

# No-deal Brexit and Horizon 2020 participation of stakeholders located in Flanders

## NCP Flanders, Brussels, 31.10.2019 – update n° 8

(Updated news compared to the previous version is written in red)

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As a no-deal scenario BREXIT becomes a realistic possibility, the concern arises about participation in Horizon 2020 where UK partners are involved, or where researchers are located in the UK. When a no-deal scenario will be the case, then the UK is from that point onwards a **third country** in Horizon 2020 actions.

A comprehensive explanation is given by the NCP colleagues from Austria – cfr. <https://www.ffg.at/en/europe/Brexit>.

The Brexit has been postponed to **31 January 2020** the latest. The withdrawal can take place earlier on 1 December 2019 or 1 January 2020, if the withdrawal agreement is ratified by both parties. For the duration of the extension the United Kingdom remains a member state with all the rights and obligations set out in the treaties and under EU law.

The regulation [2019/0186](#) is proposed as an extension to 2020 of the contingency framework for the Union budget laid down in Council Regulation (EU, Euratom) 2019/1197 of 9 July 2019 on measures concerning the implementation and financing of the general budget of the Union in 2019 in relation to the withdrawal of the United Kingdom from the Union<sup>4</sup>. The proposal lays down rules on the relations between the Union, on the one hand, and the United Kingdom and its beneficiaries, on the other, as regards the financing and implementation of the budget in 2020.

## 1. Information from the UK including the underwrite agreement

### 1.1. UKRO

The UKRO (UK Research Office) has a dedicated webpage with information about BREXIT: <https://www.ukro.ac.uk/Pages/Brexit.aspx> mainly focusing on the commitment of the British government towards Horizon 2020 participation, and their underwrite agreement (**UKRI EU Exit page**) –which has been recently updated.

The UKRO fact sheet provides a good overview:

[https://www.ukro.ac.uk/Documents/factsheet\\_Brexit.pdf?pubdate=20180824](https://www.ukro.ac.uk/Documents/factsheet_Brexit.pdf?pubdate=20180824)

And the following document “UK PARTICIPATION IN HORIZON 2020 - UK government overview” explains all details: [https://www.ukro.ac.uk/authoring/public/Documents/uk\\_participation\\_h2020.pdf](https://www.ukro.ac.uk/authoring/public/Documents/uk_participation_h2020.pdf)

There is also a FAQ available:

[https://www.ukro.ac.uk/authoring/public/documents/170719\\_h2020\\_qa\\_underwrite.pdf](https://www.ukro.ac.uk/authoring/public/documents/170719_h2020_qa_underwrite.pdf)

### 1.2. UK government

The government has made available a [no-deal readiness report](#) and some specific **no-deal scenario pages**:

- [Horizon 2020 funding guarantee](#) – includes the most recent information for UK participants if the UK becomes a third country since third countries can bid to, participate in and lead the majority of Horizon 2020 projects, but cannot access:
  - mono-beneficiary schemes
  - some space and security projects which only allow participants from EU countries
  - some multi-beneficiary schemes (for example Fast Track to Innovation (FTI))

There is also detailed information regarding what to do if the change in the status of the UK will impact your project i.e. if you currently have the minimum number of EU country or associated country participants as stipulated in your Grant Agreement.

- [Mobility \(in case of no deal\)](#)
- [Important EU Exit information for UK nationals if there's no deal](#) (useful for academic institutions with British staff or students)
- [Visiting the UK after Brexit](#)
- [Exhaustion of IP rights and parallel trade after Brexit](#) - actions that parallel exporters to the EU and intellectual property rights holders will need to take after Brexit.

On 8 August 2019 the UK government [announced](#) in this article to launch later this year a new fast-track visa route for researchers by broadening the eligibility requirements for the Tier 1 Exceptional Talent visa scheme.

The UK government published as well

- a guidance for UK businesses on rules for selling services to Belgium if there's a no-deal Brexit.  
- "[Belgium: providing services and travelling for business after Brexit](#)"
- [a leaflet](#) with advice to EU businesses – what to take care of when doing business with UK of after a no-deal Brexit

## 2. European Commission and no-deal scenario

The European Commission installed a [Brexit preparedness page](#), containing a.o notices and legislative initiatives.

### 2.1. HORIZON 2020 and UK partners, coordinators or host institutes

Some of the **questions in case of no-deal scenario** for running Horizon 2020 projects, from the viewpoint of Flemish researchers or stakeholders located in Flanders:

- a MSCA individual fellow cannot be located in a third country. Can he/she still continue after a no-deal Brexit? What has he/she to do and when?
- an ERC grantee cannot fulfil his research in a third country. Can he/she still continue after a no-deal Brexit? What has he/she to do and when?
- if a consortium has only 3 beneficiaries and one of them is from the UK, then this consortium is not compliant anymore if the project type demands a minimum of 3 participants. Can the project continue after a no-deal Brexit? What has to be done and when by the coordinator, by the other partners?
- which administrative steps coordinators have to fulfil having a UK partner in their consortium after a no-deal Brexit, and when?

The above questions have been raised to the Research Inquiry Service (RES) by NCP Flanders but the following reply has been received, without answers on these specific questions above.

The RES has indicated that it does not validate individual cases/calls but only provides general guidance. RES points to the applicable eligibility conditions in the work programmes 2018-2020 and any specific conditions set out under the corresponding calls and the short message that was included on 6/10/17 in the news section on the Horizon 2020 Participant Portal, now the Funding and Tender Portal, "[News for British applicants to horizon 2020](#)"; *"These warnings state that the eligibility criteria must be complied with for the entire duration of the grant. If the UK withdraws from the EU without an agreement ensuring that UK entities continue to be eligible, they will no longer be eligible to receive EU funding and their participation in the grant may be terminated."*

RES furthermore referred till date to the regulation 2019/1197 of a set of contingency proposals; *“Furthermore, and still in terms of contingency planning for a possible no-deal scenario, the European Commission adopted on 30 January 2019 a proposal to avoid, or at least minimise, any unnecessary disruption for beneficiaries of EU spending programmes and other actions at the time of withdrawal. UK entities shall continue to be eligible in 2019 provided that the UK continues to honour its financial obligations under the EU budget in 2019. This issue is separate from and without prejudice to the financial settlement between the EU and the United Kingdom in a no-deal scenario.”*

Also the following question has been raised (with no answer from RES till today): can a coordinator of a Horizon 2020 project from UK still handle the budget of a Horizon 2020 programme as third country (also uttered in a press article by the 5 rectors of the Flemish universities – Knack-29.01.2019)? If not, what has to be done so that the project can continue?

Recently a list has been made available of running or terminated Horizon 2020 projects in which a stakeholder from a third country is or has been a coordinator - some examples:

- CSA
  - o with a beneficiary from Switzerland as coordinator (signed in the period they were not an associated country):  
<https://cordis.europa.eu/project/rcn/206098/factsheet/en>
  - o With a beneficiary from Uruguay as a coordinator:  
<https://cordis.europa.eu/project/rcn/196897/factsheet/en>
- a RIA with a beneficiary from Switzerland as coordinator (signed in the period they were not an associated country):
  - o <https://cordis.europa.eu/project/rcn/198796/factsheet/en>
  - o <https://cordis.europa.eu/project/rcn/199296/factsheet/en>

On 8 August 2019 the UK government confirmed that if in case of a no-deal Brexit the European Commission ceases assessing the submitted applications with UK host institutions for the Horizon 2020 mono-beneficiary schemes in ERC, MSCA and SME Instrument, the assessment of the proposals will be done by UK Research and Innovation (UKRI). UK host institution applicants have to re-submit their Horizon 2020 application to UKRI which will with help of external evaluators assess the proposals on the basis of Horizon 2020 evaluation criteria. The successfully evaluated proposals will be funded for its duration from additional UK government funding. Detailed information can be found in the links from the UK government posted in 1.2. (p1 and 2) of this document.

## 2.2. HORIZON 2020 – projects using/producing EUCI (EU Classified Information)

The current legislations allow participants from associated countries or third countries to be included in projects using/producing EUCI **IF a security agreement** (on council level) exists. Though participants from third countries and associated countries **without** a security agreement with the EU can participate in projects involving/producing EUCI **IF no access** to sensitive information has been foreseen.

In case of a no-deal scenario (and most probably no existence of a security agreement between UK and EU) coordinators of such projects with UK partners should take measures after a no-deal Brexit to fulfil the above described rules.

The following questions arise:

- which measures has to be taken after a no-deal Brexit in an on-going project using/producing EUCI with UK partners since UK has had access to this sensitive information till that date?

- what has to be done if a UK beneficiary is coordinator of a project using/producing EUCI? Can he still continue as a coordinator since he cannot have access anymore to sensitive information?

These questions have been sent to the RES by NCP Flanders, though no specific answer has been received.

### 2.3. Transfer of data (GDPR)

In case of no-deal scenario, the EU General Data Protection Regulation (GDPR) rules for transferring personal data **to third countries** will apply to the UK. Companies/institutions that transfer personal data to the UK will need to have **appropriate safeguards** in place, which is explained in a note by DG Justice: [“Notice to stakeholders: withdrawal of the United Kingdom and EU rules in the field of data protection”](#)

To avoid the safeguard measures, an agreement between UK and EU will have to be established as already exists with Andorra, Argentina, Canada (commercial organisations), Faroe Islands, Guernsey, Israel, Isle of Man, Jersey, New Zealand, Switzerland, Uruguay and the United States of America (limited to the Privacy Shield framework), an under discussion with South Korea and Japan.

More information: [https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries\\_en](https://ec.europa.eu/info/law/law-topic/data-protection/data-transfers-outside-eu/adequacy-protection-personal-data-non-eu-countries_en)

Interesting compilation made by the Irish IT Governance Blog:

<https://www.itgovernance.eu/blog/en/how-to-transfer-data-to-a-third-country-under-the-gdpr>

### 2.4. Intellectual property rights

Flanders investment and trade explains the details about Intellectual property rights and Brexit on their information page (in Dutch):

<https://www.flandersinvestmentandtrade.com/export/internationaal/dossiers/Brexit/intellectueel-eigendom>

The UK government published information regarding actions that parallel exporters to the EU and intellectual property rights holders will need to take after Brexit (cfr. 1.2. in this document).

## 3. COST action and no-deal scenario

The COST Association (European Cooperation in Science&Technology) has published on their [site](#) administrative measures they have taken already in spring this year to smooth the impact on UK-affiliated researchers in order to anticipate consequences of a “no-deal Brexit” .

**The UK government has officially extended the Underwrite Guarantee to the COST Programme and has set up a webpage with FAQ explaining how UK research organisations and researchers will continue to benefit from participation in COST after [a no-deal] Brexit. ([COST Actions after Brexit](#) )**

## 4. Information sources in Flanders

### 4.1. Flemish government

The website <https://www.fdfa.be/en/Brexit> (in Dutch: <https://www.fdfa.be/nl/Brexit>) gives information about:

- the Flemish Framework Decree that ensures that the most serious shocks of a no-deal Brexit are mitigated.
- FAQs
- Helplines as there are:
  - [www.Brexitready.be](http://www.Brexitready.be) for information regarding export to UK
  - email to [Brexit@fitagency.be](mailto:Brexit@fitagency.be) for information regarding export to UK

- telephone line: 1700 (option 3) for all stakeholders

In the Flemish Framework Decree the following points might be of interest to researchers:

- UK nationals will not need a work permit or professional card (“Arbeids- en beroepskaart”) for a stay in Belgium shorter than 90 days. For a stay longer than 90 days there will be installed a fast track application procedure.
- Professional qualification: the obtained qualification will remain valid. After Brexit the applications that are already in process will follow the same procedure as before Brexit. Applications that have been initiated after Brexit will follow the procedure as for third countries.

#### **4.2. Flanders Investment and trade**

The website <https://www.flandersinvestmentandtrade.com/export/internationaal/dossiers/Brexit> compiles different aspects of a no-deal Brexit to Flemish exporters.

#### **4.3. NCP Flanders**

All stakeholders can contact NCP Flanders ([info@ncpflanders.be](mailto:info@ncpflanders.be) - 02/550 15 65) for questions related to Horizon 2020