same week, that would count as 3 days within the zone. The clock would only be reset once you have been outside of the Schengen zone for an uninterrupted period of 90 days i.e. you would then be able to enter for a fresh period of up to 90 days. Anyone wishing to remain for longer than 90 days would require a national or long stay visa (that would allow the individual to obtain either a permit to remain longer or a resident permit).





Purpose of Stay

You may enter under the Schengen arrangements for business meetings or briefings, or visits with a commercial or professional objective (fact finding or concluding contracts) or to participate in seminars, conferences, etc. **It is important to note that work related activities are, in general, prohibited.**

Therefore, if you wish to work in the Schengen area, or produce goods or provide services there, you may need to apply for a work and residence permit under the local immigration requirements of the country where you are staying.

Travel outside of Schengen area

The Schengen area covers most EU Member States, but please bear in mind that if you want to travel on business to EU Member States outside of the Schengen area (including Romania, Bulgaria, Croatia and Cyprus) you will need to comply with their local requirements.



“ British Citizens will be considered to be "third country nationals" and subject to the Schengen arrangements. ”

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