DATED this 31st day of March 2011

Service Contract

between

THE FOOD SAFETY AUTHORITY OF IRELAND

and

MEATH COUNTY COUNCIL

THIS SERVICE CONTRACT is made this 31st day of March 2011
BETWEEN: **THE FOOD SAFETY AUTHORITY OF IRELAND,** established in Ireland pursuant to the Food Safety Authority of Ireland Act, l998 (hereinafter referred to as the "Authority") having its principal place of business at Abbey Court, Lower Abbey Street, Dublin 1; and Meath County Council having its principal place of business at County Hall, Navan, Co. Meath. (herein after 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, l998 [No. 29 of 1998] as amended;

"Authority" means the Food Safety Authority of Ireland;

"Commencement Date" means the 31st March 2011;

"Food Legislation" means the Food Legislation set out in Schedule 1 of this Service Contract;

"Official Agency" means Meath County Council.

2. The Authority is the Central Competent Authority responsible for the enforcement of all food legislation. An Official Agency carrying out functions under a Service Contract shall be acting on behalf of and as an agent for the Authority and as a Competent Authority.

In order to ensure the safety of food and to consider all aspects of the food production chain, from and including primary production and the production of animal feed up to and including sale or supply of food to the consumer, the Authority will delegate the requisite powers, duties and responsibilities to the Official Agency commensurate with its role as a Competent Authority as defined within the terms of this Service Contract.

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 31st 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 education to producers, manufacturers, distributors, retailers and caterers.

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 and the Official Agency has agreed to those matters –

(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.

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 as detailed 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 feed and food law, animal health and animal welfare rules*, the Official Agency may delegate a task or function to a third party subject to the agreement of the Authority.

8. 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, distributors, retailers and caterers 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 on the date first above written**.**

PRESENT when the Official Seal of
THE FOOD SAFETY AUTHORITY
OF IRELAND was affixed hereto:-

Professor Alan Reilly, Chief Executive Officer

PRESENT when the Official Seal of
MEATH COUNTY COUNCIL
was affixed hereto:-

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 food legislation.

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

In this context, both parties to the Service Contract accept that any actual increase
in workload for the Official Agency will require the provision of adequate resources.

A reference to an enactment (including any instruments made there under) 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.

Food Legislation	Acts and Statutory Instruments
1. General	
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
	S.I. No. 494 of 2010
District Court (Food Safety) Rules 2004	S.I. No.700 of 2004
2.General Food Hygiene	
2.1 Hygiene Package	
E.C. (Food and Feed Hygiene)Regulations 2009	S.I. No. 432 of 2009 S.I. No. 312 of 2010 S.I. No. 488 of 2010
Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations 2010	S.I. No. 340 of 2010
2.2 Emergency Slaughter	
Abattoirs Act 1988 (other than Section 3-17, 21-34, 48 and 50) Abattoirs Act 1988 (Veterinary Examination and health Mark) (No.2) Regulations 2009	No. 8 of 1988 S.I. No. 373 of 2009
3. Emergency Measures	
Commission Regulation (EC) No. 884/2007 of 26 July 2007, on emergency measures suspending the use of E 128 Red 2G as food colour	
4. Fresh Meat	
Agricultural Produce (Fresh Meat) Acts, 1930 to 1988 Agricultural Produce (Meat) (Miscellaneous Provisions) Act, 1954 Agricultural Produce (Meat) (Miscellaneous Provisions) Act 1978	 No. 33of 1954 No. 13 of 1978
5. Labelling	
5.1 General Labelling	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002	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 S.I. No. 424 of 2008 S.I. No. 61 of 2009
Commission Regulation (EC) No. 415/2009 of 20 May 2009 amending Directive 2007/68/EC amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients	
European Communities (Labelling of Fishery and Aquaculture Products) Regulations 2003	S.I. No. 320 of 2003
E.C. (Identification of Foodstuff lot) Regulations 1992	S.I. No.110 of 1992
5.2 Nutrition and Health Claims	
E.C (Nutrition labelling for foodstuffs) Regulations 2009	S.I. No. 461 of 2009
Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods	
Corrigendum to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods	
Regulation (EC) No. 107/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods as regards the implementing powers conferred on the Commission.	
Regulation (EC) No. 109/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods.	
Commission Regulation (EC) No. 353/2008 of 18 April 2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No. 1924/2006 of the European Parliament and of the Council.	
Commission Regulation (EC) No. 1169/2009 of 30 November 2009 amending Regulation (EC) No. 353/2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No. 1924/2006 of the European Parliament and of the Council.	
Commission Regulation (EU) No. 116/2010 of 9 February 2010 amending Regulation (EC) No. 1924/2006 of the European Parliament	

and of the Council with regard to the list of nutrition claims.	
Commission Regulation (EC) No. 983/2009 of 21 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health	Authorisation / Refusal of Authorisation • Plant sterols/Plant stanol esters for yellow fat spreads, dairy products, mayonnaise and salad dressings • α-linolenic acid (ALA) & linoleic acid (LA), essential fatty acids • Calcium, Vitamin D, Protein • NeOpuntia® • Evolus® low-fat milk products • regulat®.pro.kid IMMUN/BRAIN • omega kids®/Pufan 3 kids® • DHA & ARA • Dairy products
Commission Regulation (EU) No. 376/2010 of 3 May 2010 amending Regulation (EC) No. 983/2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EC) No. 984/2009 of 21 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health	• Elancyl Global Silhouette® • LGG® MAX multispecies probiotic
Commission Regulation (EC) No. 1024/2009 of 29 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health	• Chewing gum • Phosphorus • Eye q baby® • Mumomega® • Efalex® • LACTORAL
Commission Regulation (EC) No. 1025/2009 of 29 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health	• Dairy product (milk beverage) enriched with milk peptide and magnesium • Black tea from *Camellia sinensis*
Commission Regulation (EC) No. 1167/2009 of 30 November 2009 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health	• Melgaço® naturally sparkling mineral water • Ocean Spray Cranberry Products® • Kinder Chocolate • Follow-on formulae
Commission Regulation (EC) No. 1168/2009 of 30 November 2009 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health	• Algatrium®, containing DHA as raw material for foods/food supplements
Commission Regulation (EU) No. 375/2010 of 3 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health	• *Lactobacillus plantarum* 299v (DSM 9843)
Commission Regulation (EU) No. 382/2010 of 5 May 2010 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to	• Natural Push-Up® • Bimuno BT (BGOS) Prebiotic • Gum Periobalance TM

children's development and health	tablets and chewing gum
Commission Regulation (EU) No. 383/2010 of 5 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health	• Milk product
Commission Regulation (EU) No. 384/2010 of 5 May 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health	• Plant sterols/Plant stanol esters for yellow fat spreads, dairy products, mayonnaise and salad dressings • Lycopene-whey complex • BimunoTM (BGOS) Prebiotic
5.3 Meat	
E.C. (Labelling of Beef and Beef Products) Regulations, 2000	S.I. No. 435 of 2000 S.I. No. 485 of 2002
Commission Regulation (EC) No. 275/2007 of 15 March 2007 amending Regulation (EC) No. 1825/2000 laying down detailed rules for the application of Regulation (EC) No. 1760/2000 of the European Parliament and of the Council as regards the labelling of beef and beef products	
European Communities (Marketing of meat of bovine animals aged 12 months or less) Regulations 2008	S.I. No. 245 of 2008
European Communities (Agricultural Products) Regulations 2008	S.I. No. 213 of 2008
Council Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(Title II, Chapter 1. Section 1 only)	
Council Regulation (EC) No. 361/2008 of 14 April 2008 amending Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)	
Commission Regulation (EC) No. 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less	
6. Materials in Contact with Foodstuffs	
E.C. (Plastics and other materials) (Contact with Food) Regulations 2007	S.I. No. 587 of 2007 S.I. No. 88 of 2009 S.I. No 463 of 2009 S.I. No. 301 of 2010
7. Manufacturing and Processing Methods	
E.C. (Quick- Frozen Foodstuffs) Regulations 1992 and 1995	S.I. No. 290 of 1992 S.I. No. 370 of 1995

European Communities (Foodstuffs) (Accession of Bulgaria and Romania) Regulations 2008	S.I. No. 392 of 2008
E.C. (Foodstuffs treated with ionizing Radiation) Regulations 2000	S.I. No. 297 of 2000
8. Specified Risk Material	
European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) Regulations 2008 (Regulations 1, 2, 7, 10(10), 10A, 16(16)-(19), 18-20, 22-35 only in so far as they relate to food safety aspects within the meaning of the first mentioned Regulation)	S.I. No. 252 of 2008 S.I. No. 291 of 2009
9. Zoonoses	
E.C. (Monitoring of Zoonoses) Regulations 2004	S.I. No. 154 of 2004
European Communities (Control of salmonella in broilers) Regulations 2009	S.I. No. 64 of 2009
European Communities (Control of salmonella in turkeys) Regulations 2010	S.I. No. 99 of 2010
10. Animal Remedies	
Animal Remedies Act, 1993 (other than sections 4 and 5)	No. 23 of 1993
European Communities (Control of Animal Remedies and their Residues) Regulations, 2009 (excluding Regulations 3, 8, 9-12, 16, 20 and 26)	S.I. No. 183 of 2009
Regulation (EC) No. 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No. 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No. 726/2004 of the European Parliament and of the Council	
Commission Regulation (EU) No. 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin	
11. Contaminants	
E.C. (Certain Contaminants in Foodstuffs) Regulations 2010	S.I. No. 218 of 2010
Commission Regulation (EC) No. 315/93 of 8 February 1993 laying down Community procedures for contaminants in food	
Commission Regulation (EC) No. 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed	
European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulations 2010	S.I. No. 119 of 2010
12. Additives and Flavourings	
E.C. (Additives, Colours and Sweeteners in Foodstuffs) Regulations, 2000	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 S.I. No. 126 of 2009 S.I. No. 522 of 2010 S.I. No. 534 of 2010
E.C. (Food Additives other than Colours and Sweeteners) Regulations, 2004	S.I. No. 58 of 2004 S.I. No. 369 of 2005 S.I. No. 40 of 2008
E.C. (Flavourings for use in Foodstuffs for Human Consumption) Regulations 1992	S.I. No. 22 of 1992
E.C. (Food Additives) (Purity Criteria Verification) Regulations 1983	S.I. No. 60 of 1983
Regulation (EC) No 2065/2003 of 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. 627/2006 of 21 April 2006 implementing Regulation (EC) No. 2065/2003 of the European Parliament and of the Council as regards quality criteria for validated analytical methods for sampling, identification and characterisation of primary smoke products	
Regulation (EC) No. 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings	
Regulation (EC) No. 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No. 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97	
Regulation (EC) No. 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives	
Commission Regulation (EU) No. 238/2010 of 22 March 2010 amending Annex V to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council with regard to the labelling requirement for beverages with more than 12% by volume of alcohol and containing certain food colours	
Commission Regulation (EU) No. 257/2010 of 25 March 2010 setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No. 1333/2008 of the European	

Parliament and of the Council on food additives	
Regulation (EC) No. 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC	
European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 2009	S.I. No. 277 of 2009
13. Food for Particular Nutritional Uses	
Commission Regulation (EC) No. 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs for people intolerant to gluten	
14. Miscellaneous	
14.1 Food Fortification	
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 108/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No.1925/2006 on the addition of vitamins and minerals and of certain other substances to foods	
Commission Regulation (EC) No. 1170/2009 of 30 November 2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No. 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements.	

SCHEDULE 2

<u>The objectives, targets, timeframe and other matters relating to food inspection and analysis which the Authority has specified to the Official Agency</u>

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 shall work in partnership with the Authority and its other Official Agencies to enhance consumer protection and ensure a seamless inspection service. The Official Agency shall encourage its staff to engage in inter-agency activities such as:

- sharing of information on food businesses;
- provision of reasonable assistance as appropriate;
- participation in cross-agency meetings;
- inter-agency training;
- multi-disciplinary working;

Within its area of competence, the Official Agency shall ensure that official controls are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Service Contract and section 11 of the Act.

The Official Agency shall have due regard to recognised guidance notes, Codes of Practice or accreditation systems as may be agreed between the Official Agency and the Authority from time to time. The Official Agency shall carry out official controls in accordance with documented procedures.

The Official Agency must ensure that official control activities are carried out to a high level of transparency. Relevant information held by the Official Agency must be made available to the public as soon as possible.

Where there are reasonable grounds to suspect that a food may present a risk to health the public must be informed to the fullest extent possible.

The Official Agency must ensure that information acquired when undertaking official controls which is covered by ‘professional secrecy in duly justified cases’ is not disclosed to a third party.

It is recognised that the ability of the Official Agency to completely fulfil the terms of this service contract depend on the necessary financial resources being

made available from the national Exchequer. The level of assistance required will be agreed between the parties to this contract and submitted to the relevant government department(s). It is agreed that the Authority will support the case for adequate Exchequer funding for the Official Agency (with other Local Authorities) in the annual funding cycle, and that the funding allocated shall be applied to the recoupment by the Official Agency of the costs necessarily incurred in providing the services required under this Service Contract. In the event that the required level of financial resources is not provided, no liability will attach to the Official Agency for incomplete fulfilment of the contract. The priority for enforcement of food legislation will be agreed between the Authority and the Official Agency in the annual service plan (section 1.4) based on the resources allocated.

1.2 Official Controls

The Official Agency will carry out official controls on food products of animal origin during slaughtering, manufacturing, processing, import, distribution and wholesale to ensure compliance by food business operators with the food legislation and other legislation as agreed.

This Official Agency will ensure official controls are efficient, effective and 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 Legislation

Duties and responsibilities for food safety activities for the Official Agency will derive from food legislation. All staff involved in food control activities shall be provided with access to this legislation. All Veterinary inspectors involved in food control activities should be authorised by their Official Agency for food legislation.

1.4 Participation in 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 to:

- 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 food legislation.
- Evaluate relevant food safety/scientific information.
- Produce other outputs including meeting reports as agreed.

Objectives, terms of reference and timeframes shall be established by each working group.

1.5 National Control Plan for Ireland (NCP)

The Official Agency shall comply with the National Control Plan for Ireland. The Official Agency shall contribute to the preparation of the NCP for Ireland.

1.6 Service /Budget Plan

The Official Agency shall submit to the Authority a Service /Budget Plan within four weeks of receipt of the letter of funding allocation. The content and format of the Plan will be agreed between the Authority and the Official Agency. The content of the plan will be reviewed by the Authority and the Official Agency at liaison meetings.

1.7 Data collection and reporting

The Official Agency shall collect data regarding official controls, including inspection and sampling and provide reports to the Authority as detailed in Schedule 4.

1.8 Information Systems

Computerisation of inspection, sampling, testing and analysis systems must be developed by the Authority and must have the functionality to allow data gathered in respect of Clause 1.5 of this Schedule to be transmitted electronically to the Authority's database. The Official Agency shall record such data in the Authority's Official Agency Premises Inspection database (OAPI). Data should be entered into the database on an ongoing basis but shall be entered within one month of the activity taking place.

1.9 Out of hours emergency service

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'').

1.10 Contingency Planning

The Official Agency, in conjunction with the Authority, shall ensure that there are contingency plans in place at local level for dealing with incidents.

As part of these plans, the Official Agency shall provide the Authority with a single central contact point for both office hours and out of office hours for emergency and crisis situations.

The Official Agency shall establish a dedicated contact point for receipt of food alerts and exchange of information relating to food incidents during normal office hours.

The contact point shall be operational during all normal working hours and enable quick response at all times (including cover during leave periods). Details of the contact points (telephone and e-mail) shall be notified to the Authority and updated as necessary.

The Official Agency shall facilitate training of personnel in the operation and exercise of the contingency plans. Periodic review of the plans shall take place in conjunction with the Authority.

1.11 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.*

1.12 Zoonoses

The Official Agency shall facilitate appropriate staff to be members of Regional Zoonoses Committees.

The Official Agency shall, in conjunction with the Authority and other agencies, fulfil its obligations arising from the zoonoses legislation listed in Schedule 1.

1.13 Complaints regarding the implementation of the Service Contract

The Official Agency shall provide information to the Authority on complaints regarding the implementation of the Service Contract. Complaints will be managed in accordance with the Official Agency's procedures, and in a manner consistent with "The Ombudsman's Guide to Standards of Best Practice for Public Servants." The Official Agency shall co-operate with the Authority in any investigation regarding these complaints.

1.14 Designated Officers

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

1.15 Continuing Professional Development

Appropriate training must be provided for staff performing official controls in line with legislative requirements. This training will be provided in conjunction with the Authority. Induction training is to be provided for all new staff by the Official Agency. The Official Agency shall ensure that any contractors used in the performance of the Service Contract provide evidence of Continuous Professional Development and compliance with this Section.

Where staff from the Official Agency need to travel outside the Official Agency functional area to attend training courses/meetings, this shall be facilitated by the Official Agency.

1.16 Food Complaints

Food complaints shall be managed in a timely fashion in accordance with documented procedures, with the aim of minimising the recurrence of Bona Fides complaints.

1.17 Missions of the Food and Veterinary Office (FVO)

The Official Agency shall participate as required in the preparation and conduct of FVO missions to Ireland and any follow-up actions associated with a report issued by the FVO.

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 Internal Audit

The Official Agency shall participate in the National Internal Audit Programme and these internal audits will be conducted in accordance with the guidelines contained in Commission Decision 2006/677/EC.

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.

1.19 Documented Procedures

The Official Agency shall carry out official controls in accordance with documented procedures developed by agreement between the Authority and the Local Authority Veterinary Service. These procedures shall provide information and instructions for staff performing official controls.

1.20 Mutual Assistance

Where requested and agreed, assistance may be provided to another Official Agency. A Section 85 or Section 86 agreement shall be entered into between the Official Agency and at least one other County/City Council by the end of 2011 to ensure continuity in provision of official food control services. This will necessitate travel outside the functional area of the local authority and shall be facilitated by the official agency.

1.21 EU Official Control Activities

The Official Agency shall carry out control activities in accordance with the E.U. Co-ordinated Control Plans (under Regulation 882/2004) and European Food Safety Authority co-ordinated studies as agreed with the Authority.

1.22 Inspection reports

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 of the outcome of each inspection of food premises shall be issued to the relevant food business operators. Records of inspections, major non-compliances identified and actions taken shall be maintained electronically and entered in the Authority's Official Agency Premises Inspection (OAPI) database.

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 follow-up of non-compliances. These procedures will be reviewed on an annual basis to ensure 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 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 Safety Education Programme

The Official Agency in conjunction with the Authority shall facilitate the delivery of a Food Safety Education Programme to industry staff in premises under their supervision. The primary responsibility for training of food industry staff remains with the food industry.

1.26 Voluntary National Guides

The Official Agency shall in conjunction with the Authority assess and if appropriate, recognise voluntary national guides, within its remit, having regard to the procedures laid down in the Authorities *Guidance Note 23 – Development and Assessment of Recognised National Voluntary Guide to Good Hygiene Practice and the Application of HACCP Principless*.

1.27 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 Veterinary Inspection Service

2.1 Introduction

The Official Agency shall provide a veterinary inspection service for the enforcement of food legislation and the protection of consumer health.

2.2 Official Food Control Services to be Provided

The official agency shall fulfill all obligations regarding food safety as agreed from time to time by the Authority and the Official Agency in the context of food legislation. The Official Agency shall institute prosecutions and/or other enforcement measures for offences as appropriate

2.2.1 Premises

The Official Agency shall provide official food control services in certain food premises, which will be set out in a list that will be maintained by the Authority. Additions to or deletions in the list of premises will be notified to the Authority without delay. Categories of premises in which official food control services will be provided by the Official Agency will be specified by the Authority. The Authority may if necessary determine responsibility for provision of official

controls for specific businesses. The Authority, the Official Agency and other agencies will agree criteria for the allocation of supervising agency for certain establishments.

The premises will include those subject to Regulation 853/2004 and Regulation 852/2004, in categories including:

- Slaughterhouses (including those with associated meat processing activities).
- Premises producing fresh meat including poultry meat and game.
- Premises producing minced meat.
- Premises producing meat preparations.
- Premises producing meat products.
- Butchers' retail premises subject to Regulation 853/2004.
- Cold stores/distribution centres.
- Meat transport vehicles at, or associated with, inspected premises.
- Meat transport vehicles not associated with inspected premises.
- Small scale poultry premises subject to Approval/Registration under S.I. 432/2009.

Official control of certain premises may be carried out in conjunction with other agencies; timings and frequencies of inspections of such premises will be agreed locally. Inspection reports and notification of enforcement activity should be shared with the other agency.

The Official Agency shall exercise official controls over the following herd/flock registration and animal identification systems:

- Animal Identification Movement System.
- National Pig Identification and Traceability Scheme.
- Flock Registration Scheme.
- Others as agreed between the Authority and the Official Agency.

In respect of these systems the Official Agency shall fulfill all obligations regarding food safety and traceability as may be agreed from time to time by the Authority and the Official Agency.

The Official Agency will carry out inspections to ensure compliance with the labelling legislation.

The Official Agency shall, in consultation with the Authority, grant/withdraw approval in accordance with the legislation governing the operations of the plants, including providing information to enable the Authority to maintain the national register of premises, in accordance with the Standard Operating Procedures of the Local Authority Veterinary Service.

The Official Agency shall register establishments in accordance with the legislation governing the operations of the plants, including providing

information to enable the Authority to maintain the national register of premises, in accordance with the Standard Operating Procedures of the Local Authority Veterinary Service.

The Official Agency shall review periodically all aspects of the operation of each premises to ensure continued compliance with conditions of approval and legislative requirements.

2.2.2 Frequency of inspection

The Official Agency shall supervise and review all aspects of the operation of each premises to ensure compliance with food legislative requirements. Supervision shall be in accordance with Community legislation and will be conducted at a frequency decided following a risk analysis of the premises. The risk analysis to be carried out according to documented procedures.

2.2.3 Additional services

(i) Provision of veterinary inspectors

The Official Agency shall provide whole time and "such and so many other" veterinary inspectors as it considers necessary and support staff. Veterinary inspectors are to be allocated to particular duties.

The appointment of a whole-time veterinary inspector may be made in conjunction with other Local Authorities under the provisions of section 85 of the Local Government Act, 2001.

(ii) Illegal slaughter

The Official Agency shall check for illegal slaughtering and unstamped meats, at all premises under its supervision.

(iii) Returns

The Official Agency shall complete monthly return of ER106 to the Department of Agriculture Fisheries and Food within the required timescale.

(iv) Sampling

The Official Agency will:

(a) comply with National Residue Control Programme and where required attend and participate in meetings of the Cross Agency Residues Management Group and Cross Agency Residue Laboratory Group

(b) Take samples for analysis as required in accordance with food legislation and will be in line with the Standard Operating Procedures of the Local Authority Veterinary Service and in accordance with sampling plans to be developed by the Authority and Cork County Council Veterinary Food Safety Laboratory and any other laboratories as applicable.

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 aim to ensure the appropriate follow up of non-compliant samples.

(v) Consistency working group

The Official Agency shall provide veterinary inspectors, as required in conjunction with other Local Authorities, to participate in a working group with the Authority and the Department of Agriculture and Food to ensure consistency in procedures for inspections and approval of meat premises between the official agencies.

3.0 Monitoring

3.1 Liaison

The Official Agency shall nominate person(s) to liaise with the Contracts Manager in the Authority.

The following meetings shall be held:

a. Liaison meetings between the Authority and the Official Agency: two per year
b. Regional liaison meetings between the Veterinary Inspector(s) of the Official Agency and of other Local Authorities and the Authority: two per year.
c. Cross Agency meetings: as arranged by the Authority.
d. Liaison meeting between representatives of the City and County Managers Association and the Authority: one a year.

Additional liaison meetings will be held as required by either party or as changing circumstances require.

3.2 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 shall have appropriate 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, including financial records related to expenditure claimed from the Authority. Officers of the Official Agency shall have access as required through the liaison link to records relevant to the Official Agency held by the Authority.

3.3 Review

The Authority will review delivery of the service contract and provide feedback to the Official Agency on an ongoing basis.

A report on the delivery of the service contract for the period 2011-2013 will be

provided to the Official Agency by the Authority by 30th June 2014, with recommendations on any changes needed to the contract. The Official Agency will provide information as required to the Authority to facilitate the development of this report.

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

3.4 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 contract.

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

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 meet a number of operational criteria. They shall have a sufficient number of suitably qualified and experienced staff and possess adequate facilities and equipment to carry out their duties properly.

The Official shall ensure economy and efficiency on implementation of the service contract.

The Official Agency will provide staff and all resources required to ensure delivery of service outputs/activity as outlined in Schedule 2.

Staffing Resources

List of all staff employed for the purpose of this Service Contract

1.

DISCIPLINE	**GRADE**	**TOTAL**	**WTE**
Veterinarian	Veterinary Inspector(s)	1	1
Administration	Senior Executive Officer Assistant Staff Officer Clerical Officer HR, Finance, Health &Safety Staff	1 1 4 6	**0.1** **0.05** **0.7** **0.01**
Management	Director of Services	1	**0.05**

List of all contractors engaged for the purposes of this Service Contract.

2.

Contractors:	**TOTAL**	**WTE**
Part-time Temporary Veterinary Inspector(s)	**6**	**Average of 16.66 visits per TVI per month**

SCHEDULE 4

Data collection and reporting

1.0 General requirements for data collection and reporting

The Official Agency shall collect and store information generated from food control activities specified in Schedule 2.

A file is to be maintained for each food business under the supervision of the Official Agency.

The data collected is to be maintained and all records are to be kept up to date. Records relevant to this service contract will be kept for a minimum of 5 years. An agreed electronic dataset will be transferred to the Authority.

The frequency of electronic transfer is to be agreed with the Authority.

The Official Agency shall notify the Authority of enforcement orders served under the Food Safety Authority of Ireland Act, 1998, without delay.

2. 0 Resources

The Official Agency shall update Schedule 3 in a timely manner by accessing the Authorities Safety Net.

The Official Agency shall maintain a current electronic list of Authorised, Liaison and Designated Officers. The list shall include names, contact addresses, telephone numbers and email addresses for all officers. This list shall be submitted to the Authority as changes arise.

The Official Agency shall maintain an up-to-date list of laboratories used for testing and analysis under food legislation. This list shall be provided to the Authority annually and as changes arise.

3. 0 Activities undertaken outside of returns outlined at 1.0 and 2.0

The Official Agency will submit an annual Section 48.8 report to the Authority which will record details of:

(a) Official Control Activities

(b) Food incidents/outbreaks

(c) Participation on the Authority's working groups, inter- agency working groups and expert working groups and any other similar activity.

(d) Continual Professional Development undertaken by all staff listed in Schedule 3

(e) Hygiene education activities undertake.

(f) Food complaint.

(g) Complaints regarding the implementation of this Service Contract.

(h) Additional food safety activities as agreed

(i) Food Safety Education provided to industry staff

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 where appropriate conformance by the Official Agency with this Service Contract and the relevant requirements of the National Control Plan for Ireland and compliance with food legislation. The Authority will take cognisance of internal audits performed by the Official Agency when developing its audit programmes.

3. Audit Programmes
The Authority shall provide details of the audits it intends to carry out on activities performed by the Official Agency through the circulation of Audit Programmes. As part of its audit programme planning process the Authority will take due regard of internal audits scheduled or conducted by the Official Agency as detailed in Clause 1.19 of Schedule 2 of the contract.

The Authority's Audit Programmes shall be risk based and 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's access to those premises, personnel, documents and records of food business operations applicable to the audit.

6. Corrective Action
An action plan will be drawn up by the official agency to address audit findings where non compliance with food law or non conformance with service contract requirements are detected. Close out of the corrective action plan will be monitored through the liaison process.