

Brexit

Deal or no deal? How do we advise clients?

Malcolm Dowden

June 2019



What is happening?

- EU Council agreement to extend the UK's Article 50 notice to 31 October 2019, or earlier if a Withdrawal Agreement is approved and ratified.
- Is "no deal" still possible?

Customs union and regulatory alignment v “Global Britain”



What is happening?



Harry Potter and the Horcrux of
Brexit?

Taxation (Cross Border Trade) Act 2018, section 31(5)



WOMBLE BOND DICKINSON

What does it mean?

- Data and privacy law
 - Adequacy decision?
 - EU-US Privacy Shield?
 - Article 27 representative(s)?
 - Other safeguards?
- Customs and border control
 - EU-UK tariffs
 - Regulatory checks and parallel regimes (eg REACH)
 - Import VAT

What does it mean?

- Greater focus on supply chain management
- Haulage and distribution arrangements
- “Trusted trader”/AEO status?
- Extra paperwork? (eg MiB?)



What does it mean – contracts

- Contractual risk allocation
 - Delay
 - Customs and border costs
 - Force majeure/frustration?
 - Termination and business continuity



About the Speaker

Malcolm Dowden is an experienced commercial and regulatory lawyer. He is a member of Womble Bond Dickinson's Brexit steering group, focusing on Brexit planning and resilience measures for businesses involving import and export. Recent activities have included contributing to a report on the potential use and development of free port or free zone status to mitigate the impacts of Brexit, particularly for small and medium sized enterprises, and with a particular focus on the manufacturing, advanced manufacturing and chemicals sectors.

Malcolm contributed to, and edited, a UK House of Lords report: Distributed Ledger Technologies for Public Good. The report examined the potential application of blockchain and distributed ledger technologies to address supply chain and border control/border clearance issues. That project led to discussions with a number of port operators, including the Port of Rotterdam, which has recently conducted a major "Brexercise" to assess and highlight the potential risks of a "no deal" Brexit.

As a member of the firm's Brexit steering group, Malcolm has been tracking and providing comment on key legislative developments, including the Taxation (Cross Border Trade) Act 2018, which received royal assent on 13 September, the EU (Withdrawal Act) 2018 and the House of Commons votes on the proposed Withdrawal Agreement and Political Declaration.

Learn more about Malcolm here: <https://www.womblebonddickinson.com/uk/people/malcolm-dowden>.



Malcolm Dowden

Legal Director

Womble Bond Dickinson (UK) LLP

T: +44 2380 20 8428

E: malcolm.dowden@wbd-uk.com



WOMBLE BOND DICKINSON



“Womble Bond Dickinson,” the “law firm” or the “firm” refers to the network of member firms of Womble Bond Dickinson (International) Limited, consisting of Womble Bond Dickinson (UK) LLP and Womble Bond Dickinson (US) LLP. Each of Womble Bond Dickinson (UK) LLP and Womble Bond Dickinson (US) LLP is a separate legal entity operating as an independent law firm. Womble Bond Dickinson (International) Limited does not practice law. Please see www.womblebonddickinson.com/us/legal-notice for further details.

Information contained in this document is intended to provide general information about significant legal developments and should not be construed as legal advice on any specific facts and circumstances, nor should they be construed as advertisements for legal services.

©2019 Womble Bond Dickinson (US) LLP