

# North Lanarkshire Council Report

## Environment and Climate Change Committee

Does this report require to be approved?  Yes  No

Ref IM/AM Date 09/11/22

## Charges for Attestations for Exports Following EU Exit

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### Executive Summary

The purpose of this report is to seek approval for the introduction of charges for Support Attestations provided to Food Business Operators (FBOs) to facilitate the export of products of animal origin (POAO) to the European Union (EU) and movements to Northern Ireland under the Northern Ireland Protocol. In North Lanarkshire, this process currently pertains only to businesses exporting fish and shellfish. From 01/01/2020 until 31/03/2022, Local Authorities (LAs) could recover the charge of £100 per Support Attestation from Food Standards Scotland (FSS). Effective from 01/04/2022, FSS are no longer paying LAs for attestations. The direction is now that LAs should recover the costs associated with providing attestation from the exporting businesses directly. North Lanarkshire intends to introduce the charge of £100 per Support Attestation recoverable direct from the exporting business/es concerned.

### Recommendations

It is recommended that Committee:

- Approve the introduction of a £100 charge for each Support Attestation under Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law\* (which has been enacted as domestic UK legislation in order that businesses can continue to trade with the EU).

### The Plan for North Lanarkshire

Priority Improve economic opportunities and outcomes  
Ambition statement (5) Grow and improve the sustainability and diversity of North Lanarkshire's economy

## 1. Background

- 1.1 The purpose of this report is to seek approval for the introduction of charges for Support Attestations under Regulation (EU) 2017/625. Support Attestations are provided to FBOs to facilitate the export of POAO to the European Union (EU) and movements to Northern Ireland under the Northern Ireland Protocol.
- 1.2 From 01/01/2020, after the end of the transition period of UK's exit from the EU, export health certificates (EHCs) were required for exports of POAO from Great Britain (GB) to the EU, and, where relevant, for movements from GB to Northern Ireland (NI) under the Northern Ireland Protocol (NIP).
- 1.3 Until 31/03/2022, LAs could recover the charge of £100 per Support Attestation from FSS. Effective from 01/04/2022, FSS are no longer paying LAs for attestations. The direction is now that LAs should recover the costs associated with providing attestation from the exporting businesses directly instead.
- 1.4 Effectively the Support Attestation confirms that the premises from which the product is originating from is in full compliance with the appropriate legislation, and their POAO meet all of the health and traceability requirements for the creation of an export health certificate. The frequency with which any relevant FBO requires to be issued with a Support Attestation varies as it is risk based and can be valid for a period up to a maximum of 6 months. Over the past two years of the interim arrangements under the FSS direction, North Lanarkshire have only issued a handful of attestations each year, however this is liable to change depending upon market forces and trading practices in the Council area. At the time of writing this report, we have only borne the cost of one attestation since 01/04/2022.
- 1.5 Businesses will be able to recoup the costs of support attestations when moving goods from Great Britain to Northern Ireland <https://www.gov.uk/guidance/support-attestations-get-reimbursed-to-move-goods-from-great-britain-to-northern-ireland> however we do not believe that a similar reimbursement scheme exists for moving goods to the EU; if the businesses show strong regulatory compliance and we can issue attestations for 6 month periods, the maximum cost to businesses will be £200 per year.

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## 2. Report

- 2.1 Importing countries require that foodstuffs traded with them are safe. This safety is generally assured by requiring an EHC issued by, or on behalf of, the government of the exporting country.
- 2.2 EHCs are a definitive and authoritative statement of compliance with the requirements set out by the importing country.
- 2.3 The Chief Veterinary Officers (CVOs) in the UK agreed a risk assessed basis to certification and inspection of fish and shellfish intended for export to the EU and movements to NI under the NIP. Risk Based Fish Export Certification (RBFEC) enables relevant exports to be certified by Food Competent Certifying Officers (FCCOs) (suitably trained Environmental Health Officers and Food Safety Officers) or Official Veterinarians on the basis of risk assessments undertaken in line with the principles of the Food Law Code of Practice, supported by declarations from FBOs.

- 2.4 Export Certification Hubs, including those within North Lanarkshire, were seen as a solution to reduce the administrative burden and costs of EHCs to facilitate the export of fish and shellfish from Scotland to the EU and to NI.
- 2.5 Goods arriving at the export certification hubs must be accompanied by relevant supporting attestations. The Support Attestation is not an official EHC, it is used for internal movement only within the UK to support the final certification of fish and shellfish for direct export to the EU or movements to Northern Ireland under the Northern Ireland Protocol.
- 2.6 It is local authority FCCOs who issue Support Attestations to the FBOs which export fish and shellfish via an export certification hub.
- 2.7 Effective from 01/04/2022, FSS are no longer paying LAs for attestations. The basis for this decision was that it was only ever intended as an interim arrangement to smooth the transition at the point of EU Exit, and that the arrangements were not appropriately transparent. The charges applied by FSS to export hubs were reduced accordingly. The intention is now that LAs can recover the costs associated with providing attestations from the exporting businesses directly instead.
- 2.8 North Lanarkshire intends to introduce the same charge of £100 per attestation recoverable direct from the exporting business.

### **3. Measures of success**

- 3.1 Continue to improve economic opportunities and outcomes for local businesses, without placing an additional burden upon NLCs resource base.

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### **4. Supporting documentation**

None



**Andrew McPherson**  
**Head of Regulatory Services & Waste Solutions**

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**5. Impacts** ( <http://connect/report-template-guidance> )

<p><b>5.1 Public Sector Equality Duty and Fairer Scotland Duty</b> Does the report contain information that has an impact as a result of the Public Sector Equality Duty and/or Fairer Scotland Duty? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?  If Yes, has an assessment been carried out and published on the council's website? Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><b>5.2 Financial impact</b> Does the report contain any financial impacts? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Yes, have all relevant financial impacts have been discussed and agreed with Financial Solutions? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?  Only small level of income will be provided through this charge.</p>
<p><b>5.3 HR policy impact</b> Does the report contain any HR policy or procedure impacts? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant HR impacts have been discussed and agreed with People and Organisational Development? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p><b>5.4 Legal impact</b> Does the report contain any legal impacts (such as general legal matters, statutory considerations (including employment law considerations), or new legislation)? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, have all relevant legal impacts have been discussed and agreed with Legal and Democratic Solutions? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>
<p><b>5.5 Data protection impact</b> Does the report / project / practice contain or involve the processing of personal data? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, is the processing of this personal data likely to result in a high risk to the data subject? Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, has a Data Protection Impact Assessment (DPIA) been carried out and e-mailed to <a href="mailto:dataprotection@northlan.gov.uk">dataprotection@northlan.gov.uk</a> Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p><b>5.6 Technology / Digital impact</b> Does the report contain information that has an impact on either technology, digital transformation, service redesign / business change processes, data management, or connectivity / broadband / Wi-Fi? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, please provide a brief summary of the impact?</p>

Where the impact identifies a requirement for technology, has an assessment been carried out (or scheduled) by the Enterprise Architecture Governance Group (EAGG)?

Yes  No

**5.7 Environmental / Carbon impact**

Does the report / project / practice contain information that has an impact on any environmental or carbon matters?

Yes  No

If Yes, please provide a brief summary of the impact?

**5.8 Communications impact**

Does the report contain any information that has an impact on the council's communications activities?

Yes  No

If Yes, please provide a brief summary of the impact?

**5.9 Risk impact**

Is there a risk impact?

Yes  No

If Yes, please provide a brief summary of the key risks and potential impacts, highlighting where the risk(s) are assessed and recorded (e.g. Corporate or Service or Project Risk Registers), and how they are managed?