

*DATED this 1<sup>st</sup> day of February 2006*

Service Contract

between

**THE FOOD SAFETY AUTHORITY OF IRELAND**

**- and -**

**THE MINISTER FOR AGRICULTURE, FISHERIES AND FOOD**

**REVISION 3 - 29/01/2010**

**THIS SERVICE CONTRACT** is made the 1<sup>st</sup> day of February 2006 **BETWEEN:**

**THE FOOD SAFETY AUTHORITY OF IRELAND**, established in Ireland pursuant to the Food Safety Authority of Ireland Act, 1998 (hereinafter referred to as the "Authority") having its principal place of business at Abbey Court, Lower Abbey Street, Dublin 1; and **THE MINISTER FOR AGRICULTURE, FISHERIES AND FOOD** having his principal place of business at **Kildare Street, Dublin 2** (hereinafter referred to as the "Official Agency").

## 1. Interpretation

In this Service Contract, unless the context otherwise requires -

“**Act**” means the Food Safety Authority of Ireland Act, 1998 [No. 29 of 1998] as amended;

“**Authority**” means the Food Safety Authority of Ireland;

“**Commencement Date**” means the 1<sup>st</sup> February 2006;

“**Food Legislation**” means the Food Legislation set out in Schedule 1 of this Service Contract;

“**Official Agency**” means the Department of Agriculture, Fisheries and Food

2. In the enforcement of food legislation the functions of the Competent Authority will be discharged as appropriate by the Official Agency and the Authority.
3. For the purposes of section 48(5) of the Act, this Service Contract shall be in force for a period from the commencement date to the 28<sup>th</sup> February 2010. The Service Contract may be subject to review, modification or amendment, and may be extended by agreement.
4. For the purposes of section 11(2) of the Act, it is agreed that the Official Agency, shall carry out in its functional area on behalf of and as an agent for the Authority the following –
  - (a) the determination of compliance with food legislation by means of –
    - i) the inspection, approval, licensing and/or registration of premises and equipment, including premises or equipment used in connection with the manufacture, processing, disposal, transport and storage of food,
    - ii) the inspection, sampling and analysis of food, including food ingredients, and
    - iii) the inspection and analysis of food labelling
  - (b) the provision of food safety and food hygiene information to producers, manufacturers and distributors.

5. For the purposes of section 48(3) of the Act, and having had regard to the resources available to the Official Agency, the Authority has specified in Schedule 2 the following matters to the Official Agency -
  - a. the objectives and targets for food inspection the Authority wishes the Official Agency to meet, and the timeframe for achieving those targets and objectives, and
  - b. any other matters which the Authority considers necessary with regard to Section 46 of the Act.
6. The Official Agency has indicated to the Authority that, for the purposes of section 48(4) of the Act, the means by which it proposes to meet the matters specified by the Authority in Schedule 2 of this Service Contract are those set out in Schedule 3 of this Service Contract. The Official Agency agrees to collect data and report to the Authority in the form set out in Schedule 4.
7. In accordance with the provisions of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with food law, animal health and animal welfare rules, in so far as a task or function comes within Section 46 of the Act, the Official Agency may delegate a task or function to a third party subject to the agreement of the Authority

Without prejudice to the provisions of food legislation, the activities and food inspections to be undertaken on behalf of the Authority shall be directed towards bringing about a general acceptance amongst producers, manufacturers and distributors of the principle that, in respect of any food placed on the market, the primary responsibility for the safety and suitability of the food for human consumption is borne by them individually or, as appropriate, collectively and as a consequence, each of the persons mentioned shall take all reasonable steps to ensure, in so far as that person is concerned, the safety and hygienic standard of that food.

**IN WITNESS WHEREOF** the Authority and the Official Agency have caused their respective Seals to be affixed hereto.

**PRESENT** when the Official Seal of  
**THE FOOD SAFETY AUTHORITY**  
**OF IRELAND** was affixed hereto by:-  
Professor Alan Reilly, Chief Executive Officer

**PRESENT** when the Official Seal of  
**THE MINISTER FOR AGRICULTURE, FISHERIES AND FOOD** was affixed hereto by  
Mr. Tom Moran, Secretary General  
a person duly authorised by the said Minister in that behalf: -

## SCHEDULE 1

### List of the Food Legislation contained in the First Schedule to the Act for which the Official Agency has responsibility.

Duties and responsibilities for food safety activities for the Official Agency will derive from the following list of legislation in so far as that legislation relates to Section 46 of the Act .

When

- a) the Minister for Health and Children makes an order amending the First Schedule of the Act, or
- b) any Act passed by the Oireachtas or any statutory instrument made thereunder or regulation made under the European Communities Act, 1972, is deemed to be food legislation for the purposes of the Food Safety Authority of Ireland Act, 1998,

the new legislation may be inserted by the Authority into this Schedule.

A reference to an enactment (including any instruments made thereunder) shall be construed as a reference to that enactment as amended, adapted, extended or replaced by or under any subsequent enactment, including the Food Safety Authority of Ireland Act, 1998.

A reference to a statutory instrument shall be construed as a reference to that instrument as amended, adapted, extended or replaced by any subsequent statutory instrument.

<b>FOOD LEGISLATION</b>	<b>Acts and Statutory Instruments (where applicable)</b>
<b>Food General:</b>	
Food Safety Authority of Ireland Act 1998	No. 29 of 1998
Regulation (EC) no 178/2002 of the European Parliament and of the Council of the 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety	S.I. No. 387 of 2006
District Court (Food Safety) Rules 2004	S.I. No. 700 of 2004
Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.	S.I. 910 of 2005
Corrigendum to Regulation (EC) No 852/2004 (OJ L226, p3, 25/06/2004) of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004)	S.I. 910 of 2005
Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	S.I. 910 of 2005
Corrigendum to Regulation (EC) No 853/2004 (OJ L226, p22, 25/06/2004) of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004)	S.I. 910 of 2005
Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption	S.I. 910 of 2005
Corrigendum to Regulation (EC) No 854/2004 (OJ L226, p83, 25/06/2004) of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004)	S.I. 910 of 2005
Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.	S.I. 910 of 2005
Corrigendum to Regulation (EC) No 882/2004 of the European Parliament and of the	S.I. 910 of 2005

Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	
Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council	S.I. 387 of 2006
Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004	S.I. 387 of 2006
European Communities (Food and Feed Hygiene) Regulations 2005	S.I. No. 910 of 2005
<b>Microbiological Criteria</b>	
Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs	S.I. No. 387 of 2006
<b>Zoonoses</b>	
European Communities (Monitoring of Zoonoses) Regulations 2004	S.I. No. 154 of 2004
European Communities (Zoonoses) Regulations, 1996 (other than part III)	S.I. No. 2 of 1996
Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for <i>Trichinella</i> in meat	S.I. No. 387 of 2006
<b>Labelling, Presentation and Advertising of Foodstuffs:</b>	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 – 2005	S.I. No.483 of 2002
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2003	
- Meat products labelling	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.2) Regulations 2003	S.I. No.257 of 2003
- Certain exemptions for cocoa and chocolate products	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No .3) Regulations 2003	S.I. No. 451 of 2003
- Foodstuffs containing caffeine and quinine	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2005	S.I. No. 528 of 2003
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.2) Regulations 2005	S.I. No.228 of 2005
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.3) Regulations 2005	S.I. No.514 of 2005
	S.I. No.647 of 2005
<b>Food for Particular Nutritional Uses:</b>	
European Communities (Infant Formulae and Follow -on Formulae) Regulations 2004	S.I. No. 242 of 2004
<b>Food Products:</b>	
European Communities (Certificates of Specific Character for Agricultural Products and Foodstuffs) regulations 1995	S.I. No. 149 of 1995
European Communities (Definition, Description and Presentation of Aromatized Wines, Aromatized Wine-based drinks and Aromatized Wine-product cocktails) Regulations 1998	S.I. No. 254 of 1998
European Communities (Marketing of Cocoa and Chocolate Products) Regulations, 2003	S.I. No. 236 of 2003
European Communities (Marketing of Coffee Extracts and Chicory Extracts) Regulations, 2000	S.I. No 281 of 2000
Commission Regulation (EC) No 1148/2001 on checks on conformity to the marketing standards applicable to fresh fruit and vegetables	
European Communities (Fruit and Vegetables) regulations 1997	S.I. No. 122 of 1997
European Communities (Marketing of Fruit Jams, Jellies, Marmalades and Sweetened Chestnut Purée) Regulations, 2003	S.I. No. 294 of 2003
European Communities (Marketing of Fruit Juices and Similar Products) Regulations, 2003	S.I. No. 240 of 2003
European Communities (Marketing of Honey) Regulations, 2003	S.I. No. 367 of 2003

Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used in marketing of milk and milk products	
European Communities (Marketing Standards for Olive Oil) Regulations 2004	S.I. 397 of 2004
Commission Regulation (EEC) 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis	
Food Standards (Potatoes) Regulations 1977	S.I. No. 367 of 1977 S.I. No. 4 of 1996 S.I. No. 406 of 2003
European Communities (Definition, Description and Presentation of Spirit drinks) Regulations 1995	S.I. No. 300 of 1995 <b>S.I. No. 7 of 1998</b>
Council Regulation (EC) 2991/94 of 5 December 1994 laying down standards for spreadable fats	
European Communities (Marketing of Sugar Products) Regulations 2003	S.I. No. 289 of 2003
<b>Genetically Modified Food</b>	
Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 of genetically modified food and feed (other than chapter 3)	
<b>Regulation (EC) No. 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC</b>	
<b>Organic</b>	
<b>European Communities (Organic Farming) Regulations 2004 other than that which relates to articles 6 and 7 of Council Regulation 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs</b>	S.I. No. 112 of 2004
<b>Pesticides:</b>	
<b>European Communities (Food Additives other than Colours and Sweeteners) Regulations, 2004 to 2005</b>	S.I. No. 58 of 2004 SI 369 of 2005
<b>Manufacturing and Processing Methods:</b>	
E.C. (Quick Frozen Foodstuffs) Regulations 1992 and 1995	S.I. No. 290 of 1992 S.I. No. 370 of 1995
<b>Control of Imports and Exports:</b>	
<b>Diseases of Animals Act 1966 (Control on Animal Products) Order. 2003</b>	S.I. No.114 of 2003
European Communities (Registration of Importers of Animal Products) Regulations 2004	S.I. No. 269 of 2004
European Communities (Registration of Importers of Animal Products) (Amendment) Regulations 2004	S.I. No. 661 of 2004
European Communities (Trade in the Production, Processing, Distribution and Introduction of Products of Animal Origin for Human Consumption) Regulations 2004	S.I. No. 820 of 2004
European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003	S.I. No. 548 of 2003
European Communities (Trade in Animals and Animal Products) Regulations, 1994, (other than Regulation 5)	S.I. No. 289 of 1994
European Communities (Veterinary Checks on Products Imported from Third Countries) Regulations, 2000	S.I. No. 292 of 2000
European Communities (Importation of Animal and Animal Products from Third Countries) Regulations, 1994	S.I. No. 255 of 1994
European Communities (Trade in certain animal products) Regulations, 1996 (Other than Regulations 4, 6, 8-9, 12-13, 15-19)	S.I. No. 102 of 1996
European Communities (Control on imports of animal products for personal consumption) Regulations, 2004	S.I. No. 267 of 2004
European Communities (General Authorisations for Exports of Agricultural Products) Regulations, 1992	S.I. No. 266 of 1992
European Communities (Certification of Animals and Animal Products) Regulations, 1999	S.I. No. 380 of 1999
European Communities (Introduction of Products of Animal Origin from Third Countries for Human Consumption) Regulations 2004	S.I. 893 of 2004

<b>Slaughter of Animals:</b>	
Abattoirs Act, 1988	No. 8 of 1988
<b>Fresh Meat:</b>	
Agricultural Produce (Fresh Meat) Acts, 1930 and 1988	
Agricultural Produce (Meat) (Miscellaneous provisions) Act, 1954 and 1978	No. 33 of 1954 No. 13 of 1978
Pigs and Bacon Acts, 1935 to 1988	
<b>Poultry and Eggs:</b>	
European Communities (Marketing Standards for Eggs) Regulations, 2005	S.I. No 172 of 2005
European Communities (Labelling and Marketing Standards for Poultry meat) Regulations 2004	S.I. No 42 of 2004
European Communities (Labelling and Marketing Standards for Poultry meat) Regulations 2004	S.I. No 50 of 2004
<b>Council Regulation (EC) No 1028/2006 of 19 June 2006 on marketing standards for eggs</b>	
<b>Meat Labelling:</b>	
European Communities (Labelling of Beef and Beef Products) Regulations, 2000 to 2002	S.I. No. 435 of 2000 S.I. No. 485 of 2002
<b>Milk:</b>	
European Communities (Dehydrated Preserved Milk) Regulations, 2003	S.I. No 298 of 2003
<b>Specified Risk Material:</b>	
European Communities (Removal of Bovine Vertebral Column) Regulations 2004	S.I. No. 528 of 2004
Commission Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (other than Articles 5, 7, 11 -15, 17-21, 24-25), as amended	
<b>Commission Regulation (EC) No 1974/2005 amending Annexes X and XI to Regulation (EC) 999/2001 as regards national reference laboratories and specified risk material</b>	
<b>Contaminants:</b>	
European Communities (Sampling and Methods of Analysis for the Official Control of the Levels of Certain Contaminants in Foodstuffs) (No. 2) Regulations , 2006	S.I. No. 412 of 2006
European Communities (Certain Contaminants in Foodstuffs) Regulations, 2001	S.I. No. 400 of 2001
<b>Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs</b>	
<b>Animal Remedies:</b>	
Control of Animal Remedies and their Residues Regulations, 1998 (other than Regulations 3-5, 10-14, 20-21, 24)	S.I. No. 507 of 1998
Animal Remedies Act, 1993 (Other than Section 4 -5)	No. 23 of 1993
<b>Materials in contact with foodstuffs</b>	
<b>European Communities (Plastics and other materials) (Contact with food) Regulations 2006</b>	S.I. No. 139 of 2006

## SCHEDULE 2

**The objectives, targets, timeframe and other matters relating to food inspection and analysis which the Authority has specified to the Official Agency .**

Section 1 of this schedule applies to all areas of this service contract.

### **1. General requirements**

#### **1.1 Introduction**

The Official Agency will fulfil all obligations regarding food safety as agreed with the Authority from time to time. The Official Agency will work in partnership with the Authority and its other Official Agencies to enhance consumer protection and ensure an effective inspection service.

#### **1.2 Legislation**

Duties and responsibilities for food safety activities of the Official Agency will derive from the legislation listed in Schedule 1. All staff involved in food control activities will be provided with access to this legislation.

#### **1.3 Participation on Working Groups**

The Official Agency will participate, as may be agreed, in the Authority working groups, inter-agency working groups and expert working groups that fall within the scope of Section 46 of the Act and others as may be agreed, for example Regional Zoonoses Committees.

#### **1.4 Service Plan / Annual Control Plan**

The Official Agency will prepare a Service/Annual Control Plan each year. This will be done by submitting the Official Agency divisional business plans relevant to this contract to the Authority. The content of the plans will be reviewed by the Authority and the Official Agency at liaison meetings. The plans are to be submitted to the Authority in the first quarter of each calendar year.

#### **1.5 Data collection, reporting and information**

The Official Agency will collect data and provide reports and other information to the Authority in the format agreed and by means of the Section 48(8) report template circulated by the Authority annually.

#### **1.6 Information Systems**

Where the Official Agency has computerised systems for inspection, sampling, testing and analysis, data gathered will be transferred electronically to the Authority's database. For all other areas of the Official Agencies food safety activities the Official Agency will develop a computerised system subject to the overall Information Technology priorities of the Official Agency. The Authority will work with the Official Agency to progress the development of computerisation.

#### **1.7 Out of Hours Emergency/On Call Services**

The Official Agency shall provide food control services outside of normal working hours to deal effectively with outbreaks and food incidents etc.

## **1.8 Contingency Planning**

The Official Agency, in conjunction with the Authority, will ensure that there are contingency plans in place at central and regional level for dealing with crisis incidents, large scale food safety incidents and outbreaks of food related disease.

As part of these plans, the Official Agency will provide the Authority with a single central contact point for both office hours and out of hours contact for emergency and crisis situations. The Official Agency and the Authority will agree a protocol for the development and implementation of contingency plans.

## **1.9 Rapid Alert System for Food**

The Official Agency will facilitate the operation of and participate in the Rapid Alert System for food as required.

## **1.10 Zoonoses**

The Official Agency shall, in conjunction with the Authority and other agencies, fulfill its obligations arising from the zoonoses legislation listed in Schedule 1 . The Official Agency shall carry out approval of national private laboratories as required under this legislation.

## **1.11 Investigation of outbreaks**

Provisions shall be made by the Official Agency to deal effectively with food borne outbreaks.

## **1.12 Complaints regarding the implementation of this Service Contract**

The Official Agency shall provide information to the Authority on complaints regarding the implementation of this Service Contract. The Official Agency shall cooperate with the Authority in any investigation regarding these complaints.

## **1.13 Enforcement Policy**

The Official Agency shall have regard to the Authority's National Enforcement Policy.

## **1.14 Authorisation Policy**

The Official Agency shall have regard to the Authority's National Authorisation Policy.

## **1.15 Designated Officers**

The Official Agency shall nominate officers for designation by the Board of the Authority to carry out the consultation function outlined in Section 52, 53 and 54 of the Act.

## **1.16 Continuing Professional Development**

Appropriate training must be provided for staff performing official controls in line with legislative requirements.

A training Strategy should be developed by the Official Agency, to include details of Continuing Professional Development to be provided to all staff listed in Schedule 3. Induction training is to be provided for all new staff by the Official Agency.

**1.17 Food Complaints**

Food complaints must be managed in accordance with documented procedures to be agreed between the Official Agency and the Authority.

**1.18 Missions of the Food and Veterinary Office (FVO)**

The Authority and the Official Agency agree to cooperate with regard to FVO Missions which are relevant to this service contract in accordance with the agreed protocol.

**1.19 Documented Procedures**

The Official Agency shall carry out official controls in accordance with documented procedures. These procedures shall provide information and instructions for staff performing official controls. The Official Agency shall copy the Authority on existing and new procedures, and any changes to those procedures. These will be reviewed at liaison meetings.

**1.20 Boundaries of the Service**

The Official Agency contracts for provision of services within its administrative area. Where requested assistance may be provided to another Official Agency.

**1.21 EU Coordinated Control Plans**

The Official Agency shall carry out activities in accordance with the EU Coordinated Control Plans as agreed with the Authority.

**1.22 Inspection Reports**

A report on the outcome of each inspection of a food premises shall be issued to the relevant food business operator.

**1.23 Administrative assistance and co-operation**

The Official Agency shall record any assistance provided to or from other Member States under Articles 36-40 of Regulation 882/2004 and include such activity in its Section 48(8) report to the Authority. Requests for assistance made or received by the Official Agency under Article 38, where a risk to human health or a serious infringement of food law is identified, shall be notified to the Authority in a timely manner.

**1.24 Food Hygiene Information Programme**

The primary responsibility for training of food industry staff rests with the food industry. The Official Agency will provide information to stakeholders on services related to its food safety activities. The information will be provided as appropriate through seminars, presentations, handbooks, leaflets, the Official Agency's website and general correspondence and may also be carried out by Teagasc on behalf of the Official Agency. A summary of these activities will be provided to the Authority on an annual basis.

**1.25 Hazard Analysis Critical Control Point (HACCP) Strategy**

The Official Agency shall work with the Authority in the development of a HACCP Strategy in line with legislative requirements.

### **1.26 Contaminants**

The Official Agency, in conjunction with the Authority, shall participate in contaminants sampling and analysis to ensure compliance with the legislation listed in Schedule 1.

### **1.27 National Guides**

The Authority and the Official Agency shall agree a policy on the approval of national guides.

### **1.28 Additional Activities**

The Official Agency will participate in activities relating to food safety that may be arranged by the Authority, in collaboration with the Authority or other agencies as appropriate. The Official Agency will undertake tasks as agreed and provide results to the Authority.

## **2.0 Monitoring**

### **2.1 Liaison**

Liaison meetings shall be held as outlined in the schedule in Appendix 1. Additional meetings will be held as required by either party.

### **2.2 Access**

The Official Agency carrying out functions under this service contract shall be acting on behalf of and as an agent for the Authority. The Authority will have access as required through the liaison link to the staff referred to in Schedule 3 and to all records, data and sites relevant to food safety duties. Officers of the Official Agency will have access as required through the liaison link to records relevant to the Official Agency held by the Authority.

### **2.3 Audit Techniques**

The Authority may take such measures, as it considers appropriate to determine conformance by the Official Agency with the requirements of this service contract. This will include audits in accordance with Schedule 5 and the Official Agency agrees to co-operate with the audit inspections.

The Authority and the Official Agency will agree corrective action plans following audits carried out by the Authority. Corrective action plans will be closed out as part of the service contract liaison process.

The Official Agency will provide details of any external audits of its service covered by the service contract.

### 3.0 Inspection Service

Objective	Target	Timeframe
<p>The Official Agency shall make arrangements for the provision of official food control services (inspection/audits) in the areas outlined below.</p> <p>(a) <b>Meat and Meat Products:</b></p> <ul style="list-style-type: none"> <li>- Slaughtering and cutting establishments</li> <li>- Minced meat and meat preparations establishments</li> <li>- Meat products establishments</li> <li>- Cold stores</li> <li>- Other premises as agreed</li> </ul> <p>(b) <b>Milk and Milk Products:</b></p> <ul style="list-style-type: none"> <li>- Treatment establishments</li> <li>- Processing establishments</li> <li>- Processing establishments with limited production capacity</li> <li>- Collection centres and storage premises</li> </ul> <p>Others as agreed</p> <p>(c) <b>Egg and Egg Products:</b></p> <ul style="list-style-type: none"> <li>- Table egg producers</li> <li>- Table egg packers</li> <li>- Egg products establishments</li> <li>- Retail, wholesale, bakery, institutions and central distribution establishments</li> </ul> <p>Other premises as agreed.</p> <p>(d) <b>Border Inspection Posts (BIPs)</b></p>	<p><b>1.</b> Grant/withdraw “approval” in accordance with requirements of the legislation listed in Schedule 1 and maintain a register of premises/BIPs. This register will be submitted to the Authority electronically in a format which is to be agreed.</p>	<p>Registrations and approvals under Regulation 852/2004 and 853/2004 will be carried out during 2006.</p>
	<p><b>2.</b> Allocate inspectorate to particular premises/BIPs as per legislative requirements and risk assessment. Allocation of inspectorate will be in line with the Official Agency SOPs and VPNs or their subsequent amendments or replacement documents.</p>	<p>These targets are ongoing over the duration of the contract.</p>
	<p><b>3.</b> The level and frequency of inspections will be carried out appropriate to the risk categorisation, subject to overall legislative requirements and documented procedures.</p>	
	<p><b>4.</b> The Official Agency will take samples for analysis as required in accordance with the requirements of the legislation listed in Schedule 1 and will be in line with the Official Agency’s documented procedures.</p>	
	<p><b>5.</b> Supervise and review all aspects of the operation of each premises/BIPs to ensure compliance with legislative requirements. Supervision shall be in accordance with Community legislation and will be conducted at a frequency decided following a risk analysis of the activities of the premises, the level of throughput and the past history of compliance.</p>	
	<p><b>6.</b> Ensure all premises/BIPs “approvals” are assessed at the frequencies outlined in SOPs/VPNs as relevant. Supervision will be in accordance with Community legislation and will be conducted at a frequency decided following a risk analysis of the activities of the premises, the level of throughput and the past history of compliance.</p>	

Objective	Target	Timeframe
	<p><b>7.</b> Where the Official Agency shares responsibility for premises with other agencies, such as the Health Service Executive, local arrangements will be made to coordinate activities in consultation with the Authority.</p>	
	<p><b>8.</b> For <b>meat/meat products</b> only: The Authority, the Official Agency and the Local Authority veterinary service will agree criteria for the allocation of supervising agency for meat plants;</p>	To be agreed in 2006
	<p><b>9.</b> For <b>milk/milk products</b> only: If deemed necessary by the Authority and the Official Agency, the Official Agency will carry out activities under the Infant Formulae and Follow-on Formulae Regulations; this may include taking of samples at processing establishments and sending them to agreed laboratories and inspection of labels for conformance with these Regulations.</p>	To be determined over the course of the contract
	<p><b>10.</b> For <b>milk/milk products</b> only: The Official Agency shall be responsible for meeting the requirements for dioxin sampling in milk and milk products as per S.I. No. 400 of 2001 and S.I. No. 68 of 2005. The annual sampling programme for dioxins and dioxin like polychlorinated biphenyls (PCBs) in milk and milk products will be agreed by the Authority and Official Agency and will include numbers and types of samples and reporting arrangements.</p>	Annual sampling programme to be agreed by the Authority and the Official Agency each year
	<p><b>11.</b> For <b>milk/milk products</b> only: The Official Agency will circulate to the Authority notifications of food safety hazards in premises supervised by the Official Agency.</p>	This target is ongoing over the duration of the contract.
	<p><b>12.</b> For <b>egg/egg products</b> only: The Official Agency will take Egg samples for nitrofurans testing as per legislative requirements and report them.</p>	As per legislative requirements
	<p><b>13.</b> For <b>Border Inspection Posts</b> only: The Official Agency will maintain a</p>	These targets are ongoing over the

Objective	Target	Timeframe
	<p>general register of all importers of animal products, excluding fish importers.</p>	<p>duration of the contract.</p>
	<p><b>14. For Border Inspection Posts only:</b> The Official Agency will, as necessary, carry out veterinary checks on imports of fish and fishery consignments from third countries in accordance with the authorization of the Minister for Communications, Marine and Natural Resources</p>	
	<p><b>15. For General Animal Product Import Control</b> The Official Agency will work with Customs officials looking for and identifying illegal imports of products of animal origin for human consumption from third countries.</p>	
	<p><b>16. For Animal Product Personal Import Control</b> The Official Agency will, as necessary, provide for checks on personal imports of animal products for human consumption from third countries in liaison with Customs officials.</p>	

#### 4.0. Laboratory Service

Objective	Target	Timeframe
<p>The Official Agency shall make arrangements for the provision of official food control laboratories services. The laboratories included in this service are listed below. The Official Agency may also contract non-Official Agency laboratories to carry out sampling and analyses (listed in Schedule 3).</p>	<p><b>1.</b> The official agency will prepare an annual sampling plan related to the samples tested by each of the laboratories/ laboratory area and submit it to the Authority for agreement. This annual sampling plan will meet the legislative requirements listed in Schedule 1. The plan shall cover a 12-month period but shall be reviewed in light of a change in circumstances.</p>	<p>To be submitted in the first quarter of the year to which it applied.</p>
<p>(a) Pesticide Control Laboratory</p>	<p><b>2.</b> The Official Agency will continue to progress accreditation to ISO 17025 in the areas covered by this contract. Changes to the scope of accreditation will be discussed at liaison meetings.</p>	<p>These targets are ongoing over the duration of the contract.</p>
<p>(b) Central Meat Control Laboratory</p>		
<p>(c) Central Veterinary Research Laboratory</p>	<p><b>3.</b> Turnaround times for analysis of samples will be as per the Official Agency customer service plan. For sampling not covered by this plan, the turnaround times will be specified in the business plan. Any changes to this will be notified to the Authority.</p>	
<p>(d) Regional Veterinary Laboratory, Sligo</p>		
<p>(e) Food Laboratory, Waterford</p>	<p><b>4.</b> The Official Agency will conduct examination and analyses of food to determine compliance with labelling legislation as agreed between the Authority and the Official Agency.</p>	
<p>(f) Dairy Science Laboratory Dublin</p>		
<p>(g) Dairy Science Laboratory, Cork</p>	<p><b>5.</b> In consultation with the Authority, the Official Agency will designate Official Laboratories as required.</p>	
<p>(h) Dairy Science Laboratory, Limerick</p>	<p><b>6.</b> The Official Agency may delegate specific tasks to another laboratory only if the delegated laboratory is accredited to EN ISO/IEC 17025 for those tasks. The Authority shall be informed of such delegations.</p>	
<p>(i) Others as agreed</p>	<p><b>7.</b> The Official Agency is to fulfill all obligations regarding the approval of non Official Agency laboratories under the legislation listed in Schedule 1. A register of approved laboratories will be maintained, updated and circulated as agreed.</p>	

Objective	Target	Timeframe
	<p><b>8.</b> A procedure for the integration and communication between the current Official Agency systems of laboratory approval (for private laboratories testing meat and milk samples and laboratories attached to manufacturing premises) is to be agreed.</p>	<p>By 31<sup>st</sup> December 2007</p>
<p>The Official Agency, in conjunction with the Authority, will nominate the appropriate <b>National Reference Laboratories.</b></p>	<p><b>9.</b> In accordance with Articles 12(2), 12(3) and 33(2) of Regulation (EC) 882/2004 the Official Agency shall fulfil its national reference laboratory functions.</p>	<p>This target is ongoing over the duration of the contract.</p>
<p>The <b>Pesticide Control Laboratory</b> of the Pesticide Control Service (PCS) shall operate the annual pesticide residue monitoring programme</p>	<p><b>10.</b> The PCS in agreement with the Authority will draw up the annual pesticide monitoring programme.</p>	<p>By 31<sup>st</sup> December each year</p>
	<p><b>11.</b> Where residues are detected in foods the Authority and the PCS will follow the agreed documented procedure for MRL breaches. This procedure will be reviewed on an annual basis or as deemed necessary by both parties to ensure that documented procedures are still in line with best practice.</p>	<p>These targets are ongoing over the duration of the contract.</p>
	<p><b>12.</b> In consultation with the Authority, follow up action will be taken by the PCS where residues are detected.</p>	
<p><b>13.</b> The PCS will report the results of official checks to the European Commission.</p>	<p>Results sent annually to the Commission</p>	
<p><b>National Residue Monitoring Programme</b> The Official Agency shall operate the annual EU approved national residue monitoring programme.</p>	<p><b>14.</b> The Official Agency will draft the annual plan for submission to the Commission in consultation with the Authority.</p>	<p>Annually by 31<sup>st</sup> March</p>
	<p><b>15.</b> The annual sampling plan will be agreed by the members of the cross agency residues management group in consultation with the NRLs and approved laboratories testing samples under the plan.</p>	
	<p><b>16.</b> The annual national residue control programme will be sent to the Commission subject to legislative requirements.</p>	

Objective	Target	Timeframe
	<b>17.</b> The Official Agency will co-ordinate the activities of the laboratories participating in the residue control programme .	This target is ongoing over the duration of the contract.
	<b>18.</b> The Official Agency is to attend and participate in meetings of the cross agency residues management group and cross agency residue laboratory group.	As per the annual agreed schedule of meetings in Appendix 1.
	<b>19.</b> The Official Agency will co-ordinate the receipt and follow up to the industry own check samples required under the legislation listed in Schedule 1. The results of this analysis will be forwarded to the Authority.	This target is ongoing over the duration of the contract.
	<b>20.</b> The Official Agency and the Authority will agree the annual press release statement of results of the previous years residue programme.	Annually

## 5.0 Labelling and Traceability

Objective	Target	Timeframe
<p>The Official Agency agrees to provide a number of services which will allow for the compilation of surveillance data and the labelling/traceability and health of food animals.</p>	<p><b>1. Food Labelling</b> The Official Agency will carry out inspections to ensure compliance with the labelling legislation in areas to be agreed between the Authority and the Official Agency.</p>	<p>An annual work programme will be agreed</p>
	<p><b>2. Organic Food</b> The Official Agency will fulfill all functions in the inspections of organic food labelling mainly through the licensing of certification bodies that carry out certification of organic premises.</p>	<p>These targets are ongoing over the duration of the contract.</p>
	<p><b>3. Herd Registration and Animal Identification Systems</b> The Authority and the Official Agency will meet at least annually in relation to traceability systems operated by the Official Agency:</p>	

### SCHEDULE 3

The means by which the Official Agency proposes to meet the matters specified in this Service Contract.

The Official Agency, as a competent authority, performing official controls shall submit to the Authority, within the first quarter of each year for which the contract applies, business plans or agreed work plans for the food safety element of each Division within the Agency, engaged in performing official controls. Each such plan shall set out the means by which that Division will implement the controls referred to in Schedule 2 and the time frames within which the controls are to be carried out.

The Official Agency will also submit to the Authority within the first quarter of each year, in the format outlined in the table below, the staffing resources it proposes to deploy in the performance of the Service Contract.

**Table: Staffing Resources**

Division	Specific details of Administrative, Inspectorate and Technical grades*	Total Number		WTE on Food Inspection and Official Control of Food
		Compliment	Actual	
Food Safety Liaison Unit				
Meat Hygiene Inspectorate and Administration				
Milk and Milk Products Inspectorate and Administration				
Egg and Egg Products Inspectorate and Administration				
Import Control and Border Inspection Post				
Pesticide Control Service				
Central Meat Control Laboratory				
Central Veterinary Research Laboratory				
Regional Veterinary Lab (Sligo)				
Regional Veterinary Lab (Waterford)				
Dairy Science Laboratory (Dublin)				
Dairy Science Laboratory (Cork)				
Dairy Science Laboratory (Limerick)				
National Residue Monitoring Programme				
Zoonoses				
Labelling				
Herd Registration and Animal Identification Systems				
Organic Food				

\*Grades to be included as appropriate for each division are as follows:

**Administrative:** Principal Officer, Assistant Principal Officer, Higher Executive Officer, Executive Officer, Clerical Officer and Staff Officer.

**Inspectorate /Technical:** Deputy Chief Veterinary Officer, Senior Superintending Veterinary Inspector, Superintending Veterinary Inspector, Senior Veterinary Inspector, Veterinary Inspector, Temporary Veterinary Inspector, District Superintendent, Supervisory Agricultural Officer, Technical Agricultural Officer, Senior Inspector, Agricultural Inspector, Assistant Agricultural Inspector, Senior Dairy Produce Officer, Dairy Produce Officer, Agricultural Officer, Senior Laboratory Technician, Laboratory Technician, Laboratory Attendant, Veterinary Research Officer, Chemist, Quality Assurance Manager, Serological Assistant, Director, Deputy Director, Superintending Senior Research Officer, Senior Research Officer, Research Officer and Machinery Attendant.

## **SCHEDULE 4**

### **Data collection and reporting**

#### **1. General requirements for data collection and reporting**

The Official Agency will collect and store information generated from food control activities specified in Schedule 2. Current Schedule 4 reports will be submitted by the Official Agency to the Authority at the agreed frequency. Additions and amendments may be agreed by the Official Agency and the Authority at liaison meetings. A list of these schedule 4 reports is provided in Appendix 2.

The frequency of electronic transfer is to be agreed with the Authority. The Official Agency will notify the Authority of enforcement orders served under the Act without delay.

#### **2. Resources**

Schedule 3 shall be updated and submitted to the Authority annually. The Official Agency shall maintain a current electronic list of Authorised, Designated and Liaison Officers. The list will include names and contact details for all officers. This list shall be submitted to the Authority at an agreed frequency.

The Official Agency will maintain an up to date list of laboratories used for testing and analysis under the legislation listed in Schedule 1. This list should include official laboratories, national reference laboratories, approved laboratories and any other laboratories used to carry out function under this contract. This list must be provided to the Authority annually and as changes arise.

#### **3. Activities undertaken outside of returns outlined at 2.0**

The Official Agency will record and submit to the Authority annually details of:

- (a) Food incidents/outbreaks.
- (b) Participation on the Authority working groups, interagency working groups and expert working groups and any other similar activity.
- (c) Continuing Professional Development undertaken by staff.
- (d) Hygiene information activities undertaken.
- (e) Food complaints
- (f) Complaints regarding the implementation of this Service Contract
- (g) Samples taken as required by Safeguard Decisions
- (h) Additional food safety activities as agreed.

## SCHEDULE 5

### **The Means by which the Authority proposes to audit the Service Contract**

#### **1. General Requirements**

The Authority will carry out audits of this service contract to:

- (a) Determine compliance with the legislation listed in Schedule 1.
- (b) Determine conformance with the other administrative and technical requirements as set out in schedules other than Schedule 1.

#### **2. Definitions**

(a) Audit:

A systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.

(b) Audit Team:

One or more auditors conducting an audit supported, if needed, by technical expert.

(c) Technical Expert:

A person who provides specific knowledge or expertise to the audit team.

#### **3. Scheduling**

The Authority shall schedule audits to determine conformance with the requirements of this contract depending on the scope and the nature and extent of the duties and responsibilities of the Official Agency's food safety activities. In drawing up this schedule due consideration shall be given to the extent to which the Official Agency's food control activities have been subjected to any appropriate third-party, registration, internal or accreditation audits.

#### **4. Audit Methodology**

Audits shall be carried out against the current revision of the Authority's documented protocol "The FSAI Audit Scheme".

#### **5. Liaison**

Liaison for the purpose of audit shall be through a representative(s) nominated by the Official Agency.

#### **6. Access**

The Official Agency shall allow the Authority's audit team access to those premises, personnel, documents and records applicable to the audit.

#### **7. Techniques**

The audit scheme shall be in accordance with established practices as set out in ISO 19011: Guidelines for Quality and/or Environmental Management Systems Auditing.

## APPENDIX 1

### Template for Annual Schedule of Service Contract Liaison Meetings between the Official Agency and the Authority

Official Agency Division	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Food Safety Liaison Unit	One meeting	One meeting		One meeting
Steering Group	One meeting		One meeting	
Meat/Meat Products liaison meeting	One meeting		One meeting	
Meat/Meat Products Regional Meeting		2 - 4 meetings		
Milk/Milk Products liaison meeting	One meeting		One meeting	
Milk/Milk Products Regional meeting	One meeting			
Egg/Egg Products liaison meeting	One meeting		One meeting	
Egg/Egg Products Regional meeting		One meeting		
CMCL		One meeting		One meeting
CVRL			One meeting	
Dairy Science Laboratories Regional meeting	One meeting			
Pesticide Control Service		One meeting		One meeting
Veterinary Residues (NRCP)	One meeting		One meeting	
Zoonoses		One meeting		One meeting
Border Inspection Posts		One meeting		One meeting
Organic Food	One meeting		One meeting	
Herd registration	One meeting			
Cross Agency Residue Management Meeting	One meeting		One meeting	
Cross Agency Residue Laboratory Meeting				One meeting

**Note:**

A schedule of dates based on the above template will be issued by the Authority to the Official Agency in December of the preceding year to which it applies.

Other meetings may be held at the request of either the Authority or the Official Agency.

## **APPENDIX 2 - Inspection Forms**

Schedule 4 forms for the following areas of the Official Agency will be reported to the Authority:

- A. Meat and Meat Products and Egg Products Establishments
- B. Milk and Milk Products Establishments
- C. Egg and Egg Products Establishments
- D. Border Inspection Posts
- E. Pesticide Control Laboratory
- F. Central Meat Control Laboratory
- G. Regional Veterinary Laboratory and Food Laboratory
- H. Dairy Science Laboratories (x3)
- I. Samples Taken by Egg Inspectors/VIS
- J. National Residue Monitoring Programme
- K. Food Labelling
- L. Organic Food
- M. Nitrofurans Reports