

Report on	EU Exit
Date of Meeting	10 th November 2020
Reporting Officer	Fiona McClements

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	To provide Council with an update on EU Exit from an Environmental Health food and consumer goods perspective.
2.0	Background
2.1	The UK has left the EU, and on 1 st January 2021 the Transition Period will end. However, under the Northern Ireland Protocol, Northern Ireland (NI) will remain within the Single Market and NI food products will have unfettered access to the EU. Consequently, NI is obligated to align with EU food legislation.
2.2	Most of the food consumed in NI is currently imported from GB, including consignments of 'high risk' foods. 'High risk' foods are considered those foods that are subject to mandatory Sanitary and Phytosanitary (SPS) checks on import into NI/EU. They include products of animal origin, fish and fishery products, and certain products not of animal origin identified as high risk by EU regulation which also includes plastic kitchenware.
2.3	With respect to consumer goods, some businesses currently considered to be distributors will become importers at the end of the transition period and different requirements will apply. Such businesses, along with existing importers and manufacturers, will need to be provided with advice and support to meet their obligations for importing and exporting consumer goods.
3.0	Main Report
3.1	On 1st January 2021, GB will become a Third Country therefore high risk foods imported into NI from GB may be subject to Sanitary and Phytosanitary (SPS) checks at point of entry. At present such foods can only be imported through EU designated points of entry with the prescribed facilities to carry out the checks. The responsibility for these checks falls to DAERA (Veterinary Officers (OVs)) and Local Councils (Environmental Health Officers). DAERA are responsible for checks on live animals, products of animal origin, plant health and food marketing standards. Local Councils are responsible for checks on fish and fishery products, high risk foods not of animal origin, plastic kitchenware, organic certification and fish catch certification.

3.2	It is not anticipated that Mid Ulster District Council Environmental Health department will be involved in any potential SPS checks as the ports are located in other District Council areas. However, it is anticipated that health attestations may be required for products being exported from NI to GB for subsequent export into the EU. These attestations will be required by certifying officers in GB to issue export health certificates. DAERA are the responsible authority for exports, however, DAERA may request support from Councils to provide attestations for premises in which Councils are the enforcement authority. If Councils are asked to provide this service, consideration will need to be given to the resource implications and funding arrangements.
3.3	In relation to Consumer Protection, it is anticipated there will be additional work required with respect to business support and market surveillance for non-food products. As previously stated, some businesses currently considered to be distributors will become importers at the end of the transition period and different requirements will apply. Such businesses, along with existing importers and manufacturers, will need to be provided with advice and support to meet their obligations for importing and exporting consumer goods. Potentially, there could be an increase in intelligence received in relation to businesses that are affected by EU exit, this intelligence will require to be followed up by the department. There will be increased monitoring of enforcing authorities with responsibility for marketing surveillance as detailed in Regulation 765/2008 (RAMS).
3.4	The Office of Product Safety and Standards (OPSS) has issued an offer of grant funding to each individual District Council, up until the end of March 2021 (see Appendix 1). This funding is to assist with the additional requirements outlined for non-food consumer products. As part of the Governance around the funding, each Environmental Health Department will be required to complete a monthly return outlining relevant activities undertaken.
3.5	Whilst at this stage it is difficult to quantify, it is apparent that there will be a resource implication for both the food and consumer protection functions associated with EU Exit.
3.6	In preparation for the imminent changes, the Environmental Health Department will continue to work closely with other government bodies, including the other District Councils in Northern Ireland, DAERA, the FSA and the OPSS, with respect to supporting Trader Readiness.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Salary costs for additional Environmental Health Officer, however fully funded through the OPSS Letter of Offer.
	Human: Additional officer time to undertake required checks and assisting businesses in relation to food and consumer products.
	Risk Management: N/A

4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	It is recommended that Council note the content of the report and consider acceptance of the OPSS offer of funding to be used to recruit an additional Environmental Health staff resource.
6.0	Documents Attached & References
6.1	Appendix 1 – Correspondence from OPSS