

Memorandum of Understanding

Between **Department of Agriculture,
Environment and Rural Affairs**

And ***[Insert Local Authority / LA name]***

In respect of **Certification of Products of Animal
Origin (Fish, Fishery products and
composite products containing
Fish and/or Eggs) and provision of
support for official certification of
other POAO on behalf of DAERA**

in **Approved and registered (where
applicable) establishments in
Northern Ireland**

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Glossary

| Abbreviation | Meaning |
|--------------|--|
| AAHP | Aquatic Animal Health Professionals |
| aPVP | authorised Private Veterinary Practitioner |
| APHA | Animal & Plant Health Agency |
| CIEH | Chartered Institute of Environmental Health |
| CO | Certifying Officer |
| CSO | Certification Support Officer |
| DAERA | The Department of Agriculture, Environment and Rural Affairs |
| DECOL | DAERA Export Certification On Line |
| DEFRA | The Department of Environment, Food and Rural Affairs |
| DoF | Department of Finance |
| EHC | Export Health Certificate |
| EHNI | Environmental Health Northern Ireland |
| EHO | Environmental Health Officer |
| EU | European Union |
| FBO | Food Business Operator |
| FCCO | Food Competent Certifying Officer |
| FIEPH | Food Imports, Exports and Port Health |
| FSA | Food Standards Agency |
| HMRC | Her Majesty's Revenue and Customs |
| LA | The Local Authority: The Borough, City or District Council |
| NFG | Notes for Guidance |
| NICS | Northern Ireland Civil Service |
| OV | Official Veterinarian (DAERA) |
| POAO | Products of Animal Origin |
| PVP | Private Veterinary Practitioner |
| ROI | Republic of Ireland |
| SHA | Support Health Attestation |
| SOLACE | Society of Local Authority Chief Executives |
| TCSO | DAERA Trade Certifying Support Officer |
| TC | Third Country |
| VSAHG | Veterinary Service Animal Health Group |

1 Parties to the Agreement

- 1.1 This Memorandum of Understanding (MOU) is between the Department of Agriculture, Environment and Rural Affairs (DAERA) and the Local Authorities (LAs) in Northern Ireland named above, and listed in Annex 1, who have undertaken to work in partnership with, and on behalf of, DAERA to provide official certification services to local businesses within each LA's jurisdiction.
- 1.2 For the purposes of this document, this Memorandum of Understanding will hereinafter be referred to as the 'Agreement'. The parties to this Agreement are **[Insert Name of Local Authority]** and DAERA hereinafter referred to as "the Parties".

2 Purpose

Third Country export certification

- 2.1 In the United Kingdom, trade is a reserved matter held by the UK Government in Westminster. The lead department for trade across the agri-food sector (live animals, products of animal origin (POAO), germinal products and animal by products) is the Department of Environment, Farming and Rural Affairs, (Defra). Defra, as the Central Competent Authority, delegate responsibility for governance and delivery of certification within the territory of Northern Ireland to the Department of Agriculture, Environment and Rural Affairs (DAERA). **Export Health Certificates (EHCs)** are required to accompany certain commodities to Third Countries (TCs) and live animals and some animal products to member states within the EU.
- 2.2 DAERA Official Veterinarians authorised as certifying officers (COs) certify meat and dairy POAO to third countries. DAERA Fish Health Inspectorate (FHI) authorised as COs certify live aquaculture and aquatic germplasm. Authorised Private Veterinary Practitioners (aPVP) authorised as COs certify live animals, animal by products and germplasm to third countries.
- 2.3 Local Authority designated food competent Environmental Health Officers (EHOs) are authorised by DAERA as **Food Competent Certifying Officers (FCCOs)** to undertake official certification of fish, fishery products and composite fish and/or egg products on its behalf, issuing EHCs for export of this product to TCs. LAs undertake this work as a non-statutory function, with no further funding from DAERA, in pursuit of their overarching responsibilities to support communities and the local economy.

Support of Official Certification by other COs

- 2.4** In addition, DAERA has requested that, where required and appropriate, LAs will provide relevant information to a CO acting on behalf of DAERA, on technical food hygiene, traceability and compliance matters in businesses under their jurisdiction. The purpose of this is to facilitate official certification for POAO other than fish, eggs, etc., for example, dairy POAO, being produced for export in establishments under LA jurisdiction and which must be certified by an official veterinarian. Such COs may be employed either directly by DAERA or acting on behalf of DAERA, for example, an authorised Private Veterinary Practitioner (aPVP). This work complements the activities of Environmental Health Officers who have statutory roles in delivery of Official Controls under Regulation (EU) 2017/625, as authorised by the Food Standards Agency, UK. This exchange of information will take place under the provision of a Data Sharing Agreement (DSA) agreed between DAERA, Local Authorities and the Food Standards Agency (FSA).

Export certification following EU Exit Transition Period

- 2.5** The UK/EU Withdrawal Agreement, which includes the Ireland / Northern Ireland Protocol (the Protocol) sets out how Northern Ireland's exit from the European Union (EU) will work and provides that while the whole of the UK will leave the Customs Union, Northern Ireland will align with EU Regulations on goods and customs.
- 2.6** Under the Protocol, Northern Ireland (NI) will, in effect, be required to maintain regulatory alignment with the EU on the application of Sanitary and Phytosanitary (SPS) measures. SPS measures refer to the system in place to manage disease risks and maintain traceability, safety and standards in the food chain. They are comprised of a wide range of controls including regulation, infrastructure and systems of auditing, certification and inspection. As such, they are important to international trade in live animals, products of animal origin, animal by-products, feedstuffs, plants and plant products and residues.
- 2.7** The detailed arrangements to support implementation of the Protocol have been determined through Specialised and Joint Committee structures of the EU and UK Governments.
- 2.8** Post transition, the movement of goods and products between Great Britain and Northern Ireland will be determined by the existence, nature and extent of any such future free trade agreement between the UK and the EU.
- 2.9** Since the UK's departure from the EU on 31 December 2020, the EU now lists Great Britain as a third country (TC). Consequently, the EU now applies SPS checks on goods entering the EU from Great Britain in line with those checks prescribed for TCs as currently set out in EU law, for example, in the Official Controls Regulation (EU) 2017/625 (OCR).
- 2.10** Post transition, in accordance with EU law, products of animal origin (POAO) moving from GB into the EU (including NI), will therefore require an export health certificate (EHC).

- 2.11** As part of unfettered access provided under the NI Protocol, it is expected that no additional SPS documentation will be required for POAO moving from NI to GB, for consumption on the GB internal market. **Requirements for entry to GB and for transit of goods moving from NI to EU via GB, post 01 October 2021, have still to be confirmed by Defra.**
- 2.12** Intra UK movements of POAO (including from NI to GB) where the final product is intended for export from GB to the EU, including NI, after storage or further processing in GB, will require a **Support Health Attestation (SHA)** confirming that the product complies with the requirements of the EHC. This will allow for completion of the final EHC from GB to EU.
- 2.13** A Support Health Attestation is issued for each commodity at the premises of origin to specify that the POAO for export meets the requirements of the specific EHC for the final market destination. It allows completion of EHCs in GB, for POAO moving to EU, or back to NI. SHA can be issued by COs, either veterinarians or EHOs, who are specifically authorised by DAERA to do so. In some cases, for example for movement from NI to Ireland, a **Background Certificate (BC)** may be issued instead of an SHA.
- 2.14** DAERA Veterinary Officers authorised as COs issue SHAs for meat, from premises where DAERA has a permanent presence; aPVPs authorised as COs can issue SHAs for meat, dairy, egg and composite products.
- 2.15** EHOs authorised as FCCOs can issue SHAs for the movement of fish, fishery products, egg products and composite products containing egg and /or fish from NI to GB to support onward final certification.
- 2.16** LAs may use **Certification Support Officers (CSOs)** who have been suitably authorised by DAERA to support the FCCOs in gathering evidence for certification. This applies to the issue of **both EHC and SHA (incl. BC).**

Other certification of goods by LAs

2.17 The provision of unofficial certification for POAO, in other words, that which is not agreed between the importing and exporting competent authorities, or which is not authorised by DAERA, is not within the scope of this Agreement. This may apply to certification of both POAO and foods not of animal origin.

3 Commencement of the Agreement

- 3.1** This Agreement commences on **[Insert date XX XX 2021]** and will be subject to annual review. Any amendments required will be dealt with as per sections 8 or 10 of this Agreement.

4 Principles behind the Agreement

- 4.1** It is not a statutory requirement for a Local Authority to provide certification however all Local Authorities which undertake to deliver certification must be party to this Agreement. The Agreement relates to all certification activities undertaken by LAs on behalf of DAERA.

- 4.2 The Agreement cannot have any legal effect but all parties to the Agreement will act in accordance with it. In committing to this agreement, the LA is agreeing to comply with the international standards of certification which DAERA uphold and to deploy only suitably authorised FCCOs to issue certification. These are specified in Annex 2.
- 4.3 DAERA will authorise suitably qualified and trained officers employed by LAs to provide official export health certification and support health attestations for fish and fishery products, egg products and composite products containing fish and/or eggs, to food business operators located within the LA's jurisdiction.
- 4.4 The LA will maintain a programme of Official Control inspections, as specified in the FSA Food Law Code of Practice (NI) and associated FSA Practice Guidance (NI), at all establishments exporting products of animal origin where they are the enforcement authority.

5 Review, Governance and Management of the Agreement

- 5.1 Key contacts with responsibility for this agreement and email addresses for reporting issues are identified in Section 13.
- 5.2 The Memorandum of Understanding will be reviewed and operational delivery will be monitored on an annual basis. However, additional reviews can be carried out at 3 month intervals at the request of either party. This will be facilitated at a meeting of the Environmental Health Northern Ireland (EHNI) group, which the DAERA representative(s) will attend by prior arrangement. The annual review should take place within 3 months of the end of the financial year, i.e. during April – June.
- 5.3 Technical issues relating to delivery will be discussed at the **Food Imports, Exports and Port Health (FIEPH)** technical sub-group meetings. These usually occur at a bimonthly frequency at which DAERA representatives are in routine attendance
- 5.4 Either Party may raise, at any time, urgent issues that cannot be held over until the next meeting.
- 5.5 The Parties will, as soon as reasonably practicable, inform each other when they become aware of any deficiency in the quality of the service and will take immediate steps to investigate and resolve any problems. The Party causing the deficiency is under a duty to resolve the deficiency within a period agreed with the other Party. The procedure at Section 10 will be used to resolve any dispute.

6 Information and Records Management

- 6.1 The LA shall retain a copy of the issued certificate or attestation and supporting documentation and any other relevant information for a minimum of three years from date of issue.

- 6.2 Documentary evidence collected in support of the certification process is considered commercially sensitive and the LA must ensure the security of the data is maintained in line with the General Data Protection Regulation 2016.
- 6.3 All such records may be stored electronically and, in such cases, there is no requirement for a hard copy. In addition, scanned copies of EHCs issued through DECOL should be uploaded to the relevant application within DECOL
- 6.4 The LA shall make records available to DAERA for inspection by arrangement with DAERA's Principal Agreement Manager.

7 Data Protection and Data Sharing

- 7.1 DAERA takes data protection, freedom of information and environmental information issues seriously. It takes care to ensure that any personal information is processed in a way which complies with the requirements of the General Data Protection Regulation 2016 and the Data Protection Act 2018. This means that any personal information shared should only be processed for the purpose for which it has been provided unless permission is granted by DAERA as the Data Controller.
- 7.2 DAERA's Privacy Statement can be found at:-
<https://www.daera-ni.gov.uk/publications/daera-privacy-statement-document>
- 7.3 The LA and DAERA agree to share data as per the data sharing agreement for certification services. Please see Annex 4.
- 7.4 The LA may not make any press announcements or publicise this agreement without the prior written consent of DAERA.

8 Termination of the Agreement

- 8.1 Any request by the LA or DAERA to cease or suspend the delivery of certification provided by the LA under this agreement must be made in writing and a period of notice must be given of not less than three months, unless an alternative termination period is jointly agreed between Parties.
- 8.2 Both Parties acknowledge that requirements for export health certification and support health attestations to GB / EU will be determined by ongoing discussions around implementation of the Northern Ireland Protocol the outcome of which may result in additional certification services.

9 Emergency situations

Force Majeure¹ where unforeseen events occur out-with the LA's control, the LA shall take all necessary measures to ensure continuance of delivery of certification wherever possible. Where this is not possible, the LA should inform DAERA as soon as it becomes aware.

¹ For the purposes of this Agreement, the expression “Force Majeure” shall mean any happenings or non-happenings which could not be anticipated and are beyond the LAs’ control including civil disturbance, flood or other weather –related circumstances.

10 Disputes

- 10.1 Issues arising which affect the essence or interpretation of this Agreement or the delivery of certification activities by the LA, and/or where agreement cannot be reached, shall be firstly referred to the Principal Contacts identified in Section 13.
- 10.2 If they cannot agree, the matter shall then be referred to DAERA's Director of International Trade Facilitation Division and the EHNI representative of the Local Authority.
- 10.3 In the event of a further failure to reach agreement, the LA Chief Executive and the Chief Veterinary Officer of DAERA will be asked to adjudicate.

11 DAERA Monitoring of LA Activities covered by this Agreement

- 11.1 As the competent authority for official certification DAERA must ensure that the internationally recognised standards of certification are upheld by all certifying bodies and officials authorised to issue official certification. Ongoing monitoring and assessment of official certification issued will be made against the agreed standards referred to in Annex 2 and listed in Annex 3. A DAERA checklist may be provided to the LA to indicate the type of monitoring checks which are routinely carried out.
- 11.2 Any additional planned audit of LA certification activities by DAERA, over and above routine monitoring shall be notified in advance to the LA, for example, in preparation for an incoming TC inspection of NI and DAERA competent authority export assurance procedures. In advance of such an audit, terms of reference will be agreed and provided to the LA. Where available, an audit checklist will be used to achieve the objectives specified in the audit scope. Where non-compliances are found, or suspected, site visits may be necessary.
- 11.3 The LA shall, on request, make available in a timely manner, to DAERA's auditors, relevant records and documents relating to visits or other services carried out under this Agreement.
- 11.4 DAERA will report any findings to the Lead FCCO of the relevant LA, and liaise with the relevant LA and issuing FCCO to achieve full compliance with the standards. As with all categories of CO, DAERA may suspend or withdraw authorisation of a Food Competent Certifying Officer, where there is evidence of non-compliance.
- 11.5 Where appropriate, DAERA may report these findings to the EHNI group in an anonymised manner, where it is possible to do so, without compromising the identity of an individual LA.

12 Gifts, Hospitality and Fraud

12.1 Officers employed or acting on behalf of the LA must abide by the LA's Code of Conduct in relation to matters which might reasonably be seen to compromise the individual's personal judgement or integrity in carrying out certification on behalf of DAERA. Local Authorities should ensure that there is no conflict of interest for FCCOs carrying out certification activities.

13 Contacts

13.1 Principal Contacts

| DAERA | LA / Local Authority |
|---|--|
| DVO Trade Certification and Standards Name: Heather Boyd Email address to contact or report issues to DAERA: heather.boyd@daerani.gov.uk | LA Lead Food Officer (Hygiene) Name: [Insert name] Email address to contact or report issues to LA: [Insert email address] |

13.2 Signatories to the Service Level Agreement (SLA)

| Signed on behalf of the DAERA | Signed on behalf of the LA |
|--|--|
| Signature: _____ Date: XX 2021 | Signature: _____ Date: XX 2021 |
| Name in Capitals: XX DAERA of Agriculture, Environment & Rural Affairs Dundonald House Upper Newtownards Road Ballymiscaw Belfast BT4 3SB | Name in Capitals: XX <i>Enter Local Authority details</i> |

Annex 1 – Types of certification activity provided:

The following specific activities may be undertaken by a Local Authority on behalf of DAERA:

- i) **Certification Activity 1:** provide **supporting information relating to Official Controls** on food hygiene, traceability and compliance to facilitate official certification by other Certifying Officers acting on behalf of DAERA.
- ii) **Certification Activity 2:** issue **official Export Health Certification** destined for Third Countries outside the UK and EU for fish, fishery products, including live bivalve molluscs, egg products and composite products containing fish and egg products of animal origin.
- iii) **Certification Activity 3:** issue **Support Health Attestations** and / or Background Certificates within the UK, or to the EU, for fish and fishery products, including live bivalve molluscs, egg products and composite products containing fish and egg products of animal origin.

The following are the NI Local Authorities who may undertake the activities above:

Antrim and Newtownabbey Borough Council

Ards and North Down Borough Council

Armagh City, Banbridge and Craigavon Borough Council

Belfast City Council

Causeway Coast and Glens Borough Council

Derry City and Strabane District Council

Fermanagh and Omagh District Council

Lisburn City and Castlereagh Borough Council

Mid and East Antrim Borough Council

Mid Ulster District Council

Newry, Mourne and Down District Council

Agreement of Certification Activity with the Local Authority

| Name of Local Authority | Activity 1 Certification support from Official Controls to other COs | Activity 2 Export Health Certification to Third Countries | Activity 3 Support health Attestations/ Background Certificates to UK / EU |
|--------------------------------|---|--|---|
| <i>[Insert name of LA]</i> | Yes / No* | Yes / No* | Yes / No* |

*Delete as appropriate

Annex 2 – Legal requirements and specification for the certification activities

DAERA, as the competent authority for official certification, must ensure that the internationally recognised standards of certification are upheld by all certifying bodies and officers authorised by DAERA to issue official certification on its behalf.

Governance of certification

Article 5 of Official Controls Regulation (EU) 2017/625 (OCR) sets out the general obligations for competent authorities to have procedures in place to ensure the effectiveness, impartiality, quality and consistency of official controls and official activities at all levels and to ensure that those performing the activities are appropriately trained, authorised and free from conflict of interest.

In addition, Article 6 of OCR requires the competent authority to carry out internal audits or arrange for audits of its delivery to be carried out.

DAERA Trade Programme Governance unit monitors and assesses certification issued by all categories of CO to assure the quality and effectiveness and that international standards are met.

[Regulation EU 2017/625 OCR](#)

Certification standards

- Official Control Regulations

The standards of certification are set out in Articles 88 – 91 of OCR.

- World Organisation for Animal Health (OIE)

The World Organisation for Animal Health (OIE) sets specific requirements for the issue of official certification

[Terrestrial Code Online Access - OIE - World Organisation for Animal Health](#)

[Aquatic Code Online Access - OIE - World Organisation for Animal Health](#)

- Royal College of Veterinary Surgeons

The Royal College of Veterinary Surgeons' Ten Principles of certification set out the standards required for all veterinary certification. DAERA applies these standards, where applicable, to all official certification issued on its behalf.

[RCVS Principles of Certification and Supporting Guidance](#)

Key standards of certification have been identified and are listed in Annex 3. These are used to monitor and assess delivery of official certification.

Annex 3 Certification Standards for Monitoring and Assessment

Delivery of these official activities on behalf of DAERA will be assessed for each participating LA against targets as outlined below.

| | Standard assessed | Target | Green | Amber | Red | Priority |
|---|--|--|---|--|---|----------|
| 1 | Provision of accurate export health certification as prescribed. | All certificates to be completed, in full, as prescribed. (DAERA will monitor via DECOL) | All certificates comply with requirements. No rejected consignments by importing country | No rejected consignments by importing country More than 1 requests for replacement certs due to errors in issuing per quarter | Consignment(s) rejected Failure to keep true copies of certificates Issuance of certificates without correct support | 1 |
| 2 | Where risk-based certification implemented, as per Risk Based Fish Export certification procedures (RBFEC) maintain a system of inter-audit inspections at the frequency set out in the risk based certification procedure | All relevant exporting establishments to have inspections carried out as set out in the risk based certification guidance. | Records of official controls and export related inspections available to support RBFEC approach. FCCO issuing certificate familiar with the site and/or records and certification requirements of the TC for relevant commodity | | Certification issued by an unauthorised undesignated person. Records not maintained to show evidence of Risk based inspections and certification | 1 |
| 3 | To ensure the correct frequency of trade related inspections and FSA Official Controls inspections and any other necessary mandated routine inspections | FSA approval is maintained on the basis of compliance with Official Controls | All official control and trade related Audits and Inspections are completed on time(within 28 days as per Food Law COP) | Slippage of Audit /Site inspection by more than 28 days (4 weeks) of due date | Official control or trade related audits and inspections not completed within 6 weeks of due date | 1 |
| 4 | Annual completion of conformity statement | On an annual basis (end of March) the LA will update the Department that FBOs under their Control meet regulatory requirements | Conformity statement issued on time. | Conformity statement late up to 2 weeks | Conformity statement not provided by end of April | 2 |

Veterinary Service and Animal Health Group

| | | | | | | |
|---|--|---|---------------------------------|-------------------------------|---------------------------|---|
| 5 | Notification of all major non-compliances detected, or formal enforcement action taken, in all exporting establishments for which the LA is the enforcement authority to be reported to DAERA, where this non-compliance may result in temporary withdrawal of certification | All major non-compliances detected, scores >10 or broadly non-compliant or formal enforcement action taken, to be reported to DAERA as soon as reasonably practicable | Within one week/ 5 working days | Between 6 and 10 working days | More than 10 working days | |
| 6 | All completed certificates to be uploaded to DECOL | Completed certificates uploaded to DECOL | Within 1 working days | Within 2-5 working days | More than 5 working days | 2 |

Annex 4 – Data Sharing Agreement

Between DAERA, FSA and LAs

Original DSA agreed and signed February 2020, currently under review to include reference to DAERA Environment Marine Fisheries Group, Support Health attestations and FSA data base of NI exporters.

To be inserted once agreed