

DATED this 1st day of January 2012

Service Contract

between

THE FOOD SAFETY AUTHORITY OF IRELAND

- and -

THE HEALTH SERVICE EXECUTIVE

(REVISION 1- 25/04/2012)

THIS SERVICE CONTRACT is made this 1st day of January 2012 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 2012;

“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 2014. 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) take all reasonable steps to ensure the determination of compliance with food legislation by means of –
 - (i) the inspection, approval, licensing and/or registration of premises and equipment, including premises or equipment used in connection with the manufacture, processing, disposal, transport and storage of food,
 - (ii) the inspection, sampling and analysis of food, including food ingredients, and
 - (iii) the inspection and analysis of food labelling,
- b) the provision of food safety and food hygiene information to producers, manufacturers, 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:-
Professor Alan Reilly, Chief Executive Officer

PRESENT when the Official Seal of
THE HEALTH SERVICE EXECUTIVE
was affixed hereto: -
Laverne McGuinness, National Director, Performance and Financial Management

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 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 recommended by the Service Contract Committee on Food Safety Legislation. Enforcement priorities will be agreed in the annual work programme and in the management liaison process following revision of this Schedule.

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

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

The legislation is listed overleaf:

FOOD LEGISLATION * See EC legislation which has direct effect in Member States below	Acts and Statutory Instruments
1. General	
Food Safety Authority of Ireland Act 1998	<u>Act No.29 of 1998</u> <u>S.I. No.184 of 2000</u> <u>S.I. No.580 of 2002</u> <u>S.I. No.735 of 2003</u> <u>S.I. No.210 of 2004</u> <u>S.I No 827 of 2005</u> <u>S.I. No.320 of 2006</u> <u>S.I. No.839 of 2007</u> <u>S.I. No 494 of 2010</u> <u>S.I. No. 724 of 2011</u>
2. General Food Hygiene	
Health Act 1947 Food Hygiene Regulations 1950 – 1989 Note: Regulations 9, 10, 11, 26B, 26C, 26D and Part IV of S.I. 205 of 1950 have been revoked	<u>Health Act 1947</u> <u>S.I. No.205 of 1950</u> <u>S.I. No.270 of 1951</u> <u>S.I. No.289 of 1952</u> <u>S.I. No.24 of 1961</u> <u>S.I. No.322 of 1971</u> <u>S.I. No.21 of 1986</u> <u>S.I. No.62 of 1989</u>
2.1 Hygiene Package	
E.C. (General Food Law) Regulations 2007 and 2010 E.C. (Official Control of Foodstuffs) Regulations 2010 E.C. (Hygiene of Foodstuffs) Regulations 2006 to 2010 E.C. (Food and Feed Hygiene) Regulations 2009 and 2010	<u>S.I. No.747 of 2007</u> <u>S.I. No. 498 of 2010</u> <u>S.I. No. 117 of 2010</u> <u>S.I. No. 344 of 2011</u> <u>S.I. No. 369 of 2006</u> <u>S.I. No. 380 of 2009</u> <u>S.I. No 497 of 2010</u> <u>S.I. No. 432 of 2009</u> <u>S.I. No. 312 of 2010</u> <u>S.I. No. 488 of 2010</u>

Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations 2010	S.I. No. 340 of 2010
2.2 Microbiological criteria * See Regulation 2073 and amendments under EC legislation which has direct effect in Member States	
3. Emergency Measures and Import Control	
E.C. (Official Control on the Import of Food of Non-Animal Origin) Regulations 2010 and 2011 European Union (Special Conditions Governing the Import Of Certain Foodstuffs From Certain Third Countries Due To Contamination Risk By Aflatoxins) Regulations 2011	S. I. No. 391 of 2010 S.I. No. 131 of 2011 S.I. No. 501 of 2011 S.I. No. 650 of 2011
4. Specified Risk Material (SRM)	
E.C. (Transmissible spongiform Encephalopathies and animal by-products) (amendment) Regulations 2008	S.I. No. 252 of 2008
E.C. (Transmissible spongiform Encephalopathies and animal by-products) (amendment) Regulations 2009	S. I No. 291 of 2009
5. Labelling	
5.1 General Labelling	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) Regulations 2002 – 2007	S.I. No.483 of 2002
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2003- Meat products labelling	S.I. No.257 of 2003
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.2) Regulations 2003- Certain exemptions for cocoa and chocolate products	S.I. No. 451 of 2003
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.3) Regulations 2003- Foodstuffs containing caffeine and quinine	S.I. No. 528 of 2003
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2005	S.I. No.228 of 2005
E.C. (Labelling, Presentation and Advertising of Foodstuffs)	S.I. No.514 of 2005

(Amendment) (No.2) Regulations 2005	
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No.3) Regulations 2005	<u>S.I. No.647 of 2005</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2007	<u>S.I. No.376 of 2007</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) (No. 2) Regulations 2007	<u>S.I. No.808 of 2007</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2008	<u>S.I. No. 424 of 2008</u>
E.C. (Labelling, Presentation and Advertising of Foodstuffs) (Amendment) Regulations 2009	<u>S.I. No. 61 of 2009</u>
E.C. (Traditional Specialties Guaranteed) Regulations 2010	<u>S.I. No. 379 of 2010</u>
E.C. (Identification of Foodstuff Lot) Regulations 1992	<u>S.I. No.110 of 1992</u>
5.2 Nutritional labelling	
E.C. (Nutrition Labelling for Foodstuffs) Regulations 2009	<u>S.I. No. 461 of 2009</u>
5.3 Meat and Fish labelling	
E.C. (Labelling of Beef and Beef Products) Regulations 2000 to 2002	<u>S.I. No.435 of 2000</u> <u>S.I. No.485 of 2002</u>
Health (Country of Origin of Beef) Regulations, 2006	<u>S.I. No. 307 of 2006</u>
Health (Country of Origin of Beef) (Amendment) Regulations, 2006	<u>S.I. No.85 of 2007</u>
E.C. (Labelling of Fishery and Aquaculture Products) Regulations 2003	<u>S.I. No.320 of 2003</u>
E.C. (Marketing of meat of bovine animals aged 12 months or less) Regulations 2008	<u>S.I. No. 245 of 2008</u>
5.4 Olive Oil labelling	
<u>E.C. (Marketing Standards) (Crops and oils) Regulations 2011</u>	<u>S.I. No. 378 of 2011</u>
5.5 Alcohol labelling	
E.C. (Definition, Description and Presentation of Aromatised Wines, Aromatised Wine – based drinks and Aromatised Wine – product Cocktails) Regulations 1998	<u>S.I. No.254 of 1998</u>

E.C. (Spirits Drinks) Regulations 2009	<u>S.I. No. 429 of 2009</u>
<u>E.C. (Labelling, Presentation and Marketing of Wines) Regulations 2010</u>	<u>S.I. No. 507 of 2010</u>
5.6 Misc Product Labelling	
E.C (Marketing of Fruit Jams, Jellies, Marmalades and Sweetened Chestnut Puree) Regulations 2003	<u>S.I. No.294 of 2003</u>
E.C. (Marketing of Coffee Extracts and Chicory Extracts) Regulations, 2000	<u>S.I. No.281 of 2000</u>
E.C (Marketing of Fruit Juices and Certain Similar Products) Regulations 2003	<u>S.I. No.240 of 2003</u>
E.C. (Marketing of Cocoa and Chocolate Products) Regulations 2003	<u>S.I. No.236 of 2003</u>
E.C. (Marketing of Honey) Regulations 2003	<u>S.I. No.367 of 2003</u>
E.C. (Marketing of Sugar Products) Regulations 2003	<u>S.I. No.289 of 2003</u>
E.C. (Dehydrated Preserved Milk) Regulations 2003 to 2008	<u>S.I. No. 298 of 2003</u> <u>S.I. No. 124 of 2008</u>
E.C. (Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs) Regulations 2007	<u>S.I. No. 704 of 2007</u>
6. Zoonoses	
E.C. (Monitoring of Zoonoses) Regulations 2004	<u>S.I. No. 154 of 2004</u>
7. Contaminants	
Health (Arsenic and Lead in Food) Regulations 1972 and 1992	<u>S.I. No.44 of 1972</u> <u>S.I. No.72 of 1992</u>
Health (Tin in Food) Regulations 1993	<u>S.I. No.389 of 1993</u>
Health (Mineral Hydrocarbons in Food) Regulations 1972 and 1992	<u>S.I. No.45 of 1972</u> <u>S.I. No.71 of 1992</u>
E.C. (Erucic Acid in Food) Regulations 1978 to 1992	<u>S.I. No.123 of 1978</u> <u>S.I. No.67 of 1992</u>

E.C. (Erucic Acid in Food)(Method of Analysis) Regulations 1982	<u>S.I. No.271 of 1982</u>
E.C. (Vinyl Chloride in Food)(Method of Analysis) Regulations 1984	<u>S.I. No.92 of 1984</u>
E.C. (Vinyl Chloride in Food) Regulations 1984 and 1992	<u>S.I. No.95 of 1984</u> <u>S.I. No.65 of 1992</u>
E.C. (Certain Contaminants in Foodstuffs) Regulation 2010	<u>S.I. No. 218 of 2010</u>
8. Additives and Flavourings	
¹ E.C. (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 to 2011	<u>S.I. No.437 of 2000</u> <u>S.I. No.342 of 2001</u> <u>S.I. No.344 of 2002</u> <u>S.I. No.380 of 2002</u> <u>S.I. No. 61 of 2005</u> <u>S.I. No. 192 of 2005</u> <u>S.I. No. 193 of 2005</u> <u>S.I. No. 171 of 2007</u> <u>S.I. No. 34 of 2008</u> <u>S.I. No. 59 of 2008</u> <u>S.I. No. 369 of 2008</u> <u>S.I. No. 126 of 2009</u> <u>S.I. No. 522 of 2010</u> <u>S.I. No. 534 of 2010</u> <u>S.I. No. 130 of 2011</u>
E.C. (Food Additives other than Colours and Sweeteners) Regulations 2004 to 2011	<u>S.I. No.58 of 2004</u> <u>S.I. No.369 of 2005</u> <u>S.I. No. 40 of 2008</u> <u>S.I. No. 93 of 2011</u>
E.C. (Food Additives)(Purity Criteria Verification) Regulations 1983	<u>S.I. No.60 of 1983</u>
E.C. (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 2009 and 2011	<u>S.I. No. 277 of 2009</u> <u>S.I. No. 128 of 2011</u>
E.C. (Flavourings for use in Foodstuffs for Human Consumption) Regulations 1992	<u>S.I. No.22 of 1992</u>
9. Materials in contact with foodstuffs	
E.C. (Plastics and other Materials) (Contact with Food) Regulations 2007 - 2009	<u>S.I. No.587 of 2007</u> <u>S.I. No. 88 of 2009</u>

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

E.C. (Plastics And Other Materials) (Contact With Foodstuffs) (Amendment) Regulations 2011	<u>S.I. No. 463 of 2009</u> <u>S.I. No. 105 of 2011</u>
10. Food Supplements:	
E.C. (Food Supplements) Regulations 2007 and 2010	<u>S.I. No. 506 of 2007</u> <u>S.I. No 355 of 2010</u>
11. Foods for particular nutritional uses	
E.C. (Foodstuffs intended for Particular Nutritional Uses) (Amendment) Regulations 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 2007	<u>S.I. No. 784 of 2007</u>
E.C. (Dietary Foods for Special Medical Purposes) Regulations 2009	<u>S.I. No. 187 of 2009</u>
11.1 Infant Formula	
E.C. (Infant Formulae and Follow-on Formulae) 2004 to 2009	<u>S.I. No.242 of 2004</u> <u>S.I. No.852 of 2007</u> <u>S.I. No. 209 of 2009</u>
11.2 Processed Cereal-based Baby Foods	
E.C. (Processed Cereal-based Foods and Baby Foods for Infants and Young Children) Regulations 2007	<u>S.I. No.776 of 2007</u>
12. Foodstuffs treated with Ionising Radiation	
E.C. (Foodstuffs Treated with Ionising Radiation) Regulations 2000	<u>S.I. No.297 of 2000</u>
13. Bottled water	
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>
14. 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>
Poisons Regulations 2008	<u>S.I. No. 511 of 2008</u>
<u>Sale of Food and Drugs Acts 1875 – 1936</u> (a) Margarine Act 1887 (b) Butter and Margarine Act 1907	1887 50 and 51 Vict. 1907 7 Edw. 7
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>
E.C. (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulations 2010	<u>S.I. No. 119 of 2010</u>
District Court (Food Safety) Rules 2004	<u>S.I. No.700 of 2004</u>
EC Legislation which has direct effect in Member States	Not transposed
1. Hygiene Package	
Commission Regulation (EU) No. 16/2011 of 10 January 2011 laying down implementing measures for the Rapid alert system for food and feed (in so far as it relates to food)	<u>Commission Regulation (EU) No. 16/2011</u>
Commission Regulation (EU) No. 505/2010 of 14 June 2010 amending Annex II to Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption	<u>Commission Regulation (EU) No. 505/2010</u>
Commission Implementing Regulation (EU) No. 739/2011 of 27 July 2011 amending Annex I to Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption	<u>Commission Implementing Regulation (EU) No. 739/2011</u>
Commission Regulation (EU) No. 558/2010 of 24 June 2010 amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin	<u>Commission Regulation (EU) No. 558/2010</u>
Commission Regulation (EU) No. 150/2011 of 18 February 2011	<u>Commission Regulation</u>

amending Annex III to Regulation (EC) No. 853/2004 of the European Parliament and of the Council as regards farmed and wild game and farmed and wild game meat	<u>(EU) No. 150/2011</u>
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2. Microbiological Criteria	
<p>Commission Regulation (EC) No. 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs</p> <p>Corrigendum (OJ L278, p32, 10/10/2006) to Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJ L338, p1, 22/12/05)</p> <p>Corrigendum (OJ L283, p62, 14/10/2006) to Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJ L338, p1, 22/12/05)</p> <p>Commission Regulation (EC) No. 1441/2007 of 5 December 2007 amending Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs</p> <p>Commission Regulation (EU) No. 365/2010 of 28 April 2010 amending Regulation (EC) No. 2073/2005 on microbiological criteria for foodstuffs as regards Enterobacteriaceae in pasteurised milk and other pasteurised liquid dairy products and Listeria monocytogenes in food grade salt</p>	<p><u>Commission Regulation (EC) No 2073/2005</u></p> <p><u>Corrigendum to Commission Regulation (EC) No 2073/2005</u></p> <p><u>Corrigendum to Commission Regulation (EC) No 2073/2005</u></p> <p><u>Commission Regulation (EC) No. 1441/2007</u></p> <p><u>Commission Regulation (EU) No. 365/2010</u></p>
3. Emergency Measures and Import Controls	
<p>Council Regulation (EC) No. 733/2008 of 15 July 2008 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station.</p> <p>Commission Regulation (EC) No. 884/2007 of 26 July 2007 on emergency measures suspending the use of E 128 Red 2G as food colour</p> <p>Commission Regulation (EC) No. 1135/2009 of 25 November 2009 imposing special conditions governing the import of certain products originating in or consigned from China, and repealing Commission Decision 2008/798/EC.</p> <p>Commission Regulation (EC) No. 1151/2009 of 27 November 2009 imposing special conditions governing the import of sunflower oil originating in or consigned from Ukraine due to contamination risks by mineral oil and repealing Decision 2008/433/EC.</p> <p>Commission Regulation (EU) No. 258/2010 of 25 March 2010 imposing special conditions on the imports of guar gum originating in or consigned from India due to contamination risks by</p>	<p><u>Council Regulation (EC) No. 733/2008</u></p> <p><u>Commission Regulation (EC) No. 884/2007</u></p> <p><u>Commission Regulation (EC) No. 1135/2009</u></p> <p><u>Commission Regulation (EC) No. 1151/2009</u></p> <p><u>Commission Regulation (EU) No. 258/2010</u></p>

<p>pentachlorophenol and dioxins, and repealing Decision 2008/352/EC.</p> <p>Commission Implementing Regulation (EU) No. 961/2011 of 27 September 2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Regulation (EU) No. 297/2011</p>	<p>Commission Implementing Regulation (EU) No. 961/2011</p>
4. Labelling	
<p>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</p> <p>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</p> <p>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</p> <p>Commission Regulation (EC) No. 1183/2008 of 28 November 2008 amending Regulation (EC) No. 1019/2002 on marketing standards for olive oil.</p> <p>Council Regulation (EC) No. 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No. 1493/1999, (EC) No. 1782/2003, (EC) No. 1290/2005, (EC) No. 3/2008 and repealing Regulations (EEC) No. 2392/86 and (EC) No. 1493/1999 (Chapter VI: Articles 57-62 only)</p> <p>Commission Regulation (EC) No. 113/2009 of 6 February 2009 concerning the use of certain traditional terms on labels for wine imported from the United States of America</p> <p>Commission Regulation (EC) No. 114/2009 of 6 February 2009 laying down transitional measures for the application of Council Regulation (EC) No. 479/2008 as regards the references to wines with a protected designation of origin and a protected geographical indication.</p> <p>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.</p>	<p>Council Regulation (EC) No 700/2007</p> <p>Regulation (EC) No. 275/2007</p> <p>Corrigenda to Regulation (EC) No. 275/2007</p> <p>Commission Regulation (EC) No. 1183/2008</p> <p>Council Regulation (EC) No. 479/2008</p> <p>Commission Regulation (EC) No. 113/2009</p> <p>Commission Regulation (EC) No. 114/2009</p> <p>Commission Regulation (EC) No. 415/2009</p>

<p>Commission Regulation (EC) No. 628/2008 of 2 July 2008 amending Regulation (EC) No. 1898/2006 laying down detailed rules of implementation of Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.</p>	<p><u>Commission Regulation (EC) No. 628/2008</u></p>
<p>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</p>	<p><u>Commission Regulation (EU) No. 238/2010</u></p>
<p><u>Commission Regulation (EC) No. 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No. 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions</u></p>	<p><u>Commission Regulation (EC) No. 606/2009</u></p>
<p>Commission Regulation (EU) No. 53/2011 of 21 January 2011 amending Regulation (EC) No. 606/2009 laying down certain detailed rules for implementing Council Regulation (EC) No. 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions</p>	<p><u>Commission Regulation (EU) No. 53/2011</u></p>
<p>Commission Regulation (EU) No. 538/2011 of 1 June 2011 amending Regulation (EC) No. 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No. 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products</p>	<p><u>Commission Regulation (EU) No. 538/2011</u></p>
<p>Commission Implementing Regulation (EU) No. 670/2011 of 12 July 2011 amending Regulation (EC) No. 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No. 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products</p>	<p><u>Commission Implementing Regulation (EU) No. 670/2011</u></p>
<p>Commission Regulation (EU) No. 61/2011 of 24 January 2011 amending Regulation (EEC) No. 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis</p>	<p><u>Commission Regulation (EU) No. 61/2011</u></p>
<p>Commission Implementing Regulation (EU) No. 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No. 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sector</p>	<p><u>Commission Implementing Regulation (EU) No. 543/2011</u></p>
<p>Commission Implementing Regulation (EU) No. 576/2011 of 16 June 2011 amending Regulation (EC) No. 543/2008 laying down detailed</p>	<p><u>Commission Implementing</u></p>

rules for the application of Council Regulation (EC) No. 1234/2007 as Regards The Marketing Standards For Poultry Meat	<u>Regulation (EU) No. 576/2011</u>
5. Contaminants	
Commission Regulation (EU) No. 420/2011 of 29 April 2011 amending Regulation (EC) No. 1881/2006 setting maximum levels for certain contaminants in foodstuffs	<u>Commission Regulation (EU) No. 420/2011</u>
6. Genetically Modified Foods	
Regulation (EC) No. 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed	<u>Regulation (EC) No. 1829/2003</u>
Regulation (EC) No. 298/2008 of the European Parliament and of the Council of 11 March 2008 amending Regulation (EC) No. 1829/2003 on genetically modified food and feed, as regards the implementing powers conferred on the Commission.	<u>Regulation (EC) No. 298/2008</u>
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	<u>Regulation (EC) No. 1830/2003</u>
Commission Regulation (EC) No. 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms.	<u>Commission Regulation (EC) No. 65/2004</u>
Commission Regulation (EC) No. 641/2004 of 6 April 2004 on detailed rules for the implementation of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council as regards the application for the authorisation of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation.	<u>Commission Regulation (EC) No. 641/2004</u>
Commission Regulation (EC) No. 1981/2006 of 22 December 2006 on detailed rules for the implementation of Article 32 of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council as regards the Community reference laboratory for genetically modified organisms	<u>Commission Regulation (EC) No. 1981/2006</u>
7. Novel Foods	
Regulation (EC) No. 258/97 of the European Parliament and of the	<u>Regulation(EC)</u>

<p>Council of 27 January 1997 concerning novel foods and novel food ingredients</p> <p>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.</p>	<p><u>No.258/97</u></p> <p><u>Regulation(EC) No.608/2004</u></p>
8. Additives & Flavouring	
<p>Regulation (EC) No. 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorization procedure for food additives, food enzymes and food flavourings.</p> <p>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.</p> <p>Regulation (EC) No. 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives.</p> <p>Commission Regulation (EU) No. 238/2010 of 22 March 2010 amending Annex V of Regulation (EC) No 1333/2008 of the European Parliament and of the Council with regard to the labeling requirement for beverages with more than 1,2% by volume of alcohol and containing certain food colours</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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</p>	<p><u>Regulation (EC) No. 1331/2008</u></p> <p><u>Regulation (EC) No. 1332/2008</u></p> <p><u>Regulation No. 1333/2008</u></p> <p><u>Commission Regulation (EU) No. 238/2010</u></p> <p><u>Commission Regulation (EU) No. 257/2010</u></p> <p><u>Regulation (EC) No. 1334/2008</u></p> <p><u>Regulation (EC) No. 2065/2003</u></p> <p><u>Commission Regulation (EC) No. 627/2006</u></p>

<p>primary smoke products</p> <p>Commission Regulation (EU) No. 234/2011 of 10 March 2011 implementing Regulation (EC) No. 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings</p>	<p><u>Commission Regulation (EU) No. 234/2011</u></p>
9. Food Contact Materials	
<p>Commission Regulation (EC) No. 597/2008 of 24 June 2008 amending Regulation (EC) No. 372/2007 laying down transitional migration limits for plasticisers in gaskets in lids intended to come into contact with foods</p> <p>Commission Regulation (EU) No. 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food</p> <p>Commission Regulation (EU) No. 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the People's Republic of China and Hong Kong Special Administrative Region, China</p> <p>Commission Implementing Regulation (EU) No. 321/2011 of 1 April 2011 amending Regulation (EU) No. 10/2011 as regards the restriction of use of Bisphenol A in plastic infant feeding bottles</p>	<p><u>Commission Regulation (EC) No. 597/2008</u></p> <p><u>Commission Regulation (EU) No. 10/2011</u></p> <p><u>Commission Regulation (EU) No. 284/2011</u></p> <p><u>Commission Implementing Regulation (EU) No. 321/2011</u></p>
10. Bottled Water	
<p>Commission Regulation (EU) No. 115/2010 of 9 February 2010 laying down the conditions for use of activated alumina for the removal of fluoride from natural mineral waters and spring waters.</p>	<p><u>Commission Regulation (EU) No. 115/2010</u></p>
112. Foods for Particular Nutritional Uses	
<p>Commission Regulation (EC) No. 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs for people intolerant to gluten.</p> <p>Commission Regulation (EC) No. 953/2009 of 13 October 2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses</p>	<p><u>Commission Regulation (EC) No. 41/2009</u></p> <p><u>Commission Regulation (EC) No. 953/2009</u></p>

10. 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	<u>Regulation (EC) 1924/2006</u>
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>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) No. 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) No. 109/2008</u>
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.	<u>Commission Regulation (EC) No. 353/2008</u>
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.	<u>Commission Regulation (EC) No. 983/2009</u>
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.	<u>Commission Regulation (EC) No. 984/2009</u>
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.	<u>Commission Regulation (EC) No. 1024/2009</u>
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.	<u>Commission Regulation (EC) No. 1025/2009</u>
Commission Regulation (EC) No. 1167/2009 of 30 November 2009 refusing to authorise certain health claims made on foods and referring	<u>Commission Regulation (EC) No. 1167/2009</u>

<p>to the reduction of disease risk and to children's development and health.</p>	
<p>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.</p>	<p><u>Commission Regulation (EC) No. 1168/2009</u></p>
<p>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.</p>	<p><u>Commission Regulation (EC) No. 1169/2009</u></p>
<p>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.</p>	<p><u>Commission Regulation (EU) No. 116/2010</u></p>
<p>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.</p>	<p><u>Commission Regulation (EU) No. 375/2010</u></p>
<p>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.</p>	<p><u>Commission Regulation (EU) No. 376/2010</u></p>
<p>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 children's development and health.</p>	<p><u>Commission Regulation (EU) No. 382/2010</u></p>
<p>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.</p>	<p><u>Commission Regulation (EU) No. 383/2010</u></p>
<p>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</p>	<p><u>Commission Regulation (EU) No. 384/2010</u></p>
<p>Commission Regulation (EU) No. 957/2010 of 22 October 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</p>	<p><u>Commission Regulation (EU) No. 957/2010</u></p>
<p>Commission Regulation (EU) No. 958/2010 of 22 October 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</p>	<p><u>Commission Regulation (EU) No. 958/2010</u></p>

<p>and health.</p> <p>Commission Regulation (EU) No. 1161/2010 of 9 December 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.</p> <p>Commission Regulation (EU) No. 1162/2010 of 9 December 2010 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health</p> <p>Commission Regulation (EU) No. 432/2011 of 4 May 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health.</p> <p>Commission Regulation (EU) No. 440/2011 of 6 May 2011 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children's development and health</p> <p>Commission Regulation (EU) No. 665/2011 of 11 July 2011 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk</p> <p>Commission Regulation (EU) No. 666/2011 of 11 July 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health</p>	<p><u>Commission Regulation (EU) No. 1161/2010</u></p> <p><u>Commission Regulation (EU) No. 1162/2010</u></p> <p><u>Commission Regulation (EU) No. 432/2011</u></p> <p><u>Commission Regulation (EU) No. 440/2011</u></p> <p><u>Commission Regulation (EU) No. 665/2011</u></p> <p><u>Commission Regulation (EU) No. 666/2011</u></p>
11. Food Fortification	
<p>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</p> <p>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</p> <p>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.</p>	<p><u>Regulation (EC) No. 1925/2006</u></p> <p><u>Regulation (EC) No. 108/2008</u></p> <p><u>Commission Regulation (EC) No. 1170/2009</u></p>

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 - 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.

1.1 Introduction

The purpose of this contract is to outline the activities undertaken by the Official Agency to enforce food law, and monitor and verify that the relevant requirements of food law are fulfilled by food business operators under the supervision of the Official Agency

The primary responsibility for food safety is with food business operators. Food business operators at all stages of production, processing and distribution within the businesses under their control shall ensure that foods satisfy the requirements of food law which are relevant to their activities and shall verify that such requirements are met.

Both parties to the Service Contract accept that staffing levels over the period of this contract will decrease. Consequently enforcement will have to be considered in the context of available resources and may require the objectives and targets set out in this schedule to be reviewed and reprioritised. To this end the Official Agency and the Authority will review and amend objectives and targets set under this contract, as part of the agreement of the annual work programme, to take account of available resources.

The Official Agency will fulfil its obligations regarding food safety as agreed with the Authority under the terms of this contract. The Official Agency shall work in partnership with the Authority and its other Official Agencies to enhance consumer protection and ensure effective official controls.

Both parties to the service contract recognise that a revision of the contract may be required in light of government policy on the Health Service

1.2 Official Controls

The Official Agency shall enforce food law, and monitor and verify that the relevant requirements of food law are fulfilled by food business operators at all stages of production, processing and distribution. Official controls 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.

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.

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

1.3 Transparency

The Official Agency and the Authority must ensure that official control activities are carried out to a high level of transparency in accordance with Article 7 of Regulation (EC) No. 882/2004 and Regulation 13 of S.I. 117/2010. Relevant information held by the Official Agency must be made available to the public and the Authority, 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 Official Agency and the Authority will ensure the public are informed to the fullest extent possible.

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

1.4 National Control Plan for Ireland (NCP)

The Official Agency shall work with the Authority and the other Official Agencies to achieve the objectives of the single integrated multi annual national control plan (the NCP) which is prepared in accordance with the requirements of Regulation (EC) No. 882/2004. The specific objectives for food are:

- Achieve compliance with food legislation and standards
- Ensure the coordinated and consistent enforcement of food legislation
- Ensure delivery of an effective and efficient food safety control system

The Official Agency shall co-operate with the Authority in updating Irelands NCP and in the preparation of the annual reports for Ireland. Revisions to this service contract will be reflected in the NCP.

1.5 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.

1.6 Service Contract Committees / Working Groups

The Official Agency will, on request, provide nominees 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, bilateral and cross-agency working groups and expert working groups as appropriate to:

- 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. The terms of reference will outline the purpose and scope of these groups and will be agreed by the official agencies concerned. The terms of reference will be reviewed annually or as required. The role of Service Contract Committees and Working Groups is to make recommendations to management.

The initial service contract and cross-agency committees and groups will be:

Service Contract Committees:

- Service Contract Committee on Food Legislation
- Service Contract Committee on Enforcement Consistency
- Service Contract Committee on Microbiological Sampling
- Service Contract Committee on Chemical Sampling

Cross Agency Committees and Working Groups:

- Cross-agency Supervisory Issues Group
- Cross agency MLR implementation Group
- Cross-agency Import Control Group
- Cross –agency Labelling Enforcement Group

1.7 Annual Work Programme

The Official Agency shall prepare an Annual Work Programme outlining how the requirements identified in this contract will be met. This will include both the EHS and the FSLs.

The annual work programme will be agreed with the Authority by 28th February each calendar year to which it applies. The annual work programme will specify targets and measurable outcomes for the requirements of the service contract. The annual work programme will include the annual sampling and analysis programme. The annual programme template for 2012 is in Appendix 1 and will be finalised by 28th February 2012 by the Authority and the Official Agency.

The implementation of the work programme will be reviewed by the Authority and the Official Agency through the National Liaison group. The annual work programme and its implementation against the agreed targets will be used to monitor the performance of the contract.

1.8 Information Systems

The Official Agency is developing a new national EHS IT system and intends to complete implementation nationally by 31st December 2012. This will facilitate sharing of data in respect of Clause 1.9 and electronic transmission of data to the Authority. In the development of the new national information system, the Official Agency shall consider the requirements of the Authority with respect to data captured on activities carried out under the service contract.

The Official Agency FSLs shall transfer data on individual food samples taken under this contract, electronically to the Authority from the laboratory LIMS. The Official Agency shall work to progress the integration of the EHS national IT system and the Official Agency laboratory IT systems within the period of this contract. FSAI shall collate and analyse national data based on the data transmissions from FSLs.

The Authority shall provide support and assistance where required in the development and integration of systems used within the Official Agency for the fulfilment of this contract.

The Official Agency will co-operate with the Authority in ensuring national implementation of national and EU data standards.

1.9 Data collection and information

The Official Agency shall collect and share data with the Authority. In the interim period during 2012 whilst the new national EHS IT system is being developed and commissioned, the Official Agency will provide the Authority with data on its food controls activities as set down in Schedule 4 and Appendix 2.

From January 2013, by which time the new national EHS IT system is expected to be operational, the Official Agency will provide enhanced data on its food control activities. The enhanced data will be such as to enable the Official Agency to demonstrate conformance with the terms of this service contract in respect of:

- enforcement of food law (both hygiene and non hygiene) in the food businesses under its supervision, and
- sampling and analysis of food and materials and articles in contact with food.

The enhanced data will be such as to enable the Authority and the Official Agency:

- to identify any gaps in the control services, and
- to produce reports on the outcomes and effectiveness of food controls carried out by the Official Agency.

The detail of the enhanced data to be provided to the Authority will be agreed during 2012.

The Official Agency shall ensure the reporting suite in the new national EHS IT system is flexible enough to facilitate agreed ad-hoc reporting to the Authority with respect to any data field captured in the system which relates to activities carried out under this contract.

1.10 Contingency Planning

The Official Agency shall ensure that there are contingency plans in place at appropriate levels for dealing with food related crises and incidents.

As part of these plans, the Official Agency will provide the Authority with contact points for both office hours and out of hours contact for emergency and crisis situations.

The 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 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.

1.11 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 maintain dedicated contact points for the environmental health service and food safety laboratory service for receipt of food alerts and exchange of information relating to food incidents during normal office hours.

1.12 Import Controls for Products of Non- Animal Origin

The Official Agency, in consultation with the Authority, shall maintain and develop its import control capacity to ensure it meets its obligations as a competent Authority under relevant food safety legislation. Data regarding consignments inspected by the Official Agency shall be transmitted to the Authority on a quarterly basis as outlined in the specified EU legislation.

1.13 Investigation of outbreaks and food incidents

The Official Agency, in conjunction with the Authority, shall implement the agreed protocol(s) to manage and deal effectively with food borne outbreaks. Outbreak Control Teams must comprise appropriate multidisciplinary staff together with the Authority and Cross agency staff as required.

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

Food incidents must be managed in accordance with the Authority's *Code of Practice No. 5 on Food Incidents and Alerts* as amended.

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

1.14 Complaints regarding the Service Contract

The Official Agency shall provide information to the Authority on food business operator or public complaints regarding the implementation of the Service Contract. Complaints will be managed in accordance with the Official Agency's procedures. The Official Agency shall co-operate with the Authority in any investigation regarding these complaints. Complaint regarding the implementation of the service contract received by the Authority will be managed through the liaison process.

1.15 Authorisation

The Official Agency shall ensure that all relevant staff are authorised appropriately by the Official Agency for the controls they are carry out.

1.16 Designated Officers

The Official Agency shall nominate officers for designation by the Board of the Authority to carry out the consultation function outlined in Section 52, 53 and 54 of the Act and Regulation 19 and 20 of the EC (Official Control of Foodstuffs) Regulations 2010.

1.17 Continuing Professional Development in Food Safety Activities

The Official Agency shall ensure that appropriate training, including induction training, is provided for staff performing official controls in line with Article 6(a) and Annex II, Chapter 1 of Regulation 882/2004. This may involve training provided by the Authority. Training records must be maintained for all staff performing official controls.

The Authority will make training available to 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, guidance or procedures. Following any training provided by the Authority, the Official Agency shall support participants in disseminating knowledge or skills acquired and encourage the application of learning gained through the Authority's training in official control activities.

Training needs for official control staff will be identified through liaison meetings, working groups (e.g. the Service Contract Committee on Food Legislation) and feedback from other training events. The Official Agency will support and contribute to this process.

An Annual Training Plan shall be submitted by the Official Agency, to include details of appropriate training to be provided to staff listed in Schedule 3. This will be submitted to the Authority by 31st March each year.

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 numbers of staff requiring such training.

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. The Official Agency shall take effective actions to address findings and recommendations (if any) associated with FVO Missions.

The Official Agency shall nominate a coordinator(s) for FVO Missions relevant to this contract. Depending on the scope of the Mission this may require nominees from the EHS and/or the FSLs.

1.19 Documented Procedures

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

1.20 Internal Audit

The Official Agency shall carry out internal audits or may have external audits carried out, in compliance with the requirements of Article 4(6) of Regulation 882/2004 and in accordance with the guidelines contained in Commission Decision 2006/677/EC.

The Official Agency shall provide the Authority with its annual audit programmes, audit reports, corrective action plans and any other documentation related to its internal audit function that falls within the remit of the contract.

1.21 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.

1.22 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.

1.23 Administrative assistance and co-operation

The Official Agency shall record any assistance provided to or from other Member States under Articles 36-40 of Regulation 882/2004 and include such activity in its Section 48(8) report to the Authority. Requests for assistance made or received by the Official Agency under Article 38, where a risk to human or animal health or a serious infringement of food or feed law is identified, shall be notified to the Authority without delay.

1.24 Zoonoses

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

The Official Agency shall facilitate appropriate staff (to include food microbiology laboratory staff, public analyst laboratory staff, public health medical staff, environmental health staff and other relevant staff) to be members of regional and national zoonoses committees.

1.25 Certifications for export

The EHS of the Official Agency will issues certificates for export in line with agreed procedures. The FSLs will test samples relating to certificates for export on request.

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.

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 Controls in Food Businesses

Official Controls shall be carried out on all appropriate food businesses as determined by the scope of Schedule 1. The Official Agency shall supervise the establishments specified in the agreed supervisory arrangements.

Official controls in food establishments shall where possible be carried out by a single Official Agency. Where the Official Agency shares responsibility for premises with other Official Agencies, local arrangements will be made to coordinate activities in consultation with the Authority.

2.2.2 Inspections

2.2.2.1 Premises falling within the scope of FSAI Guidance Note No. 1

Official controls including risk profiling, inspections and follow up shall be carried out in accordance with FSAI Guidance Note No.1 (Revision 2) 2011.

The Official Agency shall work toward ensuring consistency of frequency of inspection nationally.

The Official Agency annual work programme will specify the target number of inspections to be completed.

Official Controls in catering / other food businesses operated by or on behalf of the HSE / Official Agency must be carried out and notified to the Authority in accordance with FSAI Guidance Note No. 1.

2.2.2.2 Food establishments subject to approval under Regulation (EC) No. 853/2004

Official controls of food businesses subject to approval under Regulation (EC) No. 853/2004 must be consistent with similar / equivalent official controls carried out by other Official Agencies, as coordinated through FSAI. The Authority in consultation with the Official Agency will develop guidance to facilitate HSE compliance with this.

Official control inspections shall be carried out in accordance with the Authority's interim guidance on inspection of food establishments subject to approval under Regulation (EC) No. 853/2004. Until this is developed the following shall apply.

Approval and registration of food establishments

The Official Agency shall grant/withdraw/suspend/amend the approval in accordance with the provisions of food legislation, FSAI and Official Agency SOPs

for Approval and FSAI guidance. The Official Agency shall notify the Authority without delay of changes to establishment approvals to facilitate publication of an up to date list on the Authority's website.

Risk categorisation and Inspection of approved establishments

Approved establishments must be risk categorised to determine the frequency of inspection in accordance with legislative requirements. Inspections must be carried out in accordance with legislative requirements, FSAI and Official Agency SOPs for approval and associated templates. The inspection process should be carried out in accordance with FSAI Guidance Note No. 1. The Official Agency shall keep the approval of establishments under review when carrying out official controls.

The Authority and the Official Agency will develop the guidance further during 2012 to include risk categorisation to determine frequency of inspection and options for action in the case of non-compliance e.g. those set out in the FSAI Act, 1998 and the EC (Food and Feed Hygiene) Regulations 2009, S.I. 432 of 2009. In the interim, all approved establishments must be inspected, as a minimum, at the same frequency of inspection as establishments in Risk Category 1 in FSAI Guidance Note No. 1.

The Official Agency annual work programme will specify the number of inspections to be completed for each approved establishment.

2.2.3 *Food Hygiene Information*

The primary responsibility for training of food industry staff remains with the food industry. The Official Agency shall provide information to stakeholders on services related to its food safety activities. The information will be provided as appropriate through seminars, presentations, handbooks, leaflets and the Official Agency's website. Where resources allow the Official Agency may provide food safety training to food establishments under their supervision. Such provision will be primarily focused on food businesses that are managed, funded, supported or operated by the Official Agency. When training is provided the Official Agency shall ensure that there is no conflict of interest.

2.2.4 *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 in line with the procedures laid down in the authorities Guidance Note 23 on Development and Assessment of Recognised National Voluntary Guides to Good Hygiene Practice and the Application of HACCP Principles

2.2.5 *Reports on Official Controls*

The Official Agency shall draw up reports on the official controls that it has carried 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. The Official

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

2.2.6 Food Legislation (See Categories in Schedule 1)

Official controls in respect of food legislation listed in Schedule 1, will primarily be implemented through targeted inspection and/or through the official agency national sampling programmes. Where practicable such official controls will be undertaken early in the production/ distribution chain to maximise effectiveness and avoid duplication. These targeted inspection / sampling programmes will be agreed annually as part of the work programme in the format of the template in Appendix 1, Table 2.

Miscellaneous

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

2.2.7 Specialisation

It is recognised that due to the scope and complexity of food legislation that it is not always necessary, feasible or practical that all Official Agency staff be fully trained in enforcement of all food legislation. The Official Agency may make arrangements where relevant and feasible to have in place subsets of Official Agency staff trained in specific areas of non food hygiene legislation.

2.2.8 Other Services

The Official Agency shall make arrangements for official controls to be undertaken in areas not covered by Schedule 2 by agreement with the Authority.

3. SAMPLING FOR ANALYSIS

3.1 Introduction

Within the Official Agency official control microbiological and chemical sampling is carried out by the Environmental Health Service (EHS) and analysis is carried out by the Food Safety Laboratory Service (FSLs) of the Official Agency. The EHS and FSLs shall collaborate in matters of mutual interest, in conjunction with the Authority as appropriate, to ensure the effective and efficient operation of the sampling and analysis activities under this service contract.

3.2. Coordination of Sampling and Analysis

The Official Agency shall co-ordinate sampling and analysis between the EHS and FSLs. Issues relating to coordination of sampling and analysis will primarily be dealt with through the EHO-OFML-PAL sampling groups in conjunction with the Authority. The Official Agency shall ensure national implementation of sampling and analysis decisions.

3.3 Sampling Plans

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. Sampling should be carried out in accordance with 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.

The Official Agency shall monitor the delivery of the sampling plan throughout the year in particular with a view to ensuring sample numbers and sample types are achieved and adjustments are made to the sampling plan where necessary. This will be discussed through the EHO-OFML-PAL sampling groups in conjunction with the Authority.

The Recommendations of the Authority's Scientific Committee report on sampling and microbiological examinations undertaken by the Official Agency will be reviewed and implemented in line with the actions agreed with the Authority and the Official Agency.

3.4 National Sample Submission Form

The Official Agency shall implement the single agreed national sample submission form for all samples relevant to the contract. The single agreed form will be used by all areas.

3.5 Surveys

The timing and organisation of national surveys will be agreed with the Authority, the FSLs and the EHS. This should be included in so far as is practicable in the Official Agency annual food sampling and analysis programmes.

4. FOOD SAFETY LABORATORY SERVICES

Microbiological and Chemical Testing

4.1 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.

4.2 National Management System for the FSLs

Both parties to the service contract recognise the importance of establishing an integrated management system for the FSLs within the framework of the Official Agency that will provide for the overall management and coordination of the FSLs. Both parties to the contract agree that this should be established as a matter of priority.

4.3. Official Laboratories

The FSLs shall function as 'official laboratories' as defined in Regulation (EC) No. 882/2004 and as per procedures agreed with the Authority. They shall co-operate with the National Reference Laboratories for food testing in Ireland in the discharge of their functions under Article 33 of the Regulation and as per agreed protocols with the Authority.

4.4. Official Food Control Services to be provided

4.4.1 *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 Section 3 taking into account the relevant legislative requirements, guidelines and/or protocols.

It is recognised that sampling and analysis may be required outside the agreed national/regional sampling programmes. In this regard the Authority and the EHS 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.

4.4.2 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 and the requirements of Article 11 (2) and (3) of Regulation (EC) No. 882/2004. 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.

4.4.3 Turnaround time

Turnaround times for analysis of programmed samples in the FSLs will be discussed and reviewed at FSAI/OFML/PAL/EHS liaison meetings.

4.4.4 Laboratory methods

Laboratories shall use methods that comply with Article 11 of Regulation (EC) No. 882/2004. Laboratories performing the same analysis should use consistent methods to ensure comparability of results nationally.

4.4.5 Reporting, designation and certification

Having regard to the requirements pertaining to Approved examiners under food law, the FSLs shall agree and implement a consistent approach to the reporting of results of analysis at national level, including designation, observations, and certification; taking into account the requirements of EHS and the Authority.

4.4.6 Specialisation

The FSLs shall agree the specializations within the FSLs. This shall be done having taken into account the sampling and analytical requirements of the EHS and the Authority.

4.4.7 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 Regulation (EC) No. 882/2004 and in accordance with the Authority's policy on delegation to control bodies. The Authority shall be informed of such delegations.

4.4.8 Emerging Issues

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

4.4.9 Retrospective Surveillance Data

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

4.4.10 Other Activities

The Official Agency shall make arrangements for official controls to be undertaken in areas not covered by Schedule 2 by agreement with the Authority.

4.5 National Reference Laboratories

4.5.1 Introduction

The Minister for Health and the Minister for Agriculture, Food and the Marine have 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, HSE, Dublin	Materials intended to come into contact with foodstuffs
	Mycotoxins
	Polycyclic aromatic hydrocarbons (PAHs)
Public Analyst's Laboratory, HSE Cork	Heavy metals in feed and food

4.5.2 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.

4.5.3 Authority Support

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

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

5.1 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).

5.2 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.

6. MONITORING

6.1 Liaison

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

The following liaison meetings shall be held:

- FSAI-HSE Management liaison meetings: four per year
- FSAI-HSE Regional liaison meetings: one per year
- FSAI-National PEHO group: two per year
- FSAI- FSLs OFML group: three per year
- FSAI - EHO- FSLs OFML group: three per year
- FSAI - FSLs PAL group: three per year
- FSAI - EHO- FSLs PAL group: three per year
- FSAI-Public Health Medical Service: one per year
- Cross Agency meetings: frequency by agreement

Variations to the frequency of meetings can be reviewed by agreement of Official Agency management and the Authority.

6.2 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 to the EHS through designated persons in the EHS national office 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.

6.3 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 cooperate with the Authority's audit activities.

For those services accredited in line with ISO 17025:2005 the Official Agency will inform the Authority on request of the results of the external audits of those services, insofar as they relate to this service contract. Results of external audits of other services relevant to the contract will be provided by the Official Agency to the Authority if requested. The Authority will take account of these external audits.

6.4 Review

The Authority will review the delivery of this service contract and provide feedback to the Official Agency in an appropriate manner which will include a report on the

delivery of the measurable outcomes of the agreed work programme. Recommendations made by the Authority regarding the scope for better co-ordination and delivery of those food control services will be considered by the Official Agency management

6.5 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 relevant liaison process referred to in 5.1.

Issues not resolved by the parties to the liaison process 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 (EC) No. 882/2004. The Official Agency shall ensure:

- that they have, or have access to, an adequate laboratory capacity for testing and a sufficient number of suitably qualified and experienced staff so that official controls and control duties can be carried out efficiently and effectively.
- That they have appropriate and properly maintained facilities and equipment to ensure that staff can perform official controls efficiently and effectively.

The Official Agency will provide staff and all resources required to ensure delivery of service outputs/activity as outlined in Schedule 2 subject to the provisions of Schedule 2, 1.1.

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.

Environmental Health Service Staff engaged in Food Safety/Control Activity²

Tables to be completed and provided to the Authority by 31st January 2012

Grade /Title (please list)	Staff Engaged in <i>any</i> Food Control Activity	
	Total (No. of staff)	WTE
Management/Corporate		

² This does not include HSE corporate overhead costs

Dublin Mid Leinster

Grade /Title (please list)	Staff Engaged in <i>any</i> Food Control Activity	
	Total (No. of staff)	WTE
PEHO		
SEHO/EHO		
Administrative		
Total		

Dublin North East

Grade /Title (please list)	Staff Engaged in <i>any</i> Food Control Activity	
	Total (No. of staff)	WTE
PEHO		
SEHO/EHO		
Administrative		
Total		

West

Grade /Title (please list)	Staff Engaged in <i>any</i> Food Control Activity	
	Total (No. of staff)	WTE
PEHO		
SEHO/EHO		
Administrative		
Total		

South

Grade /Title (please list)	Staff Engaged in <i>any</i> Food Control Activity	
	Total (No. of staff)	WTE
PEHO		
SEHO/EHO		
Administrative		
Total		

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, Galway University Hospitals

Public Analysts' Laboratory Dublin

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 (Scientific)	3	1.2
Scientific/Technical	24	23
Administration	2	2
Ancillary	1	0.3
Total	30	26.5

Public Analysts' Laboratory Cork

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 (Scientific)	1	1.0
Scientific/Technical	19	16.2
Administration	2	1.5
Ancillary	1	0.5
Total	23	19.2

Public Analysts' Laboratory Galway

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 (Scientific)	3	8
Scientific/Technical	24	23.3
Administration	5	2.5
Ancillary	0	0
Total	32	33.5

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 University Hospitals

Official Food Microbiology Laboratories Limerick

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	3	0.4
Scientific/Technical	7	5.4
Administration	0	0
Ancillary	1.1	1.1
Total	11.1	6.9

Official Food Microbiology Laboratories Sligo

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	1	0.4
Scientific/Technical	11	8.7
Administration	1	0.7
Ancillary	1	1.0
Total	15	10.8

Official Food Microbiology Laboratories Waterford

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	5	0.2
Scientific/Technical	10	7.5
Administration	1	0.53
Ancillary	2	0.9
Total	18	9.13

Official Food Microbiology Laboratories SPD Dublin

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	2	0.7
Scientific/Technical	8	6.8
Administration	1	0.5
Ancillary	0	0
Total	11	8

Official Food Microbiology Laboratories Cork

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	1	Visiting
Scientific/Technical	17	14.5
Administration	3	1.8
Ancillary	2	1.25
Total	23	17.55

Official Food Microbiology Laboratories Cherry Orchard Dublin

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	0.5	0.5
Scientific/Technical	9.1	10.1
Administration	1.5	1.5
Ancillary	1	2
Total	12.1	14.1

Official Food Microbiology Laboratories Galway

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	5	0.3
Scientific/Technical	6	6
Administration	2	1
Ancillary	0	0
Total	13	7.3

SCHEDULE 4

Data collection and reporting

1. General Requirements for data collection and reporting

The Official Agency shall collect and store electronically, 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 Official Agency shall maintain an up to date national list of all food establishments which are under HSE supervision. This list must record the registration and approval status of each establishment in accordance with the requirements of Article 31 of Regulation EC No 882/2004. 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.

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

The specific data to be provided to the Authority is as follows, unless otherwise agreed:

- The Official Agency shall notify the Authority of enforcement notices and orders served under the Food Safety Authority of Ireland Act 1998 and S.I. 117/2010 and outcomes of legal proceedings without undue delay.
- The national list of all establishments under the Official Agency supervision as outlined above will be provided to the Authority in MS Excel, from January 2013, at quarterly intervals.
- The Official Food Control Laboratories shall provide the Authority with the agreed electronic LIMS dataset transmissions including all tests/analysis undertaken for the purposes of this Service Contract. The frequency of the LIMS transmissions will remain weekly as agreed.
- Data on Safeguard and Emergency measures as required under EU Legislation.
- Summary Reports for 2012 in the format specified in Appendix 2.
- Ad hoc reports as required by the Authority on activities carried out under the contract shall be provided without undue delay.

2. Resources

Schedule 3 shall be updated and submitted to the Authority on an annual 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 annually.

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 Schedule 4 Returns

The Official Agency will record and submit to the Authority annually, in a format to be agreed through the national liaison committee details of:

- a) Food complaints
- b) Food poisoning incidents – sporadic and outbreaks
- c) Staff training and development undertaken by staff
- d) Hygiene education activities undertaken
- e) Complaints regarding implementation of this Service Contract
- f) Outdoor Events
- g) Additional food control activities as agreed

All dataset requirements to be agreed

- 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 5

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

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

1. Legal Basis

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

2. General Requirements

The Authority's audits will verify conformance by the Official Agency with the Service Contract and the relevant requirements of the National Control Plan for Ireland. This will include verification of compliance with relevant food legislation. Audits will be conducted in accordance with the Authority's Audit Charter and documented procedures.

3. Programming

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

The Authority's audit programmes shall be circulated at a minimum of every 12 months.

4. Liaison

Liaison for audit activities shall be through a representative(s) nominated by the Official Agency. Liaison may be for the purpose of audit scheduling or audit planning.

5. Access

The Authority's audit team shall have access to Official Agency premises, personnel, documents records or other information relevant to the audit. The Official Agency shall also facilitate access by the Authority's audit team to premises, personnel, documents, records or other information relevant to the food business operations applicable to the audit.

6. Corrective Action

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

The Authority will monitor implementation of the plan to ensure corrective action is adequate, appropriate and implemented in a timely manner.

The Authority may, if it is deemed appropriate, verify closeout of findings through a supplementary audit.

Appendix 1

Table 1 Template for the Annual Work programme 2012 on the service contract to be agreed by 28th February 2012 (Schedule 2, 1.7)³

Sch. 2 Clause	Clause Heading	Measureable Outcome – all targets to be agreed in the work programme	How will be measured ⁴	FSAI Comment & Assessment ⁵
1.9 and Schedule 4	Data collection and reporting	To be agreed by 28 th February 2012	To be agreed by 28 th February 2012	
1.10	Contingency Planning			
1.17	Continuing Professional Development in food safety activities			
1.20	Internal Audit			
2.2.2.1	Inspections - Premises falling within the scope of FSAI Guidance Note No. 1			
2.2.2.1	The Official Agency shall work toward ensuring consistency of frequency of inspection nationally.			
2.2.2.2	Food establishments subject to approval under Regulation (EC) No. 853/2004			
2.2.6	Food Legislation			
3.3.	Sampling plans			
3.4	National sample submission form			
4.4.5	Reporting, designation and certification			
Schedule 4	Data collection and reporting			
Schedule 5	Audit			

³ Additional clauses may be included in the annual work programme by agreement with the Authority and the official agency

⁴ May be verified through audit

⁵ To be completed at year end

Table 2 Template for official controls of Schedule 1 Food Legislation (Schedule 2, 2.2.6)

Food Legislation Category	Business Type(s) where legislation is applicable	Point at which Official Controls should take place		
		Inspection	Sampling	Frequency of official control to be specified in annual work programme (See Appendix 1)
Food additives				
Specified Risk Material				
Animal By Products				
Packaged Water				
Drinking Water				
Materials in contact with foodstuffs				
Emergency Measures				
Microbiological Criteria				
Contaminants				
PARNUTs				
Food Supplements				
Food Authenticity				
Foodstuffs treated with Ionising Radiation				
Zoonoses				
Novel foods and genetically modified foods				
Food Fortification				
Beef - Country of Origin				
Beef Labelling				
Fish Labelling				
General Labelling				
Import control of product of non-animal origin subject to increased controls				
Nutrition and Health Claims				
Foods for particular nutritional uses				
Processed cereal based baby foods				

Appendix 2 Data to be provided in 2012

A. Reports

FSAI Act Section 48(8) reports, Schedule 4A (Inspections) and 4B (Food Surveillance - Samples with Infringements) returns updated to reflect FSAI Guidance Note 1 (Revision 2) categories

B. List of Establishments

List of establishments under Official Agency supervision to be provided in Excel Form in January 2012, within the constraints of the Official Agency's data systems.