

DATED this 1st day of January 2009

Service Contract

between

THE FOOD SAFETY AUTHORITY OF IRELAND

- and -

THE HEALTH SERVICE EXECUTIVE

(REVISION 1)

THIS SERVICE CONTRACT is made this 1st day of January 2009 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 HEALTH SERVICE EXECUTIVE having its principal place of business at Naas, Co. Kildare (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 1st January 2009;

“**Food Legislation**” means the Food Legislation set out in Schedule 1 of this Service Contract in so far as they relate to food safety and hygiene

“**Year**” means any 12-month period commencing on 1st January

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.

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 2011. The Service Contract may, subject to agreement, be reviewed, modified, amended or extended.

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.

so as to ensure that food produced in the State (whether or not distributed or marketed in the State) and food distributed or marketed in the State complies with any relevant food legislation.

5. For the purposes of section 48(3) of the Act, and having regard to the resources available to the Official Agency, the Authority has specified 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) the other matters which the Authority considers necessary.

The matters referred to in (a) and (b) are set out in Schedule 2 of this Service Contract.

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 accordance with 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 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:-

PRESENT when the Official Seal of
THE HEALTH SERVICE EXECUTIVE
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 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 legislation may be inserted by the Authority into this Schedule. The implications of new legislation for the Official Agency will be considered and enforcement priorities agreed by the Service Contract Committee on Food Safety Legislation. Enforcement priorities will be agreed without undue delay following revision of this Schedule.

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

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.

The legislation is listed overleaf:

Commission Regulation (EC) No. 1441/2007 of 5 December 2007 amending Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs	<u>Commission Regulation (EC) No. 1441/2007</u>
E.C. (Hygiene of Foodstuffs) Regulations 2006	<u>S.I. No. 369 of 2006</u>
E.C. (Food and Feed Hygiene) Regulations 2005	<u>S.I. No. 910 of 2005</u> <u>S.I. No. 387 of 2006</u> <u>S.I. No. 56 of 2007</u>
Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations 2010	<u>SI 340 of 2010</u>
E.C. (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2007	<u>S.I. No. 225 of 2007</u> <u>S.I. No. 686 of 2007</u>
Sale of Food and Drugs Acts 1875 – 1936 (a) Margarine Act 1887 (b) Butter and Margarine Act 1907	<u>1887 50 and 51 Vict.</u> <u>1907 7 Edw. 7</u>
E.C. (Quick Frozen Foodstuffs) Regulations 1992 and 1995	<u>S.I. No.290 of 1992</u> <u>S.I. No.370 of 1995</u>
Emergency Measures	
E.C.(Emergency Measures regarding Chilli and Chilli Products) Regulations 2004	<u>S.I. No.181 of 2004</u>
E.C. (Suspending the Placing on the Market, the Importation and the Use in Manufacture of Jelly Confectionary Containing the Food Additive E425 Konjac) Regulations 2002	<u>S.I. 442 of 2002</u>
Specified Risk Material (SRM)	
European Communities (Removal of Bovine Vertical Column) Regulations, 2004	<u>S.I. No. 528 of 2004</u>
Labelling	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 – 2007	<u>S.I. No.483 of 2002</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2003 - Meat products labelling	<u>S.I. No.257 of 2003</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.2) Regulations 2003 - Certain exemptions for cocoa and chocolate products	<u>S.I. No. 451 of 2003</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.3) Regulations 2003 - Foodstuffs containing caffeine and quinine	<u>S.I. No. 528 of 2003</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2005	<u>S.I. No.228 of 2005</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.2) Regulations 2005	<u>S.I. No.514 of 2005</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs)	

(Amendment) (No.3) Regulations 2005 E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2007 E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 2) Regulations 2007 European Communities (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008	S.I. No.647 of 2005 S.I. No.376 of 2007 S.I. No.808 of 2007 S.I. No. 424 of 2008
E.C. (Nutrition Labelling for Foodstuffs) Regulations 2005	S.I. No. 65 of 2005
E.C. (Labelling of Beef and Beef Products) Regulations 2000 to 2002	S.I. No.435 of 2000 S.I. No.485 of 2002
E.C. (Identification of Foodstuff Lot) Regulations 1992	S.I. No.110 of 1992
E.C. (Labelling of Fishery and Aquaculture Products) Regulations 2003	S.I. No.320 of 2003
E.C (Marketing of Fruit Jams, Jellies, Marmalades and Sweetened Chestnut Puree) Regulations 2003	S.I. No.294 of 2003
E.C. (Marketing of Coffee Extracts and Chicory Extracts) Regulations, 2000	S.I. No.281 of 2000
E.C (Marketing of Fruit Juices and Certain Similar Products) Regulations 2003	S.I. No.240 of 2003
E.C. (Marketing of Cocoa and Chocolate Products) Regulations 2003	S.I. No.236 of 2003
E.C. (Marketing of Honey) Regulations 2003	S.I. No.367 of 2003
E.C. (Marketing of Sugar Products) Regulations 2003	S.I. No.289 of 2003
E.C. (Dehydrated Preserved Milk) Regulations 2003 to 2008	S.I. No. 298 of 2003 S.I.124 of 2008
E.C. (Marketing Standards for Olive Oil) Regulations 2004	S.I. No.397 of 2004
E.C. (Definition, Description and Presentation of Aromatised Wines, Aromatised Wine – based drinks and Aromatised Wine – product Cocktails) Regulations 1998	S.I. No.254 of 1998
E.C. (Definition, description and Presentation of Spirit Drinks) Regulations 1995	S.I. No.300 of 1995 S.I. No.7 of 1998
Health (Country of Origin of Beef) Regulations, 2006	S.I. No. 307 of 2006 S.I. No.85 of 2007
Zoonoses	
E.C. (Monitoring of Zoonoses) Regulations 2004	S.I. No. 154 of 2004
Contaminants	
* See EC legislation which has direct effect in Member States below	
*E.C. (Certain Contaminants in Foodstuffs) Regulations 2001	S.I. No.400 of 2001
*E.C. (Sampling Methods 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

Health (Arsenic and Lead in Food) Regulations 1972 and 1992	S.I. No.44 of 1972 S.I. No.72 of 1992
Health (Tin in Food) Regulations 1993	S.I. No.389 of 1993
Health (Mineral Hydrocarbons in Food) Regulations 1972 and 1992	S.I. No.45 of 1972 S.I. No.71 of 1992
E.C. (Erucic Acid in Food) Regulations 1978 to 1992	S.I. No.123 of 1978 S.I. No.67 of 1992
E.C. (Erucic Acid in Food)(Method of Analysis) Regulations 1982	S.I. No.271 of 1982
E.C. (Vinyl Chloride in Food)(Method of Analysis) Regulations 1984	S.I. No.92 of 1984
E.C. (Vinyl Chloride in Food) Regulations 1984 and 1992	S.I. No.95 of 1984 S.I. No.65 of 1992
Additives and Flavourings	
* See EC legislation which has direct effect in Member States below	
¹ E.C. (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 to 2008	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 369 of 2008
E.C. (Food Additives other than Colours and Sweeteners) Regulations 2004 to 2008	S.I. No.58 of 2004 S.I. No.369 of 2005 S.I. No. 40 of 2008
E.C. (Food Additives)(Purity Criteria Verification) Regulations 1983	S.I. No.60 of 1983
E.C. (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 1998 to 2008	S.I. No.541 of 1998 S.I. No.438 of 2000 S.I. No.343 of 2001 S.I. No.260 of 2002 S.I. No. 488 of 2003 S.I. No. 892 of 2004 S.I 174 of 2005 S.I. 94 of 2008
E.C. (Flavourings for use in Foodstuffs for Human Consumption) Regulations 1992	S.I. No.22 of 1992
E.C. (Extraction Solvents in Foodstuffs and Food Ingredients) Regulations 2000	S.I. No.141 of 2000
Materials in contact with foodstuffs	

¹ Note: Purity criteria for Additives, Colours and Sweeteners are included in this regulation.

E.C. (Plastics and other Materials) (Contact with Food) Regulations 2007	<u>S.I. No.587 of 2007</u>
Foods for particular nutritional uses	
E.C. (Foodstuffs intended for Particular Nutritional Uses) Regulations 2006 and 2007	<u>S.I. 579 of 2006</u> <u>S.I. No. 554 of 2007</u>
E.C (Foods intended for use in energy-restricted diets for weight reduction) Regulations 1998	<u>S.I. No. 784 of 2007</u>
E.C (Dietary Foods for Special Medical Purposes) Regulations 2001 and 2007	<u>S.I. No. 64 of 2001</u> <u>S.I. No. 241 of 2007</u>
Infant Formula	
E.C. (Infant Formulae and Follow-on Formulae) 2004 and 2007	<u>S.I. No.242 of 2004</u> <u>S.I. No.852 of 2007</u>
E.C. (Processed Cereal-based Foods and Baby Foods for Infants and Young Children) Regulations 2007	<u>S.I. No.776 of 2007</u>
Food Supplements:	
E.C (Food Supplements) Regulations 2007	<u>S.I. No. 506 of 2007</u>
Foodstuffs treated with Ionising Radiation	
E.C. (Foodstuffs Treated with Ionising Radiation) Regulations 2000	<u>S.I. No.297 of 2000</u>
Miscellaneous	
Food Standards Act 1974 and regulations made thereunder. (Now superseded by more recent legislation)	<u>Act No.11 of 1974</u>
Poisons Act 1961	<u>Poisons Act, 1961</u>
Animal Remedies (Poisons Act 1961) Regulations 2007	<u>S.I. No. 861 of 2007</u>
District Court (Food Safety) Rules 2004	<u>S.I. No.700 of 2004</u>

EC Legislation which has direct effect in Member States	To be transposed
Hygiene Rules	
Commission Regulation (EC) No. 1662/2006 of 6 November 2006 amending Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin	<u>Regulation (EC) No. 1662/2006</u>
Genetically Modified Foods	
Regulation (EC) No. 1829/2003 of the European Parliament and of the	<u>Regulation (EC) No.</u>

Council of 22 September 2003 on genetically modified food and feed	1829/2003
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	Regulation (EC) No. 1830/2003
Novel Foods	
Regulation (EC) No. 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients	Regulation(EC) No.258/97
Commission Regulation (EC) No. 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters.	Regulation(EC) No.608/2004
*Contaminants: See E.C. (Certain Contaminants in Foodstuffs) Regulations 2001 and E.C. (Sampling Methods and Methods of Analysis for the Official Control of the Levels of Certain Contaminants in Foodstuffs) (No. 2) Regulations 2006 above	
Commission Regulation (EC) No. 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs	Regulation (EC) No. 1881/2006
Commission Regulation (EC) No. 1126/2007 of 28 September 2007 amending Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards Fusarium toxins in maize and maize products	Regulation (EC) No.1126/2007
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 (EC) No. 1882/2006
Commission Regulation (EC) No. 1883/2006 of 19 December 2006 laying down methods of sampling and analysis for official control of levels of dioxins and dioxin-like PCBs in certain foodstuffs	Regulation (EC) No. 1883/2006
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 on foodstuffs	Regulation (EC) No. 333/2007
Bovine Labelling	
Regulation (EC) No. 275/2007 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	Regulation (EC) 275/2007
Corrigenda to Regulation (EC) No. 275/2007 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	Corrigenda to Regulation (EC) No. 275/2007
Council Regulation (EC) No 700/2007 (OJ L161, p1, 22/06/2007) of 11 June 2007 on the marketing of the meat of bovine animals aged 12 months or less	

Emergency Measures - Colour	
Commission Regulation (EC) No. 884/2007 of 26 July 2007 on emergency measures suspending the use of E 128 Red 2G as food colour	<u>Commission Regulation (EC) No. 884/2007</u>
Flavourings	
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	<u>Regulation(EC) No.2065/2003</u>
Nutrition and health claims	
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 Corrigenda 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 food	<u>Regulation (EC) 1924/2006</u> <u>Corrigenda to Regulation (EC) No. 1924/2006</u>
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	<u>Regulation (EC) 107/2008</u>
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 as regards the implementing powers conferred on the Commission	<u>Regulation (EC) 109/2008</u>
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	<u>Regulation (EC) 1925/2006</u>
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	<u>Regulation (EC) 108/2008</u>

SCHEDULE 2

The objectives, targets, timeframe and other matters relating to food safety inspection and analysis which the Authority has agreed with the Official Agency

1. GENERAL REQUIREMENTS

1.1 Introduction

Section 1 applies to the Food Safety Activities of the Environmental Health Services, the Food Safety Laboratory Services (FSLs) and the Public Health Medical Services.

The Official Agency will fulfil its 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, as appropriate, 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(2) of the Act. Official controls should take account of:

- (a) Identified risks associated with food, food businesses, the use of food or any process, material, substance, activity or operation that may influence food safety.
- (b) Food business operators' past record as regards compliance with food law.
- (c) The reliability of any own checks that have already been carried out.
- (d) Any information that might indicate non-compliance.

Official controls shall be carried out to protect consumer health / interests and ensure compliance with food legislation. They shall be carried out as appropriate, at any of the stages of production, processing and distribution of food. They shall include controls on food businesses, on the use of food, on the storage of food, on any process, material, substance, activity or operation applied to food including transport, required to achieve the objectives of this Service Contract.

The Official Agency shall have due regard to recognised guidance notes, Codes of Practice, Standard Operating Procedures or accreditation systems as may be agreed between the Official Agency and the Authority from time to time.

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, on the control activities of the Official Agency and their effectiveness.

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.

1.2 National Control Plan for Ireland (NCP).

The Official Agency shall co-operate with the Authority in updating Ireland's NCP (2007-2011). Revisions to this service contract will be reflected in the NCP.

1.3 Legislation

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

1.4 Service Contract Committees / Working Groups

The Official Agency will nominate representative staff to include Food Microbiology staff, Public Analysts' Laboratory staff, Public Health Medical staff, Environmental Health staff and other relevant staff to participate in Food Safety Authority of Ireland Service Contract committees, ad hoc working groups, inter-agency working groups and expert working groups as appropriate to:

- Produce and review the multi-annual national control plan for Ireland.
- Produce and review Guidance Notes, Codes of Practice and Guides to Good Hygiene Practice
- Evaluate implications of existing and proposed legislation
- Evaluate relevant food safety/scientific information
- Produce other outputs including meeting reports, as agreed

The Authority and the Official Agency will agree Service Contract Committees and Working groups and establish objectives, terms of reference and timeframes for each. These will be reviewed annually or as required. The initial service contract committees will be:

- Service Contract Committee on Food Legislation
- Service Contract Committee on Reporting

- Service Contract Committee on Enforcement Consistency

1.5 Annual Business Plan

The Official Agency shall prepare an Annual Business Plan. The content and format of the plan will be agreed between the Authority and the Official Agency. The plan shall be submitted to the Authority by 15th February each calendar year.

1.6 Data collection, reporting and information

The Official Agency shall collect data and provide reports to the Authority as detailed in Schedule 4 and in accordance with NCP reporting requirements. The Official Agency shall provide FSAI with other information as agreed through the Service Contract Committee on Reporting

1.7 Information Systems

The Official Agency will continue to progress the integration of its information systems which will allow gathering of data in respect of Clause 1.6 and electronic transmission of data to the Authority.

1.8 Contingency Planning

The Official Agency shall develop and maintain an operational contingency plan. The contingency plan shall be in line the requirements of Article 13 of Regulation 882/2004 and include arrangements for activation of the plan, establishment of a crisis team, communication and information, out of hours contacts and on call services. The contingency plan shall be developed by June 2009.

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 consultation with the FSAI.

1.9 Rapid Alerts System for Food and Feed

The Official Agency shall facilitate the operation of and participate in the Rapid Alert System for Food and Feed as required. The Official Agency shall establish a dedicated contact point in each local health office area for receipt of food alerts and exchange of information relating to food incidents during normal office hours.

1.10 Import Controls for Products of Non- Animal Origin

The Official Agency, in consultation with the Authority, shall develop its import control capacity to ensure it meets its obligations as a competent authority under relevant food safety legislation.

1.11 Investigation of outbreaks

The Official Agency, in conjunction with the FSAI, shall develop protocol(s) to manage and deal effectively with food borne outbreaks. Such protocol(s) shall be developed by the end of 2009. The Outbreak Control Teams must comprise of appropriate multidisciplinary staff together with FSAI and Cross agency staff as required.

The FSAI shall be notified without undue delay of food borne outbreaks and the outcome of investigations in accordance with the above protocol(s).

1.12 Complaints regarding the Service Contract

The Official Agency must ensure that a complaints procedure is in place to address complaints in respect of the delivery of this Service Contract by the Official Agency. The Official Agency will inform the Authority annually as to the number and nature of complaints received.

Complaint regarding the implementation of the service contract received by the Authority will be managed through the liaison process.

1.13 National Enforcement Policy

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

1.14 National Authorisation Policy

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

1.15 Designated Officers

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

1.16 Training and Development in Food Safety Activities

The official agency shall ensure that appropriate training, which may involve training provided by the Authority, is provided for staff performing official controls to ensure competent and consistent implementation in accordance with Annex II, Chapter 1 of Regulation 882/2004. All staff performing official controls must be kept up to date in their area of competence and be provided with additional regular training as necessary. Induction training is to be provided for all new staff by the

Official Agency. Training records must be maintained for all staff performing official controls.

An Annual Training Plan shall be submitted by the Official Agency, with the annual National Business Plan / Annual National Control Plan, to include details of appropriate training to be provided to staff listed in Schedule 3.

While training is the primary responsibility of the Official Agency, the Official Agency shall submit a list of national training requirements to the Authority at the end of the third quarter of every year, indicating those staff requiring such training.

The Authority provides training for official control staff;

(a) to educate official control staff on the requirements of new/revised legislation

(b) to roll out the application of new guidance notes or codes of practices

(c) to allow for standardised approaches to new activities

so as to ensure a consistent understanding and application of new legislation, new guidance or new procedures.

1.17 Food Incidents / Complaints

Food incidents / complaints must be managed in accordance with FSAI CoP No. 5 on Food Incidents and Alerts as may be amended

1.18 Missions of the European Commission 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 Food and Veterinary Office.

1.19 Quality Management System / Internal Audit

The Official Agency must carry out official controls in accordance with documented procedures. These procedures must provide information and instructions for staff performing official controls.

Quality Management Systems for Food Control Services will be adopted / maintained by the Official Agency.

The Official Agency, in consultation with the Authority, shall establish an internal audit function, protocols / procedures and implement an audit programme to meet its obligations as a 'competent authority under EC Regulation 882/2004. The Official Agency shall develop their audit protocols and procedures and commence an audit programme by 31st December 2009.

The Official Agency shall make available to the Authority when requested audit programmes, audit reports, corrective action plans and any other documentation related to its internal audit function.

1.20 Boundaries of the service

The Official Agency contracts for provision of services within its administrative area. Where requested and agreed, assistance may be provided to another Official Agency. The Official Agency will ensure such arrangements are in accordance with statutory requirements and best practice.

1.21 EU Co-ordinated Control Plans

The Official Agency shall carry out activities in accordance with the E.U. Co-ordinated Control Plans (under Article 53 of Regulation 882/2004) as agreed with the Authority.

1.22 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 or animal health or a serious infringement of food or feed law is identified, shall be notified to the Authority without delay.

1.23 Co-ordination of Sampling and Analysis

The Official Agency shall co-ordinate sampling and analysis to optimise the effective use of sampling and laboratory resources. To this end the Official Agency shall agree annual national sampling plans (microbiological and chemical) with the Authority in the final quarter preceding the year to which they apply. The sampling plan will include the various food sampling programmes undertaken by the Official Agency, including EU Co-Ordinated Control Plans and National Microbiological / Chemical Surveillance Programmes. The plan will outline the numbers of samples to be taken, the parameters to be analysed and where appropriate the sampling points. The priorities for each year shall also be detailed in these sampling plans.

The Official Agency in consultation with the Authority will review the nature, extent and rationale of the food sampling and analysis programmes within the Official Agency and make recommendations to optimise effectiveness in terms of achieving greater benefits for consumer protection, compliance with legal obligations and efficient use of resources. This review will be completed by the end of the 2nd quarter of 2009.

1.24 Food Safety Liaison

The Official Agency will assign specified and dedicated resources for the enforcement of Food Safety legislation. Liaison arrangements will be in accordance with 5.1.

1.25 Zoonoses

The Official Agency shall facilitate appropriate staff (to include Food Microbiology Laboratory staff, Public Analysts' Laboratory staff, Public Health Medical staff, Environmental Health staff and other relevant staff) to be members of Regional and National Zoonoses Committees.

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

1.26 Additional Activities

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

2. ENVIRONMENTAL HEALTH SERVICES

2.1 Introduction

The Environmental Health Service is provided by the Environmental Health Officers employed by the Official Agency. The service shall operate during normal office hours Monday to Friday, with programmed out of hour's activity.

The Official Agency shall make arrangements for the implementation of contingency plans in respect of its official food control services.

2.2 Official Food Control Services to be provided

The Official Agency shall fulfil obligations regarding food safety as may be agreed from time to time by the Authority and the Official Agency in the context of the legislation outlined in Schedule 1 including:

the determination of compliance with food legislation by means of:

- (i) The inspection, registration and / or approval of establishments and equipment, including establishments or equipment used in connection with the manufacture, processing, disposal, transport and storage of food

- (ii) The inspection and sampling of food including food ingredients
- (iii) The assessment of water after the point of compliance referred to in Article 6 of Directive 98/83/EC
- (iv) The inspection and examination of food labelling

so as to protect consumer health / interests and ensure compliance with food legislation.

2.2.1 Official Control in Food Businesses

Official Controls shall be carried out on all appropriate food businesses as determined by the scope of Schedule 1.

FSAI in conjunction with the Official Agency will revise CoP No. 1 within six months of the commencement of the Service Contract. Food businesses are to be categorised as in accordance with FSAI Code of Practice No.1 Revision 1 (2006), 'Code of Practice on the Risk Categorisation of Food Businesses' as may be amended or replaced.

Official controls in food businesses not addressed in COP1 Revision 1 (e.g. food businesses subject to approval under Regulation 853/2004 as amended)) must be consistent with official controls carried out by other Official Agencies, as coordinated through FSAI.

Official controls in food businesses should be carried out by a single Official Agency. Official Controls of certain establishments may, where necessary, be carried out in conjunction with other agencies; timings and frequencies of inspections of such 'dual supervision' establishments will be agreed locally. Inspection reports and notification of enforcement activity should be shared with the other agency.

2.2.2 Inspections

Registration and/ or approval / notification of food establishments

The Official Agency shall establish and maintain an up to date central register of all food establishments under Official Agency control. The central register will be provided to the Authority. Additions or deletions in the list of establishments will be notified to the Authority quarterly.

Official control inspections shall be carried out in accordance with FSAI Guidance Note No.1. This will be revised in conjunction with FSAI CoP Nos. 1 & 2 within six months of the commencement of the Service Contract

Inspection frequency

Inspection frequencies shall be determined in accordance with Article 3 of Regulation 882/2004. The inspection frequency shall be applied consistently across

all regions. To this end the FSAI in conjunction with the Official Agency will revise GN No. 1, CoP No. 1 and CoP No.2 within six months of the commencement of the Service Contract. The revised COP1 will establish the risk rating framework and inspection frequencies in respect of this contract.

Pending the revision of COP1, COP2 & GN1 the Official Agency shall maintain the capacity to complete 44,000 programmed inspections per year. Simultaneously the Official Agency will commit the necessary resources to fulfil its obligations under EC Regulation 882/2004, in particular audit and import control. In addition, the Official Agency shall ensure that all high risk establishments as set down in CoP No. 1 receive at least one programmed inspection per year.

Notwithstanding the specific legislation dealing with child care centres and nursing homes the Official Agency shall implement relevant food legislation in these establishments.

Official Controls in HSE establishments must be carried out in accordance with Code of Practice No. 2 – Inspection of Food Operations run by Health Boards, as amended.

2.2.3 Food Sampling

Sampling should be carried out in accordance with the sampling plan referred to in Clause 1.23 and the relevant legislative requirements, sampling guidelines and/or sampling protocols. Sampling shall be focused on appropriate areas in the food supply chain from production/importation to retail/catering as an aid to the determination of compliance of food and food businesses with food legislation, to provide optimal data for protection of the consumer and as part of agreed focused surveys. The timing and delivery of samples shall be agreed at local level.

2.2.4 Food Hygiene Education

The primary responsibility for training of food industry staff remains with the food industry. The Official Agency shall deliver planned Food Hygiene Education to food business operatives in establishments under their supervision.

2.2.5 National HACCP Strategy

The Official Agency shall participate in the development and implementation of the National HACCP Strategy.

2.2.6 National Guides

The Authority and the Official Agency shall encourage and facilitate the development of Guides to Good Practice on Hygiene and HACCP principles by the food industry.

2.2.7. Reports on Official Controls

A report on the outcome of each inspection / other official control of a food business shall be issued to the relevant food business operator at least in the case of non-compliance.

2.2.8. Food Legislation (See Categories in Schedule 1)

Official controls in respect of food legislation listed in Schedule 1 shall be carried out as follows:

Food Hygiene – General

Control will be carried out in accordance with Section 2.2.1

Emergency Measures

The Official Agency will carry out such controls as are necessary by way of inspection, sampling and testing, in accordance with the requirements of all relevant Emergency Decisions as may be published by the European Commission and transposed and in co-operation with the FSAI and the Customs Authorities.

Specified Risk Material

Controls will be carried out on authorised establishments to ensure compliance and as a routine part of inspections of all other relevant establishments. Appropriate records will be maintained.

Labelling

Controls will be carried out in accordance with GN No. 1 and as may be necessary through the annual sampling and testing programme.

Contaminants

Controls will be carried out in accordance with the annual sampling and testing programme and other appropriate control procedures.

Additives and Flavourings

Controls will be carried out in accordance with GN No. 1 (as revised) and as may be necessary through the annual sampling and testing programme and other appropriate control procedures.

Materials in Contact with Foodstuffs

Controls will be carried out in accordance with GN No. 1 (as revised) and as may be necessary through the annual sampling and testing programme and other appropriate control procedures.

Foods for Particular Nutritional Uses, including Infant Formula and Processed Cereal-Based Baby Foods

Controls will be carried out in all relevant manufacturing or distribution establishments and accordance with GN No. 1 (as revised) and as may be necessary through the annual sampling and testing programme and other appropriate control procedures.

Food Supplements

Controls will be carried out in all relevant manufacturing or distribution establishments and accordance with GN No. 1 (as revised) and as may be necessary through the annual sampling and testing programme and other appropriate control procedures.

Foodstuffs Treated with Ionising Radiation

Controls will be carried out in accordance as may be necessary through the annual sampling and testing programme and other appropriate control procedures.

Zoonoses

Appropriate data shall be gathered and provided to the FSAI. The nature and type of data will be agreed

Novel foods and genetically modified Foods

Controls will be carried out in accordance with GN No. 1 (as revised) and as may be necessary through the annual sampling and testing programme and other appropriate control procedures.

Food Fortification

Controls will be carried out in all relevant manufacturing establishments and in accordance with GN No. 1 (as revised) and as may be necessary through the annual sampling and testing programme and other appropriate control procedures.

Miscellaneous

The FSAI and HSE will agree an appropriate level of controls in respect of any other food legislation

2.2.9. Other Services

The Official Agency shall make arrangements for official controls to be undertaken in the following areas in consultation with the Authority:

- a) The assessment of water after the point of compliance referred to in Article 6 of Directive 98/83/EC.
- b) Outdoor events
- c) Certificates for export
- d) Sampling outside of the national sampling plan
- e) Safeguard decisions

3. FOOD SAFETY LABORATORY SERVICES **Microbiological and Chemical Testing**

3.1 Introduction

The Food Safety Laboratory Service (FSLs) is provided by the Official Agency through the Food Microbiology and Public Analysts' Laboratories, listed in Schedule 3.

The Official Agency shall provide food control services during normal working hours. Programmed out of hours activities shall be provided by agreement with the Official Agency and having regard to staffing issues and financial resources.

Food control services outside of normal working hours will be provided by the Official Agency, by agreement and within resources to deal effectively with outbreaks and food incidents.

3.2 Official Food Control Services to be provided

3.2.1 *Sample Analysis*

The FSLs shall provide services for microbiological, chemical and other testing of foodstuffs for parameters including contaminants. Analysis shall be carried out in accordance with the sampling plan referred to in Clause 1.23 and as part of agreed focused surveys, taking into account the relevant legislative requirements, guidelines and/or protocols. The timing and delivery of samples shall be agreed at local level.

Food samples taken under this Contract may only be analysed by the FSLs. It is recognised that sampling and analysis may be required outside the agreed national/regional sampling programmes. In this regard the Authority will firstly request the assistance of the FSLs.

In the event of a food-poisoning outbreak (or other food contamination incident) the routine testing programme may have to be adjusted to deal with this. The sampling and testing regime will be flexible, to allow for emergency analysis as required.

3.2.2 *Accreditation*

The FSLs of the Official Agency shall be accredited by the Irish National Accreditation Board for appropriate functions and comply with ISO/IEC 17025:2005. Such accreditation must be maintained and expanded in line with requirements and available resources. The Official Agency will provide the Authority with up to date information on the scope of their accreditation. The Official Agency must consider the views of the Authority regarding the scope of accreditation, in so far as it relates to activities in this Contract.

3.2.3 *Turnaround time*

Turnaround times for analysis of programmed samples in the FSLs will be discussed, agreed and reviewed at liaison meetings.

3.2.4 *The examination and analysis of food labelling*

The Official Agency shall examine details contained in food labels and conduct checks and/or analysis of food samples to determine compliance with food labelling legislation, as required.

3.2.5 *Delegation of Tasks*

The Official Agency may delegate specific tasks to another laboratory only if the delegated laboratory is accredited to ISO/IEC 17025:2005 and, if the delegated task is an official control, the delegation is in accordance with Article 5 of Regulation (EC) No 882/2004. The Authority shall be informed of such delegations.

3.2.6 *Specialisation*

The Authority supports the on-going development by the FSLs of specialised analyses. Where appropriate the laboratories will specialise on a national basis in specific analyses. The Official Agency shall consult with the FSAI and agree the laboratories required to develop a specific specialisation.

3.2.7 *Emerging Issues*

The Official Agency shall, subject to available resources, develop and provide analytical capability for emerging food safety / fraud parameters, as identified by the Authority / EU Commission or the FSLs.

3.2.8 *Retrospective Surveillance Data*

The Official Agency shall provide relevant retrospective surveillance data to the Authority, in the context of requests from the EU Commission.

3.2.9 *Information Systems*

The Official Agency will continue to progress and develop an integrated Laboratory Information Management System (LIMS). The Official Agency shall transfer electronically data, gathered in respect of Clause 3.2.1, to the Authority.

3.2.10 Official Laboratories

The FSLs shall function as ‘official laboratories’ as defined in Regulation (EC) No. 882/2004. They shall co-operate with the National Reference Laboratories in Ireland in the discharge of their functions under Article 33 of the Regulation.

3.2.11 Other Activities

The Official Agency will manage in accordance with agreed protocols, where relevant and appropriate:

- a) Food Complaints
- b) Safeguard Decisions
- c) Certificates for export
- d) Food surveys as agreed between the Official Agency and the Authority
- e) Testing water after the point of compliance referred to in Article 6 of Directive 98/83/EC.

3.3 National Reference Laboratories

3.3.1 Introduction

Ireland has designated the following laboratories from the FSLs as National Reference Laboratories (NRLs) in accordance with Article 33 of Regulation (EC) No. 882/2004:

Laboratory	NRL for:
Public Analyst’s Laboratory Dublin	Materials intended to come into contact with foodstuffs
	Mycotoxins
	Polycyclic aromatic hydrocarbons (PAHs)
Public Analyst’s Laboratory Cork	Heavy metals in feed and food

3.3.2 National Reference Laboratory Duties

In accordance with Article 33(2) of Regulation (EC) No. 882/2004 each NRL, shall:

- (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 responsible for the analysis of samples in accordance with Article 11 of Regulation (EC) No. 882/2004.
- (c) Where appropriate, organise comparative tests between the official national laboratories and ensure an appropriate follow-up of such comparative testing;
- (d) Ensure the dissemination to the Authority and official national 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 adopted in accordance with Article 53 of Regulation (EC) No. 882/2004.

(f) Be responsible for carrying out other specific duties introduced by the European Commission via the committee procedure referred to in Article 62(3) of 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.

3.3.3 Authority Support

The Authority will actively support the FSLs in its various NRL roles.

4. PUBLIC HEALTH MEDICAL SERVICE (INCLUDING THE HEALTH PROTECTION SURVEILLANCE CENTRE)

4.1 Introduction

The Public Health Medical Service is provided by the Official Agency. This service is currently available during normal working hours Monday to Friday with programmed out of hours activity (see Section 1.8).

4.2 Services to be provided

- Continued development of surveillance systems to ensure the fullest capture of all notifications of foodborne illness and other relevant information.
- Data analysis to inform on actions required locally, regionally and nationally.
- The Public Health Medical Service will participate in multi-disciplinary teams investigating, managing and controlling outbreaks of food borne illnesses. This is without prejudice to the obligations of the HSE staff in relation to the managing of outbreaks required under existing legislation
- Participation in and provision for ongoing training in regard to food safety and nutrition.
- Participation in the work of the Regional Zoonoses Committees.
- The Public Health Medical Services will participate in meetings with the Authority at least once per year and more frequently if the circumstances require. The liaison for these meetings should be co-ordinated through the Assistant National Director for Health Protection, HSE and the relevant personnel in the Authority.

5. Monitoring

5.1 Liaison

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

The following liaison meetings shall be held:

- HSE Management liaison meetings: three per year
- HSE Regional liaison meetings: two per year in each Region
- National PEHO group: two per year
- FSLs OFML group: three per year
- EHO- FSLs OFML group: once per year
- FSLs PAL group: three per year
- EHO- FSLs PAL group: one per year
- Cross Agency meetings
- Public Health Medical Service: one per year

Variations to the frequency of meetings can be reviewed by agreement.

5.2 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 appropriate liaison link to the staff referred to in Schedule 3 and to all relevant records, data and sites relating to food safety duties. 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.

5.3 Determination of Conformance

The Authority may take such measures as it considers appropriate to determine conformance by the Official Agency with the requirements of this contract. This will include audit in accordance with Schedule 5. The official agency agrees to co-operate with the Authority's audit activities. Details of the Authorities audit activities will be published in its audit programmes.

The Authority and the Official Agency will agree corrective action plans following audits carried out by the Authority. Corrective action plans should have agreed timescales for completion. The service contract liaison process shall be used to monitor progress on corrective action to ensure closeout of all findings.

For those services accredited in line with ISO 17025:2005 the Official Agency will inform the Authority of the results of the external audits of those services, insofar as it relates to this service contract. For other services the Official Agency will

provide details of external audits of these services. The Authority will take account of these external audits.

Having regard to the previous paragraph, the Authority will agree with the Official Agency timing, training and support regarding audits. The Authority will consult with the official agency regarding protocols and procedures, audit criteria, scope, frequency and audit report format. The Authority commits to take cognisance of the outputs from such consultations.

The Authority will consider and review the efficacy of the food control services provided by the Official Agency to determine the scope for better co-ordination and delivery of those food control services.

5.4 Unresolved Issues

Any matter pertaining to the Service Contract which becomes or is likely to become the subject of a disagreement between the Official Agency and the Authority shall in the first instance be dealt with through the liaison process referred to in 5.1 or a specially convened meeting.

Issues not resolved by the parties to the liaison meeting may be referred to the Chief Executive of the Authority and the Chief Executive, or nominee, of the Official Agency.

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 the operational criteria set down in Article 4 of Regulation 882/2004. 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 Agency will provide staff and all resources required to ensure delivery of service outputs/activity as outlined in Schedule 2.

The Authority acknowledges that not all Environmental Health Officers employed by the Health Service Executive are engaged full time on food control activities. The Authority considers it desirable for EHOs to specialise in food control activities or in specific aspects of food control activities.

Staffing Resources

The Official Agency shall detail the staffing resources to be provided annually for the purposes of this Service Contract in the following tables.

Both parties acknowledge the challenges and commitment required to deliver on this contract. The official agency is committed to advancing the implementation of the contract as resources permit.

In the event that there is any diminution of resources contemplated during the period 2009 – 2011 the official agency agrees to inform, consult and discuss with the Authority the likely implications of these measures in advance of instigating any such action.

**Environmental Health Service
Staff engaged in Food Safety/Control Activity**

Environmental Health Officers

Dublin Mid Leinster

	Compliment (WTE's)	Total (No. of Staff)
PEHO	5.1	13.0
SEHO/EHO	71.9 (19.0, SEHO; 52.9, EHO)	144.6 (40.3, SEHO; 104.3, EHO)
Administrative	12.9	22.5
TOTAL	89.9	180.1

Dublin North East

	Compliment (WTE's)	Total (No. of Staff)
PEHO	4.0	8.0
SEHO/EHO	61.4 (18.4, SEHO; 43, EHO)	100.4 (29.8, SEHO; 70.6, EHO)
Administrative	9.9	15.4
TOTAL	75.3	123.8

West

	Compliment (WTE's)	Total (No. of Staff)
PEHO	4.3	8.0
SEHO/EHO	85 (22, SEHO; 63, EHO)	137.7 (37.6, SEHO; 100.1, EHO)
Administrative	25.9	38.2
TOTAL	115.2	183.9

South

	Compliment (WTE's)	Total (No. of Staff)
PEHO	6.2	9.0
SEHO/EHO	72.9 (23.2, SEHO; 49.7, EHO)	125.6 (31.2, SEHO; 94.4, EHO)
Administrative	16.4	22.5
TOTAL	95.5	157.1

Food Safety Laboratory Service

The Public Analyst Laboratories included in this service contract are listed below:

- (i) Public Analyst's Laboratory, Sir Patrick Duns Hospital, Grand Canal Street, Dublin
- (ii) Public Analyst's Laboratory, St. Finbarr's Hospital, Cork
- (iii) Public Analyst's Laboratory, University College Hospital, Galway

Public Analysts' Laboratories

Grade /Title (please list)	Staff Engaged in <i>any</i> Food Control Activity	
	Total (No. of staff)	² Total number of posts (¹ WTE)
Management (Medical)	7	3.8
Scientific/Technical	66	59.7
Administration	11	6.5
Ancillary	2	1.5
Total	86	71.5

The Official Food Microbiology laboratories included in this service contract are listed below:

- i. Public Health Laboratory, Limerick,
- ii. Public Health Laboratory, Sligo General Hospital, Sligo
- iii. Public Health Laboratory, Waterford Regional Hospital, Waterford
- iv. Public Analyst's Laboratory, Sir Patrick Duns Hospital, Grand Canal Street, Dublin
- v. Public Health Microbiology Laboratory, St Finbarrs Hospital, Cork
- vi. Public Health Microbiology Laboratory, Cherry Orchard Hospital, Dublin
- vii. Public Health Microbiology Laboratory, Galway

Official Food Microbiology Laboratories

Grade /Title (please list)	Staff Engaged in <i>any</i> Food Control Activity	
	Total (No. of staff)	² Total number of posts (¹ WTE)
Management (Medical)	11	2.63
Scientific/Technical	78	65.9
Administration	10	5.83
Ancillary	10	6.3
Total	109	80.66

SCHEDULE 4

Data collection and reporting

1. 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 five years.

The agreed dataset will be transmitted to the Authority electronically at a frequency to be agreed through the Service Contract Committee on Reporting.

The 'inspection' and 'food surveillance' forms as specified in this Schedule shall be submitted to the Authority every six months by the Official Agency.

EU Co-ordinated Control Plans and National Surveillance Programme sampling and questionnaires shall be undertaken, completed and returned to the Authority, as appropriate in accordance with agreed protocols

The Official Food Control Laboratories shall provide the Authority with reports of all tests/analysis undertaken for the purposes of this Service Contract.

The Authority will acknowledge the source of data provided by the Official Agency in any publications.

The Official Agency shall notify the Authority of enforcement orders served under the Food Safety Authority of Ireland Act 1998 and outcomes of legal proceedings without undue delay.

2. Resources

Schedule 3 shall be updated and submitted to the Authority on a quarterly basis.

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

The official agency shall maintain an up to date list of laboratories (FSLs) used for testing and analysis under the legislation listed in Schedule 1. This list shall be provided to the Authority and as changes arise.

3. Reporting on food control activities undertaken outside of E.U. Schedule 4 Returns

The Official Agency will record and submit to the Authority annually, in a format to be agreed through the Service Contract Committee on Reporting, details of:

- a) Food complaints
- b) Food poisoning incidents – sporadic and outbreaks
- c) Participation on the Authority's working groups, interagency working groups and expert working groups and any other similar activity
- d) Staff training and development undertaken by staff
- e) Hygiene education activities undertaken
- f) Complaints regarding implementation of this Service Contract
- g) Outdoor Events
- h) Sporting Events
- i) Additional food control activities as agreed

The Official Agency will record and submit to the Authority quarterly details of activity relating to:

- a) Safeguard decisions

The Official Agency will record and submit to the Authority as necessary details of activity relating to:

- a) Food incidents
- b) Food Alert
- c) Administrative assistance

Schedule 4 (Part A) - Inspections

Note: Only category a) & b) inspections as defined in Guidance Note 1-Revision 1 should be included in this EU Return.

http://www.fsai.ie/publications/guidance_notes/gn1.pdf

	Primary Producers	Manufacturers And Packers	Distributors and Transporters	Retailers	Service Sector	Manufacturers Selling Primarily on a Retail Basis	TOTAL
Number of Establishments							
Number of Establishments Inspected							
Number of Inspections							
Number of Establishments Committing Infringements							
Type of Infringements³							
Hygiene training ⁴							
Risk assessment/HACCP ⁴							
General Hygiene ⁴							
Composition ⁴							
Contamination (Other than Microbiological) ⁴							
Labelling and Presentation ⁴							
Others, please specify ⁵							

³ Only infringements leading to formal action by the competent authorities under the guidelines.

⁴ Categorise as per definitions in Guidance Note for Health Boards on the Inspection of a Food Business (Guidance Note No. 1 Revision 1 2004)

⁵ Please list the types of infringements included as other in the box below:

(Text Optional – please note types of infringements included as other.)

Schedule 4 (Part B) - Food Surveillance - Samples with Infringements

EU cat code	Product	Microbiological Samples			Samples chemical / physical							
		Total No. of Micro Samples	No. of samples with Micro Contamination	% Samples with micro infringements	Total No. of chemical / physical Samples	No. Samples with Infringements ⁶	% Samples with infringements	Breakdown of Infringements (No. of) ⁶				
								Other Contamination	Composition	Labelling & Presentation	Others, please specify ⁷	
1.	Dairy products											
2.	Eggs & egg products											
3.	Meat & meat products, game and poultry											
4.	Fish, shellfish & molluscs											
5.	Fats & oils											
6.	Soups, broths & sauces											
7.	Cereals & bakery products											
8.	Fruit & vegetables											
9.	Herbs & spices											
10.	Non-alcoholic beverages											
11.	Wine											
12.	Alcoholic beverages (other than wine)											
13.	Ices & desserts											
14.	Cocoa & cocoa preparations, coffee & tea											
15.	Confectionery											
16.	Nuts & nut products, snacks											
17.	Prepared dishes											
18.	Foodstuffs intended for special nutritional uses											
19.	Additives											
20.	Materials and articles intended to come into contact with foodstuffs											
21.	Others											

⁶Note: The entry in the column “No. of samples with infringements” should be the same as the sum of the entries in the “Breakdown of infringements” columns.

⁷Please list the types of infringements included as other in the box below:

(Text Optional – please note types of infringements included as other.)

SCHEDULE 5

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

1. General Requirements

The Authority shall carry out audits to verify conformance by the Official Agency with regard to requirements of the Service Contract and the implementation of NCP. These audits will also verify the effectiveness and appropriateness of official controls, by testing official agencies against their own system of controls and evaluate whether their documented procedures and planned arrangements are being followed, and whether they are suitable to achieve the objectives of Regulation (EC) No. 882/2004.

2. Definitions

- (a) **Audit:**
A systematic and independent examination to determine whether activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives.
- (b) **Audit Team:**
The audit team will vary depending on the scope of the audit, but will consist of a lead auditor and additional team members with any combination of general and technical expertise
- (c) **Technical Expert:**
A person who provides specific knowledge or expertise to the audit team.

3. Scheduling

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

4. Audit Methodology

Audits shall be carried out against documented processes and procedures developed by the Authority. The Authority shall incorporate into this documentation:

- a. The requirements of Commission Decision EU 677/2006 setting out the guidelines laying down criteria for the conduct of audits under

Regulation (EC) No882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules.

- b. established practices as set out in ISO 19011: Guidelines for Quality and/or Environmental Management Systems Auditing.

5. Liaison

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

6. Access

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

7. Corrective Action

It is the responsibility of the official agency to closeout all audit findings. A corrective action plan should be developed by the official agency in liaison with the Service Contract Division in order to address audit findings where these have arisen. It is also the responsibility of the Service Contracts Division to monitor closeout of audit outcomes (e.g. FSAI & FVO) and to ensure they are adequate and appropriate. The Audit and Compliance Division may verify closeout of findings in accordance with Regulation 882/2004 requirements where deemed necessary.