

*DATED this 31<sup>st</sup> day of March 2010*

Service Contract

between

**THE FOOD SAFETY AUTHORITY OF IRELAND**

**- and -**

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

**THIS SERVICE CONTRACT** is made the 31<sup>st</sup> day of March 2010 **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 31<sup>st</sup> March 2010;

“**Food Legislation**” means the legislation set out in Schedule 1 of this Service Contract insofar as the legislation relates to food ;

“**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 31<sup>st</sup> December 2015. 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>1. General</b>	
Food Safety Authority of Ireland Act 1998	No. 29 of 1998
	S.I. No. 184 of 2000
	S.I. No. 580 of 2002
	S.I. No. 735 of 2003
	S.I. No. 210 of 2004
	S.I. No. 827 of 2005
	S.I. No. 320 of 2006
	S.I. No. 839 of 2007
District Court (Food Safety) Rules 2004	S.I. No. 700 of 2004
<b>2. General Food Hygiene</b>	
<b>2.1 Hygiene Package</b>	
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	
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)	
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	

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)	
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.	
Corrigendum to 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	
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	
<b>2.2 Microbiological Criteria</b>	
Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs	
<b>2.3 Trichinella</b>	
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>2.4 Slaughter of Animals</b>	
Abattoirs Act, 1988	No. 8 of 1988
Abattoirs Act 1988 (Veterinary Examination and Health Mark) (No. 2) Regulations 2009	<a href="#">S.I. No. 373 of 2009</a>
<b>3. Control of Imports and Exports</b>	
Diseases of Animals Act 1966 (Control on Animal Products) Order. 2003	S.I. No.114 of 2003
European Communities (Registration of Importers of Animal Products) Regulations 2004	S.I. No. 269 of 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. No. 893 of 2004
<b>4. Fresh Meat</b>	

Agricultural Produce (Fresh Meat) Acts, 1930 to 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>5. Milk</b>	
European Communities (Dehydrated Preserved Milk) Regulations, 2003 - 2008	S.I. No. 298 of 2003 <a href="#">S.I. No. 124 of 2008</a>
<b>6. Labelling</b>	
<b>6.1 General Labelling</b>	
European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 - 2009	S.I. No. 483 of 2002 S.I. No.257 of 2003 S.I. No. 451 of 2003 S.I. No. 528 of 2003 S.I. No.228 of 2005 S.I. No.514 of 2005 S.I. No.647 of 2005 S.I. No. 376 of 2007 S.I. No. 808 of 2007 <a href="#">S.I. No. 424 of 2008</a> <a href="#">S.I. No. 61 of 2009</a>
<b>6.1 Labelling/Marketing of Certain 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
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
European Communities (Marketing Standards for Olive Oil) Regulations 2004	S.I. No. 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 -2003	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 S.I. No. 7 of 1998
Commission Regulation (EC) No 445/2007 of 23 April 2007 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products	

European Communities (Marketing of Sugar Products) Regulations 2003	S.I. No. 289 of 2003
<b>6.2 Poultry and Eggs Marketing Standards</b>	
European Communities (Labelling and Marketing Standards for Poultrymeat) Regulations 2004-2007	S.I. No 42 of 2004 S.I. No 50 of 2004 <a href="#">S.I. No. 546 of 2007</a>
<b>6.3 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>6.4 Nutrition and Health Claims</b>	
European Communities (Nutrition Labelling for Foodstuffs) Regulations 2005	S.I. No. 65 of 2005
Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods	
Regulation (EC) No. 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on food	
<b>7. Materials in contact with foodstuffs</b>	
European Communities (Plastics and other materials) (Contact with food) Regulations 2007-2009	<a href="#">S.I. No. 587 of 2007</a> <a href="#">S.I. No. 88 of 2009</a> <a href="#">S.I. No. 463 of 2009</a>
<b>8. Manufacturing and Processing Methods</b>	
European Communities (Quick Frozen Foodstuffs) Regulations 1992 and 1995	S.I. No. 290 of 1992 S.I. No. 370 of 1995
<b>9. Specified Risk Material</b>	
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>10. Zoonoses</b>	
European Communities (Monitoring of Zoonoses) Regulations 2004	S.I. No. 154 of 2004
Abattoirs Act 1988 (Veterinary Examination) (Salmonella in Pigs) Regulations 2009	<a href="#">S.I. No. 521 of 2009</a>
<b>11. Animal Remedies</b>	
Animal Remedies Act, 1993 (Other than Section 4-5)	No. 23 of 1993
<b>12. Pesticides</b>	
<b>13. 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
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	
Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs	
Commission Regulation (EC) NO 1882/2006 of 19 December 2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs.	

Commission Regulation 1883/2006 of 19th December 2006 laying down methods of sampling and analysis for official control of levels of dioxins and dioxin like PCBs in certain foodstuffs	
Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a) pyrene in foodstuffs	
Health (Arsenic and Lead in Food) Regulations, 1972 & 1992	<a href="#">S.I. No. 44 of 1972</a>
	<a href="#">S.I. No. 72 of 1992</a>
<b>14. Additives, Flavourings and Food Enzymes</b>	
European Communities (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 to 2009	S.I. No. 437 of 2000
	S.I. No. 342 of 2001
	S.I. No. 344 of 2002
	S.I. No. 380 of 2002
	S.I. No. 61 of 2005
	S.I. No. 192 of 2005
	S.I. No. 193 of 2005
	S.I. No. 171 of 2007
	S.I. No. 34 of 2008
	S.I. No. 59 of 2008
	S.I. No. 369 of 2008
	<a href="#">S.I. No. 126 of 2009</a>
European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 2009	<a href="#">S.I. No. 277 of 2009</a>
European Communities (Food Additives other than Colours and Sweeteners) Regulations, 2004 to 2008	<a href="#">S.I. No. 58 of 2004</a>
	<a href="#">SI No. 369 of 2005</a>
	<a href="#">S.I. No. 40 of 2008</a>
European Communities (Flavourings for use in Foodstuffs for Human Consumption) Regulations 1992	<a href="#">S.I. No. 22 of 1992</a>
European Communities (Extraction Solvents in Foodstuffs and Food Ingredients) Regulations	<a href="#">S.I. No. 141 of 2000</a>
European Communities (Food Additives)(Purity Criteria Verification) Regulations 1983	<a href="#">S.I. No. 60 of 1983</a>
Regulation (EC) No. 2065/2003 on the European Parliament and Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods	
Commission Regulation (EC) No 884/2007 of 26 July 2007 on emergency measures suspending the use of E 128 Red 2G as food colour	
<b>15. Food for Particular Nutritional Uses:</b>	
European Communities (Infant Formulae and Follow-on Formulae) Regulations 2007 – 2009	S.I. No. 852 of 2007
	<a href="#">S.I. No. 209 of 2009</a>
European Communities (Processed Cereal-based Foods and Baby Foods for Infants)	S.I. No. 776 of 2007
Commission Regulation (EC) No 1609/2006 of 27 October 2006 authorising the placing on the market of infant formula based on hydrolysates of whey protein derived from cows' milk protein for a two year period	
<b>16. 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)	

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>17. Organic:</b>	
European Communities (Organic Farming) Regulations 2004 - 2009 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	<a href="#">S.I. No. 112 of 2004</a>
	<a href="#">S.I. No. 698 of 2007</a>
	<a href="#">S.I. No. 30 of 2009</a>

## 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 effective official controls.

##### **1.2 Official Controls**

The Official Agency will carry out official controls on food products of animal origin and non-animal origin during slaughtering, manufacturing, processing, import, distribution and wholesale (and at retail level for compliance with marketing standards) to ensure compliance by food business operators with the Food Legislation and other legislation as agreed.

This involves official controls (verification, inspection, audit, sampling and analysis, monitoring and surveillance) for meat and meat products, milk and milk products, eggs and egg products, honey, organic foods, residues, food of non-animal origin and zoonoses.

The Official Agency will ensure official controls are efficient, effective and are suitable to achieve the objectives of the relevant legislation.

Frequency of official controls shall be determined in line with the requirements in Article 3 of Regulation (EC) No. 882/2004.

##### **1.3 National Control Plan for Ireland (NCP).**

The Official Agency shall have regard to the importance of achieving the aims of the National Control Plan for Ireland.

The Official Agency shall collaborate with the Authority in reviewing and updating the NCP for Ireland.

The Official Agency and the Authority shall jointly prepare the NCP annual reports for Ireland.

##### **1.4 Participation on Working Groups**

The Official Agency will nominate representative staff to participate in the Authority's working groups, inter-agency, working groups and expert working groups as may be agreed:

- produce and review the multi-annual National Control Plan for Ireland.
- produce and review Guidance Notes and Codes of Practice
- evaluate implications of existing and proposed legislation

- evaluate relevant food safety/scientific information
- produce other outputs, as agreed.

The Authority and the Official Agency will establish objectives, terms of reference and timeframes for each working group.

### **1.5 Service Plan / Annual Control Plan**

The Official Agency will prepare a Service/Annual Control Plan each year or submit the relevant parts of the Official Agency's divisional business plans to the Authority by the end of the first quarter of each calendar year. These plans will include an outline of official controls to be carried out to ensure compliance with the relevant legislation, including information on the frequency of official controls. The content of the plans will be reviewed by the Authority and the Official Agency at liaison meetings.

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

The Official Agency will collect data and provide reports and other information on official controls and enforcement activities under this contract to the Authority in the format agreed, by means of a template circulated by the Authority annually, in accordance with Schedule 4 of the Contract and the National Control Plan reporting requirements. The Official Agency will respond in a timely fashion to requests for clarification from the Authority.

### **1.7 Information Systems**

Where the Official Agency has computerised systems for audit, inspection, sampling, testing and analysis, data gathered will be transferred electronically to the Authority's database. For all other areas of the Official Agency's food safety activities the Official Agency will aim to develop a computerised system, subject to resources. The Authority will work with the Official Agency to progress the development of computerisation, including adapting systems to address evolving data requirements from European institutions.

The Official Agency will advise the Authority at liaison meetings on its progress in meeting the aims of this Clause for each section, giving the indicated date for provision of electronic data.

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

The Official Agency shall provide food control services outside of normal working hours to deal effectively with food-borne outbreaks and significant food safety incidents (collectively referred to hereafter as "incidents").

### **1.9 Contingency Planning**

The Official Agency, in conjunction with the Authority, will ensure that there are contingency plans in place at appropriate levels for dealing with crises and incidents.

As part of these plans, the Official Agency will provide the Authority with contact points 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.

**1.10 Investigation of food borne outbreaks and incidents**

Provisions shall be made by the Official Agency to deal effectively with incidents.

The Official Agency shall maintain dedicated contact points for receipt of food alerts and exchange of information relating to incidents. The Official Agency shall facilitate the operation of and participate in the Rapid Alert System for Food and Feed (RASFF).

The Official Agency shall notify the Authority without delay of incidents it becomes aware of, and the outcome of investigations. The Official Agency shall co-operate with the Authority, other Official Agencies and / or the Outbreak Control Team in the investigation of incidents, and provide such information as requested by the Authority for the management of incidents, in a timely manner.

Where a product recall or withdrawal is required, the Official Agency shall aim to ensure that food business operators it supervises follow the procedures set out in the latest version of the Authority's *Guidance Note 10 – Product Recall and Traceability*.

**1.11 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.

**1.12 Enforcement Policy**

The Official Agency shall have regard to the Authority's National Enforcement Policy. The Official Agency will consider the use of available enforcement orders under the Act.

**1.13 Authorisation Policy**

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

**1.14 Designated Officers**

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

**1.15 Continuing Professional Development**

The Official Agency shall provide appropriate training for staff performing official controls enabling them to undertake their duties competently and to carry out official controls in a consistent manner, as per legislative requirements.

The Official Agency shall ensure that staff carrying out official controls are kept up to date in their area of competence. The Official Agency shall ensure that any contractors used in the performance of the Service Contract provide evidence of appropriate training.

The Official Agency shall prepare an annual training plan and maintain training records for each member of staff.

**1.16 Food Complaints**

Food complaints shall be managed in a timely fashion in accordance with the documented procedures agreed between the Official Agency and the Authority, with the aim of minimising the recurrence of Bona Fides complaints.

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

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

The Official Agency shall take effective actions to resolve recommendations (if any) from FVO Missions. The Official Agency will keep the Authority informed of the relevant activities.

**1.18 Documented Procedures**

The Official Agency shall carry out official controls in accordance with documented procedures, to ensure that these controls are carried out uniformly and are of a consistently high quality. These procedures shall provide information and instructions for staff performing official controls.

The Authority will be provided on request with copies of all current documented procedures relating to food control activities. A list of document procedures will be reviewed at liaison meetings. Documented procedures will be kept under review and updated as required. The Official Agency shall maintain a library of current controlled documented procedures, where possible on the Official Agency's intranet service.

Subject to resources, the Official Agency will consider the development of a Quality Management System for its Food Control Services, with a view to working towards external certification of the service.

**1.19 Internal Audits**

The Official Agency will conduct internal audits in accordance with the guidelines contained in Commission Decision 2006/677/EC and will, in Quarter 4 of each year, forward to the Authority its Internal Audit Programme for the following year.

The Official Agency shall provide the Authority with copies of relevant internal audit reports and corrective action plans related to its internal audit activities, which will be reviewed at liaison meetings with the Authority.

**1.20 Boundaries of the Service**

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

### **1.21 EU Official Control Activities**

The Official Agency shall carry out control activities having regard to the EU Coordinated Control Plans and European Food Safety Authority co-ordinated studies, as agreed with the Authority.

### **1.22 Reports on Official Controls**

The Official Agency shall draw up reports on the official controls that it carries out. These reports shall include a description of the purpose of the official control, the control methods applied, the results of the official control and, where appropriate, action that the business operator concerned is to take.

A report on the outcome of official controls in a food premises shall be issued to the relevant food business operator at least in the case of non-compliance. A report on the outcome of an inspection in a food premises shall be issued to the relevant food business operator, at least in the case of non-compliance or on request.

### **1.23 Follow up of non-compliances**

The Official Agency shall initiate follow up action following detection of non-compliances, in consultation as necessary with the Authority.

The Official Agency shall ensure documented procedures are in place regarding the follow-up of non-compliances. These procedures will be reviewed on an annual basis to ensure that they are still in line with legislative requirements and best practice.

### **1.24 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 (EC) No 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.

### **1.25 Food Hygiene Information Programme**

The Official Agency will provide information to stakeholders on services related to its food safety activities. The information will be provided as appropriate through meetings with stakeholders, 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.

### **1.26 Voluntary National Guides**

The Official Agency shall assess and, if appropriate, recognise Voluntary National Guides, within its remit, having regard to the procedures laid down in the Authority's *Guidance Note 23 - Development and Assessment of Recognised National Voluntary Guides to Good Hygiene Practice and the Application of HACCP Principles*.

### **1.27 Legislation**

All staff involved in official controls will be provided with access to the legislation listed in Schedule 1.

### **1.28 Additional Activities**

The Official Agency will participate in activities relating to food safety that may be agreed with 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 according to an annual schedule developed by the Authority, in consultation with the Official Agency, and issued to the Official Agency. 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 Review**

The Authority will review the delivery of this Service Contract and provide feedback to the Official Agency. A report on the delivery of the contract for the period 2010-2012 will be provided to the Official Agency by 30 June 2013, with recommendations on any changes needed to the contract.

The Authority will monitor closeout of audit outcomes to ensure they are adequate and appropriate.

## **3.0 Verification**

The Authority will conduct audit activities to satisfy the requirements of Section 48(9) of the Act and in accordance with Schedule 5 of the Service Contract.

#### **4.0 Inspection Service**

The Official Agency shall make arrangements for the provision of official food control services in the following areas:

**(a) Meat and Meat Products:**

- Slaughtering and cutting establishments
- Minced meat and meat preparations establishments
- Meat products establishments
- Cold stores (including those where meat is stored with other foods)
- Other premises as agreed

**(b) Milk and Milk Products:**

- Treatment establishments
- Processing establishments
- Processing establishments with limited production capacity
- Collection centres and storage premises
- Others as agreed

**(c) Egg and Egg Products:**

- Table egg producers
- Table egg packers
- Egg products establishments
- Retail, wholesale, bakery, institutions and central distribution establishments
- Other premises as agreed.

**(d) Import Controls**

**(e) Organic Food**

**(f) Honey**

**(g) Food of non-animal origin**

- in accordance with agreed protocols

#### **4.1 Official Controls**

Official Controls will be in accordance with the Food Legislation and will be conducted at a frequency decided following a risk analysis .

The Official Agency shall allocate inspectorate to carry out official controls in particular establishments / BIPs as per legislative requirements and the Official Agency's documented procedures and based on risk assessment.

The Official Agency shall supervise and review all aspects of the operation of each establishment, including labelling, to ensure compliance with legislative requirements. The Official Agency will participate in annual labelling programmes as agreed.

The Official Agency will take samples for analysis as required by the Food Legislation and the Official Agency's documented procedures and annual sampling plans.

#### **4.2 Approval**

The Official Agency shall grant/withdraw approval in accordance with requirements of the Food Legislation and maintain a register of approved establishments. This register will be published on the websites of the Official Agency and the Authority .

The Official Agency shall carry out a periodic review of all approved establishments, to ensure continued compliance with the conditions of approval and legislative requirements.

#### **4.3 Establishments**

The Official Agency shall supervise those establishments specified in the agreed supervisory arrangements. Where the Official Agency shares responsibility for premises with other Official Agencies, local arrangements will be made to coordinate activities in consultation with the Authority.

#### **4.4 Import Controls**

The Official Agency will operate import controls in line with legislative requirements, in liaison with Customs officials as appropriate.

The Official Agency will maintain a general register of all importers of food products of animal origin. The Official Agency will carry out veterinary checks on imports of food products of animal origin from third countries.

The Official Agency will carry out official controls of food products of non -animal origin from third countries, as agreed with the Authority.

The Official Agency will, as necessary, provide for checks on illegal or personal imports of food products of animal origin for human consumption from third countries in liaison with Customs officials.

#### **4.5 Organic Food**

The Official Agency will licence Organic Certification Bodies to carry out certification of the primary production and processing of organic foods, in accordance with Article 5 of Regulation (EC) No. 882/2004.

The Official Agency will carry official controls of organic food at retail and distribution level, to ensure compliance with legislative requirements.

#### **4.6 Traceability Systems**

The Authority and the Official Agency will meet at least annually to discuss the development and operation of the Animal Identification and Monitoring (AIM) system operated by the Official Agency and agree appropriate periodic communication procedures.

## **5.0. Laboratory Service**

The Official Agency will make arrangements for the provision of the National Reference Laboratories (NRLs) and official laboratories listed in Schedule 3, and the supervision of relevant Control Bodies and approved private laboratories.

### **5.1 Sampling and Analysis**

The Official Agency, in consultation with the Authority, will prepare annual control programmes for each of the control areas or laboratories. Finalised sampling plans will be submitted to the Authority before the end of the first quarter of each year.

The annual sampling plans will include sampling and analysis to determine compliance with all the Food Legislation.

The Official Agency shall ensure that samples taken as part of official controls are taken and analysed in accordance with legislative requirements.

### **5.2 Accreditation**

The Official Agency will maintain accreditation to ISO/IEC 17025:2005 of the test methods used for official controls in its National Reference Laboratories and official laboratories.

The Official Agency will keep the scope of accreditation under review to ensure core methods are accredited, and expand the scope as resources permit. Changes to the scope of accreditation will be discussed at liaison meetings.

### **5.3 Turnaround Times**

The Official Agency will ensure that turnaround times for samples taken as part of official controls allow efficient follow up of non-compliant samples. Turnaround times for routine analyses will be reviewed at liaison meetings.

### **5.4 National Reference Laboratories designated by the Official Agency**

In accordance with Articles 12(2), 12(3) and 33(2) of Regulation (EC) No. 882/2004 the Official Agency shall fulfil its NRL functions, i.e.

- (a) Collaborate with the Community reference laboratory in their area of competence;
- (b) Co-ordinate, for their area of competence, the activities of official laboratories;
- (c) Where appropriate, organise comparative tests between the official laboratories and ensure an appropriate follow-up of such comparative testing;
- (d) Ensure the dissemination to the Authority and official laboratories of information that the Community reference laboratory supplies;
- (e) Provide scientific and technical assistance to the Authority for the implementation of coordinated control plans;
- (f) Be responsible for carrying out other specific duties introduced by the European Commission under Regulation (EC) No. 882/2004, without prejudice to existing additional national duties.

The Authority will agree the practical arrangements of these requirements with the NRLs, including the interactions with official laboratories in other Official Agencies.

### **5.5 Official Laboratories designated by the Official Agency**

In consultation with the Authority, the Official Agency will designate official laboratories as required. The Official Agency will require that official laboratories shall co-operate with the National Reference Laboratories for food in Ireland in the discharge of their functions under Article 33 of the Regulation (EC) No. 882/2004.

### **5.6 External Laboratories**

The Official Agency will ensure that external laboratories used for the analysis of official control samples are in compliance with relevant legislative requirements, including accreditation of test methods to ISO/IEC 17025:2005.

The Official Agency shall ensure the appropriate follow-up of non-compliant samples and shall organise audits or inspections of relevant external laboratories.

### **5.7 Private Laboratories**

Where private laboratories are used by industry for own-checks, the Official Agency will operate a laboratory approval process where required by legislation.

### **5.8 National Pesticide Residue Monitoring Programme**

The Official Agency will implement the annual national pesticide residue monitoring programme.

The Pesticide Registration and Control Division (PRCD) and Pesticide Laboratory of the Official Agency, in agreement with the Authority, will draw up the annual pesticide monitoring programme each year, by 30 September of the preceding year.

The Authority and the Official Agency will follow the agreed documented procedure for MRL breaches for pesticides (excluding substances used as veterinary medicines). 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.

### **5.9 National Residue Monitoring Programme**

The Official Agency will manage and implement the National Residues Monitoring Programme, for residues of veterinary medicines and contaminants including pesticides.

The Official Agency will agree the annual national residue monitoring plan in consultation with the Authority, the members of the cross agency residues management group, the NRLs for residues, and official laboratories involved in residue testing, in line with legislative requirements.

The Official Agency will participate in meetings of the cross agency residues management group and cross agency residue laboratory group.

The results of the analysis of all official control samples will be submitted to the Authority at a frequency to be agreed. The Official Agency will follow up non-compliant residue findings in line with agreed procedures. A report on the status of investigations of non-compliances will be submitted to the Authority quarterly, or more frequently during the investigation of food incidents.

The Official Agency and the Authority will agree the annual press release statement of results of the previous years' residue programme. The Official Agency and the Authority will collaborate in adapting systems to address evolving data requirements from European institutions.

The Official Agency will co-ordinate the receipt and follow-up to the industry self-monitoring samples required under the Food Legislation.

#### **5.10 Zoonoses**

The Official Agency shall, in conjunction with the Authority and other agencies, fulfil its obligations arising from the zoonoses legislation listed in Schedule 1, including the preparation of the annual national zoonoses data returns to the European Food Safety Authority.

### 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 1: Staffing Resources**

<b>Division</b>	<b>Specific details of Administrative, Inspectorate and Technical grades*</b>	<b>Total Number</b>	<b>WTE on Food Inspection and Official Control of Food</b>
<b>Food Safety Liaison Unit</b>			
<b>Meat Hygiene Inspectorate and Administration</b>			
<b>Milk and Milk Products Inspectorate and Administration</b>			
<b>Egg and Poultry meat Inspectorate and Administration</b>			
<b>Horticulture and Plant Health Division</b>			
<b>Crop Protection and Safety Division</b>			
<b>Import Control and Border Inspection Post</b>			
<b>Pesticide Registration and Control Division</b>			
<b>Pesticide Laboratory</b>			
<b>Central Meat Control Laboratory</b>			
<b>Dairy Science Laboratory (Backweston)</b>			
<b>Dairy Science Laboratory (Cork)</b>			

<b>Dairy Science Laboratory (Limerick)</b>			
<b>National Residue Monitoring Programme</b>			
<b>Traceability Systems</b>			
<b>Organic Food</b>			

\*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, Head of Veterinary Laboratories, Senior Superintending Veterinary Inspector, Superintending 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, Senior Laboratory Analyst, Laboratory Analyst, Laboratory Attendant, Veterinary Research Officer, Chemist, Quality Assurance Manager, Serological Assistant, Director, Deputy Director, Senior Superintending Veterinary Research Officer, Senior Veterinary Research Officer, Director of Laboratories and Head of Agricultural Laboratories .

**Table 2: National Reference Laboratories provided by DAFF**

<b>Matrix/parameter</b>	<b>Name / Address of NRL</b>
Residues in food of animal origin: <ul style="list-style-type: none"> <li>▪ <i>Antithyroid agents (A2)</i></li> <li>▪ <i>Beta-agonists (A5)</i></li> <li>▪ <i>Chloramphenicol &amp; Chlorpromazine (A6)</i></li> <li>▪ <i>Antibacterial substances incl sulphonamides &amp; quinolones (B1)</i></li> <li>▪ <i>Sedatives (B2d)</i></li> <li>▪ <i>Carbadox (B2f)</i></li> <li>▪ <i>Chemical Elements (B3c)</i></li> </ul>	Department of Agriculture, Fisheries and Food Laboratories (Central Meat Control Laboratory) Backweston, Co. Kildare
Residues of pesticides in food of animal origin, fruit and vegetables, single residue methods: <ul style="list-style-type: none"> <li>▪ <i>Organochlorine compounds including 7 PCBs (B3a)</i></li> <li>▪ <i>Organophosphorous compounds (B3b)</i></li> </ul>	Department of Agriculture, Fisheries & Food Laboratories, (Pesticide Laboratory) Backweston, Co Kildare
Milk and milk products	Department of Agriculture, Fisheries & Food Laboratories, (Dairy Science Laboratory) Backweston, Co Kildare
<i>Zoonoses (salmonella)</i>	Department of Agriculture, Fisheries and Food Laboratories, (Central Meat Control Laboratory) Backweston, Co. Kildare
<i>Listeria monocytogenes</i>	Department of Agriculture, Fisheries & Food Laboratories, (Dairy Science Laboratory) Backweston, Co Kildare

Matrix/parameter	Name / Address of NRL
Coagulase positive <i>Staphylococci</i> , including <i>Staphylococcus aureus</i>	Department of Agriculture, Fisheries & Food Laboratories, (Dairy Science Laboratory) Backweston, Co Kildare
<i>Escherichia coli</i> , including Verotoxigenic <i>E. Coli</i> (VTEC)	Department of Agriculture, Fisheries and Food Laboratories, (Central Meat Control Laboratory) Backweston, Co. Kildare
<i>Campylobacter</i>	Department of Agriculture, Fisheries and Food Laboratories, (Central Meat Control Laboratory) Backweston, Co. Kildare
Antimicrobial resistance	Department of Agriculture, Fisheries and Food Laboratories, (Central Meat Control Laboratory) Backweston, Co. Kildare
Residues of pesticides in <ul style="list-style-type: none"> <li>• cereals</li> <li>• food of animal origin</li> <li>• fruit and vegetables</li> <li>• single residue methods</li> </ul>	Department of Agriculture, Fisheries & Food Laboratories, (Pesticide Laboratory) Backweston, Co Kildare
Parasites (in particular <i>Trichinella</i> , <i>Echinococcus</i> and <i>Anisakis</i> )	Department of Agriculture, Fisheries & Food Laboratories, (Central Meat Control Laboratory) Backweston, Co Kildare

**Table 3: Official Laboratories provided by DAFF**

Name/Address of Official Laboratory	
Department of Agriculture, Fisheries & Food Laboratories, (Pesticide Laboratory) Backweston, Co Kildare	
Department of Agriculture, Fisheries and Food Laboratories (Central Meat Control Laboratory) Backweston, Co. Kildare	
Department of Agriculture, Fisheries & Food Laboratories, (Dairy Science Laboratory) Backweston, Co Kildare	
Dairy Science Laboratory Cork	
Dairy Science Laboratory Limerick	

**Table 4: Additional official laboratories designated by DAFF**

Name/Address of Official Laboratory	Core Activities
State Laboratory Backweston, Co Kildare	<i>National Residues Programme Contaminants</i>
Ashtown Food Research Centre Teagasc, Ashtown, Dublin 15	<i>National Residues Programme</i>

## **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 and electronically transmit such information at a frequency to be agreed with the Authority.

As an interim measure, summary reports will be submitted by the Official Agency to the Authority at the agreed frequency and in the agreed templates. Additions and amendments to the templates may be agreed by the Official Agency and the Authority at liaison meetings. These summary reports cover the following areas:

- A. Meat and Meat Products and Egg Products Establishments
- B. Milk and Milk Products Establishments
- C. Egg and Egg Products Establishments
- D. Import Controls
- E. Pesticide Control Laboratory
- F. Central Meat Control Laboratory
- G. Dairy Science Laboratories
- H. Samples Taken by Egg Inspectors/Veterinary Inspectors
- I. National Residue Monitoring Programme
- J. Organic Food Monitoring
- K. Honey
- L. Food of non animal origin

The Official Agency shall notify the Authority of enforcement orders/notices served under the Food Legislation and the outcomes of legal proceedings without delay.

#### **2. Resources**

The Official Agency will update Schedule 3 and submit it to the Authority annually. The Official Agency will maintain a current electronic list of Authorised, Designated and Liaison Officers. The list will include names and contact details for all officers and will 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 (if any) and control bodies used to carry out functions under this contract. This list will 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) Significant food safety incidents/food-borne outbreaks;
- (b) Hygiene information activities undertaken;
- (c) Food complaints, other than those notified by the Authority;
- (d) Complaints regarding the implementation of this Service Contract;
- (e) Samples taken as required by Safeguard Decisions;
- (f) Additional food safety activities as agreed.

## SCHEDULE 5

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

**1. Legal Basis**

Audits by the Authority of Official Agency activities shall be carried out under the provisions of Section 48 (9) of the Act.

**2. General Requirements**

The Authority's audits will verify conformance by the Official Agency with the Service Contract including the Food Legislation and the relevant requirements of the National Control Plan for Ireland. The Authority will take cognisance of the work performed by the Official Agency Internal Audit Units in its audit programme.

**3. Programming**

The Authority shall provide details of the audits it intends to carry out on the Official Agency's activities through the circulation of its Audit Programmes. As part of its audit planning process the Authority will take due regard of internal audits planned by the Official Agency as detailed in Clause 1.20 of Schedule 2 of the contract.

The Authority's Audit Programmes shall be circulated at a minimum of every six months following the commencement of the contract. Audits will be conducted in accordance with the Authority's Audit Charter and documented procedures.

**4. Liaison**

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

**5. Access**

The Official Agency shall allow the Authority's audit team access to its premises, relevant personnel, documents and records applicable to the audit. The Official Agency shall facilitate the Authority's audit team access to those premises, relevant personnel, documents and records of food business operators applicable to the audit.

**6. Corrective Action**

Where audit findings indicate deficiencies in the controls, a corrective action plan shall be developed by the Official Agency in liaison with the Authority.