

IOLIS

Legal Services

Brexit: Information & Guidance for Welsh Sport

The logo for the Welsh Sports Association (WSA) features the lowercase letters 'wsa' in a bold, red, sans-serif font. The letters are closely spaced, with the 'w' and 's' overlapping slightly.

Welsh Sports Association
Cymdeithas Chwaraeon Cymru

Introduction

We have been asked to put together some basic advice and guidance on the impact of the UK withdrawal from the EU on the sports sector in Wales. We will produce plain simple advice on the following areas:

- Movement of people / travel
- The movement of sports equipment across borders
- Right to work checks
- Working visa's for UK nationals working in the EU
- Working visa's for non-UK nationals (admin / sports pro's / coaches)
- The impact on data protection

Some of the concerns will be mixed. A team that travels to Europe to compete will need visas, equipment will need customs documentation, and everyone will need adequate insurance cover for both travel and sport.

One of the major themes that emerges is the need to plan ahead and be organised. One cannot simply 'get on a plane' any more so last-minute panics are likely to occur unless clubs are organised.

It would be worth producing, at some point, some checklists. This would be best based on actual experience of undertaking a trip under the new rules.

We will rely upon current government advice, but like all new scenarios, a watch will need to be maintained on the advice as it is likely to change as the new requirements settle in.

Movement of people

Visiting Europe from the UK to compete or train

It is important to clarify that we will not deal with the movement of equipment or personal effects in this section. Please consult the relevant advice below.

Passports

Before travelling abroad (with the exception of Ireland) your passport must:

- Be Less than 10 years old; and
- Have at least six months to run before it expires.

Health Insurance

Current European Health Insurance Card (EHIC) will still be valid in Europe, but you should ensure that you take your card with you. You also need to check additional requirements for insurance for your specific sport and make sure your cover is adequate.

If you do not have an EHIC or it has expired, you may apply for a new Global Health Insurance Card (GHIC). This will NOT COVER YOU in Norway, Iceland, Liechtenstein or Switzerland. The GHIC will not cover all expenses nor repatriation costs if specialist transport is required.

If you're travelling to Switzerland, Norway, Iceland or Liechtenstein, you should get appropriate travel insurance with healthcare cover before you travel. You can use a UK passport to get medically necessary healthcare in Norway.

We advise that everyone is covered by a specific travel insurance policy that will provide sufficient cover and this must include your sporting activity.

We recommend that the tour organiser ensures that all staff, volunteers and participants are adequately insured before travelling.

Visas

For a visit of less than 90 days, you will not generally require a visa for the EU, Switzerland, Norway, Iceland or Liechtenstein. However if you will be touring countries within the Schengen region and your total stay within the area will be more than 90 days in any 180-day period you should seek advice.

We suggest that you ALWAYS consult the UK Government travel advice website:

<https://www.gov.uk/foreign-travel-advice>

From 2022 each traveller will need to register for an ETIAS Visa Waiver. You can find information about this here: <https://www.etiasvisa.com/etias-news/etias-visa-how-will-it-affect-uk-citizens>

Movement of equipment

Equipment

There are new requirements for moving equipment to and from Europe. You will need to prepare and file documentation prior to travel.

There are two ways in which you can move equipment out of and back to the UK without incurring customs fees or other problems.

Using an ATA Carnet

An ATA Carnet (pronounced Car-nay) is accepted in around 70 countries to allow equipment in and out of the country without customs or duty problems. You can check the complete list here: <https://www.gov.uk/guidance/countries-that-accept-ata-carnets>

You can apply online or by post to The London Chamber of Commerce and Industry for the ATA Carnet and it will require the payment of a fee of £325.96. You need to check with HMRC when planning your journey to ensure your ATA Carnet documents can be stamped. The whole process including links to apply and helpline numbers can be found here: <https://www.gov.uk/taking-goods-out-uk-temporarily/get-an-ata-carnet>

Using a Duplicate List

If you do not wish to pay for the ATA Carnet or cannot use one, you may use a Duplicate List. The process is more complex than using an ATA Carnet but is free. You should look at the advice and guidance on this page for details of how to apply and how to use a duplicate list: <https://www.gov.uk/taking-goods-out-uk-temporarily/duplicate-list>

Transporting equines

You will need to consult your official vet so that the required bloodwork can be undertaken prior to travel. You will need an export health certificate issued for each animal that will be transported. There are also many requirements for residency and isolation before travel. We recommend you check on the British Equestrian website where you can find a large amount of information as well as checking the UK Government information pages:

<https://www.britishequestrian.org.uk/equine/transport/brexit>

<https://www.gov.uk/guidance/export-horses-and-ponies-special-rules>

You must ensure you allow sufficient time to prepare for the testing and paperwork before needing to travel. It would be advisable to familiarise yourself with the process.

Driving a vehicle to the EU

You will need an insurance Green Card for the vehicle. You must also have a green card for any trailer or caravan. You MUST take your PHOTOCARD UK driving licence with you and the vehicles logbook (V5C0 or if it is rented a VE103. Full details are here:

<https://www.gov.uk/guidance/driving-in-the-eu>

Non-UK nationals working in the UK

EU citizens with settled status

After the 30th June 2021 you will need to check any EU citizens right to work in the UK. Any EU citizen currently working in the UK can apply for settled status up until the 30th June 2021.

The process and information on checking the right to work and EU citizen settled status can be found here. This information may well change so it is worth checking:

<https://www.gov.uk/guidance/employing-eu-citizens-in-the-uk>

Non-UK workers including EU citizens

This section does not apply to Irish citizens, EU citizens with settled status, or any person with indefinite leave to remain in the UK.

A new immigration system applies to people arriving in the UK from 1 January 2021. EU citizens moving to the UK to work will require a visa in advance.

EU citizens applying for a skilled worker visa need to show they have a job offer from an approved employer sponsor to be able to apply.

You will need a sponsor licence to hire most workers from outside the UK. You can find information about this here: <https://www.gov.uk/uk-visa-sponsorship-employers>

You can find more information on the UK's points-based immigration system here: <https://www.gov.uk/guidance/new-immigration-system-what-you-need-to-know>

Elite athletes and coaches working in the UK

This does not apply to Irish citizens. There are separate immigration rules for elite sports people wishing to come to the UK to be part of a UK team. It is known as a T2 Sportsperson Visa. The requirements for a sportspersons visa include:

- They are an elite sportsperson or qualified coach, who's recognised by their sport's governing body as being at the highest level of their profession internationally
- Their sport's governing body is endorsing their application
- Their employment will develop their sport in the UK at the highest level
- They have a valid certificate of sponsorship for the job
- Proof of their knowledge of English
- They have personal savings so they can support themselves upon arrival
- Show they can travel and their travel history over the last 5 years

Detailed information and guidance is available on a UK Government web page:

<https://www.gov.uk/sportsperson-visa>

Working in non-elite roles in sport in the UK

Other positions within the sport sector for non-UK citizens may be eligible for a Tier 5 visa. The person will need to make a significant contribution to their sport at the highest level in the UK to be eligible for this visa.

They will also need all of the following:

- A certificate of sponsorship reference number
- enough money to support themselves in the UK - usually at least £1,270

Full details of the T5 visa are available here: <https://www.gov.uk/temporary-worker-creative-and-sporting-visa>

Right to work checks

Everyone who is employed will need a Right to Work check carried out if they do not have a UK or Irish passport. This procedure was in place before Brexit and will continue. The check is done via an online service. The potential employee registers with the system and then gives the employer an access code.

The employee area: <https://www.gov.uk/prove-right-to-work>

The employer's area: <https://www.gov.uk/view-right-to-work>

There is also an overview of the system: <https://www.gov.uk/government/news/online-right-to-work-checks>

UK Citizens working in the EU

Temporarily working in the EU

If you are visiting the EU as part of your UK employment in the sports sector, for example you are undergoing training, have taken a team on tour, competing, or attending a conference or meeting, you will not normally require any additional visa endorsements other than those required to travel. See the section above on Movement of People. You must be mindful of the 90-day limit and not exceed this.

Relocating to the EU to work

It is important to understand that this section will only apply to people who have relocated to the EU to work and are employed by an EU organisation. If you want to work in the EU you will need a visa and work permit from the country you wish to go to. You can find out all the information you need here: <https://www.gov.uk/working-abroad>

Data protection changes

As part of the UK's transition to becoming an independent nation from the EU, EU laws have become part of UK law and are referred to as 'Retained European Law'. The GDPR is among these retained laws and is now referred to as the UK GDPR. So the GDPR is still in force along with the Data Protection Act 2018. There are no practical changes Welsh sports organisations need to implement. It is, at the moment, business as usual. There will be some potential changes with moving personal data to and from the EU in the future.

Moving personal data of UK residents to the EU

There are no additional measures or requirements for the movement of personal data from the UK to Europe for storage or processing. This is unlikely to change.

Moving personal data of EU residents to the UK

The UK will not be regarded by the EU as a 'safe place' for personal data now that we have left the union. There is a temporary arrangement in place until the 30th June 2021 that allows the processing of EU residents personal information in the UK without any additional safeguards. During this time, the EU and the UK will try and agree an 'adequacy' arrangement. This will mean the EU will consider the UK as a safe place for personal information.

It is not worth addressing any potential issues at the present time. It is only likely to be a minor consideration for most sports clubs should things change at a later date.