

FAQ for European and UK publishers and booksellers regarding the EU-UK trade agreement in force since 1st January 2021

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The information provided in this Q&A will be updated with new information when available. **Neither EIBF nor FEP can be held liable for this information**, which would need to be confirmed by the relevant authorities.

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1. Glossary

- **European Union: 27 Member States.**
 - **United Kingdom: Great Britain and Northern Ireland.**
 - **Great Britain: England, Scotland and Wales.**
- Important:** there will be no substantive change affecting the movement of goods between Northern Ireland and Member States of the EU, including the Republic of Ireland. The Northern Ireland Protocol will apply instead. For this reason, we make a distinction when referring to trading conditions with Great Britain (England, Scotland and Wales) and Northern Ireland.

2. Do all new rules (trading and copyright) apply from 1st January 2021, or is there a window period?

There is no transition period for imports into the EU and exports to Great Britain. Formalities and relevant controls may lead to longer delays at customs as of that date.

There is, however, a grace period of 3 months (until 1st April 2021) for businesses in Great Britain sending parcels to customers in Northern Ireland.

Besides this, the only expected changes will be for EU import VAT, some conditions of which will change on 1 July 2021. See question 6 below for more information on VAT.

3. General rules applicable to EU and GB businesses

a. Rules of origin

Under the recent EU-UK Trade & Cooperation Agreement, **there will be zero tariffs and quotas on the trade of goods¹ between the EU and Great Britain**, provided that they meet the relevant rules of origin².

This essentially means that goods must be able to demonstrate that they “**originate**” (in the case of books, this means **printed**) in the EU or UK.

¹ Including books and other products like periodicals, calendars, audio CDs, etc.

² The following products shall be considered as originating in the other Party:

- products wholly obtained in the EU or the UK, e.g., live animals born and raised, plants and vegetable products grown or harvested;
- products produced in the EU or the UK exclusively from originating materials;
- products produced in the EU or the UK incorporating non-originating materials provided they satisfy the requirements of the product-specific rules of origin.

Goods which fail to satisfy the relevant preferential origin rules will be subject to normal WTO import tariffs (i.e., the Common Customs Tariff in the EU or the Global UK Tariff).

- Import tariff applicable in the EU should rules of origin not be met: According to the European Commission's regulation on the Common Customs Tariff, "**printed books, brochures, leaflets and similar printed matter, whether or not in single sheets**" are **free of conventional rate of duty**, i.e., no customs tariff applies when they are imported into or exported out of the EU from or to third countries.
- Import tariff applicable in GB should rules of origin not be met: imported **printed books, newspapers³, journals and periodicals** **will not be subject to a tariff**, i.e., importing these goods into the UK from third countries, such as EU countries, even if they do not originate in the EU, is subject to a third country duty of **0.00 %** unless subject to other measures.

In short: there will be no import tariffs on books entering the EU or GB, regardless of whether rules of origin are met.

For more information on rules of origin, check the European Commission's FAQ on the matter.

b. Customs – general information

Despite the tariff-free and quota-free access for products traded between GB and the EU, **customs formalities will apply** to all goods being exported from an EU Member State to GB and vice versa. For instance, declarations and documentation will be required for bilateral imports and exports, and formalities will also apply to goods in transit.

- If you are an **EU trader**, see question 4 for specific customs documentation.
- For specific customs documentation for **UK businesses**, please see question 5.

³ Also those appearing at least four times a week.

i. Will imports/exports between the EU and Great Britain be subject to customs fees?

Depending on the value of the goods you buy or import, you may be charged with Customs Duty and Value Added Tax (VAT), the cost of which is calculated based on the goods plus transport (including postage), any insurance and any handling charges to deliver the goods to the EU.

If your goods have:

- a customs value (including cost, transport, insurance and handling charges) of €22 or less, you will **not** have to pay Customs Duty or VAT.
- a customs value of more than €22, you **will** have to pay **VAT**.
- an intrinsic value (the value of the goods alone excluding transport, insurance and handling charges) of more than €150, you **will** have to pay **Customs Duty**.

Note: Customs Duties will also apply to goods ordered from GB that do not originate in the UK, thus not fulfilling the rules of origin (i.e., shipped from outside UK).

More on VAT payment in [question 6](#) below.

4. Trade – EU companies importing/exporting from/to Great Britain

a. Business to Business (B2B) and Business to Consumer (B2C)

Businesses established in the EU that wish to import or export goods from/to Great Britain will have to obtain an **EORI (Economic Operators Registration and Identification) number**.

- The EORI number will be used on the customs declarations and supporting documentation that businesses need to create.
- An EORI is a 12-digit number that begins with the two-letter code used to identify the country that issued the number.

i. Where can I find the required documentation to fill in?

You will need to get an EORI number from the customs authority in the country where you are established i.e., where you submit your first declaration or request your first decision. This number is valid throughout the EU. The full contact list of national authorities is available [here](#).

In general, goods entering the EU from Great Britain from 1st January 2021 are covered by an **Entry Summary Declaration (ENS)**. The ENS must be lodged within certain time limits in advance of the arrival of the goods with the customs authority where the first arrival in the EU will take place.

To do: booksellers based in the EU who import and/or export books and other goods from/into the UK are encouraged to apply to their relevant customs authorities for their EORI number as soon as possible to avoid delays.

ii. If I as a European bookseller import books from Great Britain, what is the role of my GB supplier in this process?

As indicated above, the customs value on which Customs Duty is calculated is the cost of the goods plus transport (including postage), any insurance and any handling charges to deliver the goods to the EU.

If you import books or other products from Great Britain, you will need to determine with your supplier in Great Britain whether they will be the exporter of record and therefore responsible for the customs paperwork and export clearance, transport, insurance and other issues relating to the goods movement. They may also take responsibility of the customs clearance and import VAT for the goods into the EU.

The rate of Customs Duty that applies depends on the goods you import. You can find all the rates in the [TARIC database](#). See [here](#) for printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans.

Gardners UK [asks](#) that all EU-based businesses to contact internationalsales@gardners.com and provide their EORI number **as soon as possible** so that service can continue running smoothly after the Brexit transition.

Important: the exporter based in GB will need a UK EORI number from HMRC. See [question 5](#) just below for more information.

b. Rules for individual citizens sending books

European Union citizens sending goods to Great Britain will have to make **a CN22 or CN23 customs declaration**.

5. Trade – GB companies importing/exporting from/to the EU

a. General

Important reminder: This section only applies to trade between the EU and Great Britain. There will be no substantive change for the movement of goods between Northern Ireland and Member States of the EU, including Ireland.

Note: there is a three-month customs grace period for businesses in Great Britain sending parcels to customers in Northern Ireland.

b. Business to Business (B2B) and Business to Customer (B2C)

UK businesses located in Great Britain (England, Scotland or Wales) that wish to import or export goods from/to the EU will need an **EORI number** that starts with “GB” and can apply for it [here](#). If you move goods to or from Northern Ireland, you will also need an EORI number that starts with “XI”. This is required for moving goods between Northern Ireland and the rest of the UK, and moving goods between Northern Ireland and non-EU countries.

EORI numbers previously issued in the UK are **not** recognised in the EU after the transition period, i.e., from 1st January 2021.

If you are unsure whether your business is registered for customs and has a valid EORI number, you can check [here](#).

To do: Booksellers based in GB can apply for a UK EORI number [here](#). Those moving goods to or from Northern Ireland will also need an EORI number starting with XI.

6. Value Added Tax (VAT)

Sales of goods and services to and from the Great Britain will cease to be called dispatches and acquisitions and will instead be referred to as **imports and exports**, in line with trade with non-EU countries. While exports will be VAT exempt, imports will not.

VAT will be charged at the local rate of the country of import, with the customer being responsible for payment in most cases.

Reminder: different rules apply for trade in goods between EU Member States and Northern Ireland.

a. VAT for import into Great Britain from EU

You must pay import VAT on parcels you sell to GB customers or businesses if you:

- are based outside GB
- sell goods sent in parcels worth £135 or less to GB customers or businesses

This essentially means that the point at which VAT is collected will move from the point of importation to the point of sale. For these transactions, GB and non-GB resident sellers must charge sales VAT through their website checkout. The VAT is calculated on the sales price. The seller must provide a VAT invoice which should accompany the consignment through customs. This may be a simplified invoice.

VAT registration will be mandatory for non-GB established sellers from 1 January 2021 who make sales to GB customers. Therefore, European retailers sending goods to GB must charge UK VAT on their sales to GB customers at the point of sale and will have ongoing VAT compliance obligations (VAT invoicing, VAT returns, VAT payments) if the sale value is less than €150 (£135).

For B2C transactions, this UK VAT will be charged and collected by the seller at the point of sale. For B2B transactions of under €150 (£135), the seller may avoid charging VAT if they hold the UK VAT registration number of the business customer. A VAT invoice should be issued with a notation that VAT is to be accounted by the UK business customer by way of a reverse charge (this replaces acquisition VAT).

If you sell goods sent in parcels worth over £135, the import VAT, Customs Duty (and Excise Duty where applicable) should be paid by the GB buyer and collected by the parcel operator.

Books are zero rated in the UK, so there is no actual VAT to be paid. Nevertheless, European retailers sending goods to GB are expected to register for UK VAT and account for it to HMRC.

Registration for VAT in the UK: <https://www.gov.uk/vat-registration>

Specific rules apply if online marketplaces (OMPs) are involved in facilitating the sale to customers, depending on whether goods were outside or inside the UK at the time of sale. In most cases, OMPs will be responsible for collecting and accounting for the VAT directly from the customer, unless the goods are being sold from Northern Ireland to a Northern Ireland customer, where the seller remains liable for VAT. In any case, we recommend to seek expert advice in this regard.

To sum up, European sellers selling and exporting goods into GB will need to charge UK VAT and apply to be part of the UK VAT system when supplying goods with a value of £135 or less to end consumers (that is, non-VAT-registered individuals). However, books are zero-rated in the UK, so no actual VAT is expected to be paid.

It must be noted that any internal tax or charge (such as VAT and excise duties) cannot be higher than that applicable to domestic products.

b. VAT for importing into the EU from GB

VAT is payable on goods at the same rate that would apply if they were bought in your Member State. A searchable '[Taxes in Europe](#)' database has been developed for EU Member States, which shows Member States' VAT rates for specified goods.

This means that VAT will be payable to customs authorities at the time of importation, unless the Member State of importation allows to enter import VAT in the periodical VAT return of the taxable person. The taxable amount is based on the value for customs purposes, but increased by:

- taxes, duties, levies and other charges due outside the Member State of importation, and those due by reason of importation, excluding the VAT to be levied;
- incidental expenses, such as commission, packing, transport and insurance costs, incurred up to the first place of destination within the territory of the Member State of importation as well as those resulting from transport to another place of destination within the EU, if that other place is known when the chargeable event occurs.

GB sellers will be able to use the non-Union MOSS scheme, therefore registering for VAT only in one Member State (Member State of identification) of their choice, with regard to sales of digital services (e-books, audiobooks). For physical book sales, they will need to register in each EU MS where they make sales, if they choose to use the Delivery Duty Paid (DDP) terms (see below); this will apply until 1 July 2021, when an Import One-Stop-Shop (IOSS) will become available (see below).

i. Business to Business (B2B)

For Business-to-Business (B2B) supplies, the business customer is supposed to account for VAT.

ii. Business to Customer (B2C)

For Business-to-customer (B2C) sales, business terms determine whether a GB seller deals with VAT and custom duties itself (Delivered Duty Paid) or whether the customer is liable (Delivered at Place), in which case usually the courier collects the charges and gets paid by the customer. The choice of the Incoterms to apply will depend on business agreements and on how much of the burden each party will be willing and able to take.

Important: From 1 July 2021, an optional scheme is to be introduced covering the distance selling of goods (with a value less than €150) involving importation into the EU from third countries (including GB). Distance sales occur where goods are supplied to non-taxable persons (generally consumers) where the goods are transported to the consumer by the supplier. Under this scheme, the seller of the goods will charge and collect VAT at the point of sale and will declare and pay that VAT to the appropriate Member State via an import 'one-stop-shop' (IOSS).

GB suppliers of goods to consumers in the EU will be required to appoint an intermediary established in the EU. If a GB supplier chooses not to use the IOSS system, any import VAT due on the importation of goods (with a value below €150) will be collected from customers by the customs declarant (e.g. the courier, postal operator or customs agent) who will, in turn, pay over the VAT to the tax authority via a monthly payment.

Furthermore, as of 1 July 2021, together with the introduction of the above import scheme, the current VAT exemption for goods in small consignment of a value of up to €22 will be abolished.

For more information on VAT charges, see this [Q&A](#) on VAT after Brexit. Some additional very detailed explanations are available [here](#).

FEP and EIBF recommend to seek expert advice on this topic.

Note: online sales of goods to and from Northern Ireland will continue to be treated as EU supplies.

c. VAT returns

Payment and recovery of import VAT can be accomplished through [VAT returns](#) for VAT registered businesses. Taxable persons established outside the EU, including in GB, must submit their refund application directly to the Member State in question. Member States may require the third country taxable person to designate a tax representative in the EU in order to obtain the refund.

VAT invoicing obligations will also apply. The person liable to account for the VAT will be required to provide the customer with a full VAT invoice at the point of sale. The invoice can be in paper or digital form, but the option to issue a simplified or modified invoice will not apply.

d. Other charges

Regarding shipping charges, these will generally depend on the shippers.

Mail and freight company [TNT](#) has said it is now imposing a surcharge of £4.31 on all shipments between the UK and the EU. TNT is now owned by Federal Express (Fed Ex), which has also "updated" and increased its charges and transportation rates for shipments from UK to EU, and EU to UK, a spokesperson for the two companies said.

Other shipping services such as DHL and UPS have also taken similar measures.

On another note, excisable goods⁴ imported into the EU from Great Britain will be subject to excise duties in the EU.

⁴ Beer, wine and intermediate products (for instance sherry and port) other products containing alcohol (for instance spirits) tobacco products (for instance cigarettes, cigars and pipe/cigarette tobacco)

7. Are there different/more flexible rules and requirements for trading with the UK depending on the size of a business or the volume of sales?

No, all rules are the same no matter size and volume of sales.

For instance, regarding the requirement for an EORI number, the size of the business undertaking trading does not matter.

Sole traders, partnerships and bigger companies will all need one.

8. Where can I access more information about my rights and obligations as an EU company exporting/importing to/from GB?

Booksellers and publishers can get in touch with their national BA as well as the EIBF and FEP Secretariat respectively should they require more specific information or have any doubts.

The coverage of the most important topics can be found in the European Commission's Guidance Note "[Withdrawal of the United Kingdom and EU rules in the field of customs, including preferential origin](#)"

Equally, you can also consult the [HMRC website](#) for developments and procedures in the UK.

Additionally, and as introduced above, the European Commission has set up a [dedicated site](#) with national contact points and/or websites dedicated to UK Withdrawal-related information, specifically on customs and VAT-related issues.

On a final note, the following table summarises our key recommendations:

Booksellers and publishers should take the following main actions:

- **speak to their logistics providers / customs agents**
- **speak with their suppliers and customers about the changes**
- **get familiar with customs requirements and classify their goods**
- **apply for a GB / EU EORI Numbers and VAT registrations where applicable**
- **be clear on the rules of origin contained in the TCA between the EU and UK and the administrative processes for claiming preferential tariffs**
- **remember EU VAT refunds**

9. Copyright – what changes, and what remains the same?

a. Will EU works still be protected in the UK and vice versa?

UK works will remain protected in the EU as European works, as copyright protection stands with national treatment; all works accessed and used in one territory are protected regardless of where they were created.

The same is true for EU works accessed and used in the UK.

b. Are non-original European databases still protected in the UK and vice-versa?

Databases which benefit from an additional right in the EU when their structure is non-original are no longer protected under that *sui generis* right in the UK, as it is unique to the EU. However, they are likely to benefit from sweat-of-the-brow protection in the UK.

c. Will EU & UK books have the same term of protection?

The term of protection is 70 years *post mortem auctoris* in the EU in most cases. It is also 70 years in the UK, and the UK has not indicated that they intend to revert to the minimum period of 50 years specified by the Berne Convention.

d. What about the exhaustion of rights? Can I buy US editions in Europe?

From 1 January, parallel imports from the EEA to the UK remain freely importable. However, since EU law providing for the exhaustion of IP rights no longer applies to the UK, an IP right is now no longer exhausted in the EU if a good protected by it has been lawfully put on the UK market. This means that the rightsholder may oppose parallel imports from the UK into the EEA. Consequently, businesses that export IP-protected goods from the UK to the EEA need to ensure they have permission from the right owner.

Secondly, it is critically important to remember that, while exhaustion of rights may have changed following Brexit, contractual rights have not. UK publishers can enforce their territorial contractual rights to prevent books from e.g., the US being brought in and re-sold in the UK, or into the EU where they hold those rights.

e. Will the DSM Directive apply in the UK?

The UK has indicated that it will not implement the Directive on Copyright in the Digital Single Market. Hence the U harmonised exceptions for preservation, illustration for teaching, or TDM will not affect UK copyright law. The UK can also not benefit from the solutions put forward for out of commerce works (and similarly as of 1st January for orphan works). The UK may choose to propose its own solution for content posted on platforms.

Some examples of what this means in practice:

- Preservation: A work contained in the collection of an EU library can be digitised whether or not the work has been first published in the EU. The UK has a more restrictive preservation exception⁵ which requires that it only applies where it is not reasonably practicable to purchase a copy; this would also apply to EU works in the collections of British libraries.
- Illustration for teaching: Works used under the exception in one EU MS can be used in all other MS due to a legal fiction that the use takes place where the educational institution is located, i.e., uses must fulfil the conditions of the national exception. Works used under the exception in e.g., Ireland can no longer be used in reliance upon this legal fiction in the UK.
- TDM: the harmonised TDM exception is limited to the 27 EU MS. The UK has its own TDM exception limited to non-commercial research. While EU commercial companies can rely on the EU exception, this is not, at least for the time-being, possible in the UK.

f. Will subscription services have to offer different services for UK citizens?

Not necessarily.

Subscription – for content licenced by subscription platforms, nothing changes except that the legal obligation of portability of the content no longer applies (if a German resident travels to the UK, s/he cannot demand to be able to see that content in the UK and vice-versa, although it is likely to be permitted by the term of the contract). Copyright-protected content is not covered by the Regulation prohibiting unjustified geo blocking inside the EU, meaning that it is possible to limit the availability of the content for one or more countries. This legislation is anyway limited to the European Union MS.

g. Will I need to make changes to contracts with authors/translators/illustrators? What about license agreements between EU and UK authors/publishers?

The rights at the heart of publishing contracts and licenses are not impacted by Brexit, which will mean that little is likely to change in practice. However, as always, it depends on what is agreed in each contract. One area to look out for is undoubtedly any definition of territory which makes reference to the EU.

⁵ <https://www.legislation.gov.uk/ukxi/2014/1372/regulation/5/made> 42 *Copying by librarians etc: replacement copies of works - (1) A librarian, archivist or curator of a library, archive or museum may, without infringing copyright, make a copy of an item in that institution's permanent collection—(...) provided (...) it is that it is not reasonably practicable to purchase a copy of the item to achieve either of the purposes mentioned in subsection (1).*

In cases of uncertainty, publishers may want to contact certain authors or licensees in order to ensure the agreement in place continues to reflect the wishes of both parties. Contracts with authors, translators, illustrators or other creators are governed by the relevant country's copyright contract law, which is not impacted by Brexit.

Where licenses cover databases, the above-mentioned changes regarding the *sui generis* right may affect contractual arrangements. As described above, the way works licensed to the UK are affected by exceptions may diverge in future.