

DATED this 1st day of November 2021

Service Contract

between

THE FOOD SAFETY AUTHORITY OF IRELAND

- and -

THE NATIONAL STANDARDS AUTHORITY OF IRELAND

THIS SERVICE CONTRACT is made this 1st day of November 2021 **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 The Exchange, George's Dock, IFSC, D01 P2V6, Dublin 1; and **THE NATIONAL STANDARDS AUTHORITY OF IRELAND** having its principal place of business at Northwood, Santry, Dublin 9 (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 Day of November 2021;

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

"Year" means any 12 month period commencing on 1st January.

"Official Agency" means the **NATIONAL STANDARDS AUTHORITY OF IRELAND**

"Establishment" means any unit of a business;

"Operator" means any natural or legal person subject to one or more of the obligations provided for in food legislation, including a food business operator

- 2.** The Authority is the 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.
- 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 October 2024. The Service Contract may be subject to review, modification or amendment, and may be extended for further periods by agreement.
- 4.** For the purposes of section 11(2) of the Act, it is agreed that the Official Agency shall carry out in its functional area on behalf of and as an agent for the Authority the determination of compliance with food legislation outlined in Schedule 1.

5. For the purposes of section 48(3) of the Act, and having had regard to the resources available to the Official Agency, the Authority has specified 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.
 - (b) any 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 as detailed in Schedule 4.
7. In accordance with the provisions of *Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products*, the Official Agency may delegate a task or function to a third party subject to the agreement of the Authority
8. Without prejudice to the provisions of food legislation, the activities to be undertaken on behalf of the Authority shall be directed towards bringing about a general acceptance amongst producers, manufacturers and distributors of the principle that, in respect of any food or food contact material placed on the market, the primary responsibility for the safety and suitability of the food for human consumption or the food contact material 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 or food contact material.
9. The Authority and the Official Agency agree to review and amend this contract in the event of changing circumstances.

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

Signed on behalf of the Food Safety Authority of Ireland

Dr Pamela Byrne
Chief Executive

DATE

Signed on behalf of the National Standards Authority of Ireland

Ms Geraldine Larkin
Chief Executive

DATE

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.

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.

FOOD LEGISLATION	Acts and Statutory Instruments
Food Safety Authority of Ireland Act 1998 as amended	<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> <u>S.I. No.390 of 2014</u> <u>S.I. No. 107 of 2017</u> <u>S.I. No. 568 of 2018</u> <u>S.I. No. 173 of 2020</u> <u>S.I. No. 152 of 2021</u>
European Communities (General Food Law) Regulations 2007 to 2013	<u>S.I. No.747 of 2007</u> <u>S.I. No. 498 of 2010</u> <u>S.I. No. 500 of 2011</u> <u>S.I. No. 473 of 2012</u> <u>S.I. No. 383 of 2013</u>

European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2016 and 2020	<u>S.I. No. 282 of 2016</u> <u>S.I. No. 55 of 2020</u>
European Union (Plastics and other materials) (Contact with food) Regulations 2017 to 2019	<u>S.I. No. 49 of 2017</u> <u>S.I. No. 257 of 2018</u> <u>S.I. No. 278 of 2019</u>
EC Legislation which has direct effect in Member States	Not transposed but deemed food law
1. Food Contact Materials	
Commission Regulation (EU) 2019/1338 of 8 August 2019 amending Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food	Commission Regulation (EU) 2019/1338
Commission Regulation (EU) 2020/1245 of 2 September 2020 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food	<u>Commission Regulation (EU) 2020/1245</u>

Schedule 2

1. General Requirements

Schedule 2 outlines the objectives, targets, timeframe and other matters relating to the Service Contract. The Official Agency agrees to fulfil all obligations regarding food safety as determined by the Authority.

1.1 Introduction

The Official Agency agrees, generally, to implement official controls on natural mineral waters and food contact materials (FCMs) in line with the food legislation having regard to the above mentioned paragraphs in this clause.

The Official Agency will fulfil all obligations regarding food safety and integrity 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 ensure effective official controls and other official activities, to enhance consumer protection and consumers' interests in so far as it relates to food legislation.

1.2 Official Controls and Other Official Activities

The Official Agency will carry out official controls and other official activities to ensure compliance by food business operators and business operators dealing with food contact materials and natural mineral waters with food Legislation and other legislation as agreed within the agencies remit under this contract.

Within its area of competence, the Official Agency shall ensure that official controls and other official activities are carried out regularly, on a risk basis and with appropriate frequency, so as to achieve the objectives of this Service Contract, Section 11(2) of the Act and Articles 9 and 14 of Regulation (EU) 2017/625.

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

The Official Agency shall comply with the relevant requirements of Regulation (EC) No. 2017/625. Over the duration of this contract the Official Agency will work in partnership with the Authority towards implementation of Regulation (EU) 2017/625 on Official Controls and Official Activities.

The Official Agency will have due regard to recognised guidance notes, codes of best practice, Standard Operating Systems or accreditation systems; in addition to any advice which may be issued by the Authority as agreed between the Official Agency and the Authority.

1.3 Transparency

The Official Agency and the Authority shall ensure that official controls are performed with a high level of transparency in accordance with Article 11 of Regulation (EU) 2017/625.

Where there are reasonable grounds to suspect that a food or FCM may present a risk to public 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. The Official Agency acknowledges that the information gained when undertaking official controls is confidential and may not be disclosed to third parties during or after the expiry of the term of the service contract, except with the written consent of the Authority.

1.4 Multi Annual National Control Plan (MANCP)

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 (MANCP) prepared in accordance with Regulation (EU) 2017/625.

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

1.5 Effectiveness and Appropriateness of Official Controls and Other Official Activities

The Official Agency will ensure that official controls and other official activities are planned and coordinated in line with Articles 5 and 12 of Regulation (EU) 2017/625

The Official Agency will provide the Authority with updates as specified in Schedule 4.

The Official Agency and the Authority agree to work to ensure there is efficient and effective coordination involved in carrying out official controls and other official activities and to ensure that, as far as is practicable, there is consistency and effectiveness of official controls and other official activities.

1.6 Documented Control Procedures

The Official Agency shall carry out official controls in accordance with documented procedures. These procedures shall provide information and instructions for staff performing official controls in line with Article 12 of Regulation (EU) 2017/625. These procedures will be reviewed at liaison meetings.

1.7 Contingency Planning

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

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

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

1.8 Out of Hours Emergency Service

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

1.9 Investigation of Incidents and Rapid Alerts

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

The Official Agency will co-operate with the Authority and other Official Agencies in the investigation of food incidents and provide such information as requested by the Authority for the management of food incidents, in a timely manner.

The Official Agency shall maintain dedicated contact points for receipt of food alerts and exchange of information relating to incidents.

The Official Agency shall notify the Authority without delay of the outcome of investigations.

The Official Agency shall facilitate the operation of the Rapid Alert System for Food and Feed (RASFF) as required.

1.10 Coordinated Monitoring and Coordinated Control Programmes

The Official Agency shall participate in EU coordinated monitoring, EU coordinated control programmes and/or provide information and data requested in line with the requirements of Article 112 of Regulation (EU) 2017/625 as agreed with the Authority.

1.11 Data Collection, Information and Reporting

The Official Agency shall collect and share data and information regarding official controls and other official activities performed under this service contract with the Authority, as specified in Schedule 4.

1.12 Administrative Assistance and Cooperation

The Official Agency shall agree with the Authority the procedures for administrative assistance and co-operation required under Articles 102 to 108 of Regulation (EU) 2017/625 and include such activity in its Section 48(8) report to the Authority.

Requests for assistance made or received by the Official Agency under Title IV of Regulation (EU) 2017/625, where a risk to human health or a possible noncompliance with food law is identified or suspected shall be notified to the Authority in a timely manner.

The Authority shall act as the contact point responsible for facilitating the exchange of communications between competent authorities in accordance with Articles 104 to 107 of Regulation (EU) 2017/625 in all matters relating to food incidents or food fraud where a risk to human health, a possible non-compliance with food law or fraudulent or deceptive practices is suspected.

1.13 Legislation

Duties and responsibilities of the Official Agency for the performance of official controls and other official activities related to food safety, food integrity, protection of consumers' interests and information will derive from the legislation listed in Schedule 1. All staff involved in official controls and other official activities shall be provided with access to this legislation.

In respect of the food legislation, the Official Agency agrees to provide education or disseminate information as requested by the Authority.

1.14 Participation on Working Groups

The Official Agency will participate as required in the Authority's working groups, inter-agency working groups and expert working groups to:

- Produce, review and amend Guidance Notes and Codes of Practice
- Evaluate implications of existing and proposed legislation
- Evaluate relevant food safety/scientific information
- Produce other outputs including meeting reports, as agreed.

1.15 Fraudulent and Deceptive Practices Related to the Food Chain

The Official Agency and the Authority with the support of other Official Agencies and Law enforcement authorities as appropriate, will as necessary agree and implement a programme of proactive and reactive work to identify and investigate possible intentional violations perpetrated through fraudulent and deceptive practices.

Where, following the receipt of information or during the course of official controls, the Official Agency identifies circumstances which may indicate fraudulent/deceptive practices in so far as they relate to food legislation, these will be recorded and reported in line with agreed procedures, in a timely manner to the Authority.

1.16 Inspection Schedule

The Official Agency shall prepare an annual inspection schedule for the official controls and other official activities performed under this service contract. This inspection schedule will incorporate the requirements of Article 9(1) and Article 9(2) of Regulation (EU) 2017/625 as applicable.

The Authority recognises that the inspection schedule will be subject to change in the light of changing circumstances and the current version will be available from the Official Agency on request at any time.

The implementation of the annual inspection schedule will be reviewed by the Authority and the Official Agency at liaison meetings as required.

1.17 Information Systems

The Official Agency shall keep up-to-date records of its official control activity (gathered in respect of Clause 1.16) in a computer database.

The Official Agency shall ensure timely electronic transfer of data to the Authority via agreed email address which may include the use by the Official Agency of a database developed by the Authority.

The Official Agency in conjunction with the Authority will meet the relevant requirements of Articles 131 to 136 of Regulation (EU) 2017/625 and Implementing Regulation (EU) 2019/1715 as appropriate to the Official Agency.

1.18 Third Party Complaints Regarding Implementation of this Service Contract

The Official Agency shall provide information to the Authority on 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 cooperate with the Authority in any investigation regarding these complaints. Complaints regarding the implementation of the service contract received by the Authority will be managed through the liaison process.

1.19 Complaints

The Official Agency agrees to liaise with other Official Agencies, as required, in the follow up of complaints relating to food or to food contact materials made under the food legislation.

1.20 Authorisation

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

1.21 Training and Continuous Professional Development

The Official Agency shall provide appropriate training, including induction training for all staff listed in Schedule 3 performing official controls and other official activities enabling them to undertake their duties competently and to carry out official controls and other official activities in a consistent manner, in line with Article 5(4)(a) and Annex II, Chapter I, of Regulation (EU) 2017/625.

While the provision of training is the primary responsibility of the Official Agency, the Authority may provide training interventions where the Official Agency has highlighted areas where training is required. The Authority will endeavor to facilitate networking and collaboration with other Official Agencies to assist in improving knowledge in such areas.

Training needs for official control staff will be identified by the Official Agency. These training needs shall form part of an annual training plan be completed by the Official Agency, which should include details of appropriate training to be provided to staff listed in Schedule 3.

The Authority will provide training and e-learning resources for staff involved in official controls and/or other official activities. These resources will aim to:

- Inform staff performing official controls and/or other official activities on the requirements of existing and new/revised legislation
- Disseminate and clarify the application of guidance material
- Facilitate standardised approaches to official controls and other official activities to ensure a consistent understanding and application of existing and new/revised legislation, guidance or procedures.

Following any training resource provided by the Authority, the Official Agency shall support participants in using e-learning resources, disseminating knowledge or skills acquired and encourage the application of learning gained.

The Authority co-ordinates participation for Irish Official Agency staff on training courses run by the European Commission in the EU 'Better Training for Safer Food' (BTSF) training programme. The BTSF philosophy is to ensure that participants for each course are drawn from food control staff from several EU Member States. This gives participants a chance to learn of experience in different jurisdictions, thereby promoting consistency of approach across the EU. In order to facilitate this the Official Agency shall support participants in disseminating knowledge or skills acquired and encourage the application of learning gained through BTSF training programmes.

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

1.22 Commission Controls and Third Country Audits

The Official Agency will cooperate and participate (as required) in the preparation and conduct of audits to Ireland carried out by the European Commission (DG SANTE Health and Food Audits and Analysis, Directorate F), or audits by third countries as may arise, and for the completion of questionnaires requested by the Commission and/or other services.

The Official Agency shall take effective actions to address audit report recommendations (if any) in a timely manner, and as agreed with the Authority. The Official Agency will keep the Authority informed on the progress to implement such actions upon request.

The Official Agency shall nominate a coordinator(s) for European Commission (DG SANTE Health and Food Audits and Analysis, Directorate F), or audits by third countries relevant to this contract.

1.23 Internal Audit

The Official Agency shall implement self-check and verification systems to verify the ongoing effectiveness of its systems and processes associated with the administrative and technical elements of the official controls in accordance with Article 6(1) of Regulation (EU) 2017/625. Internal audits and their programming will be conducted in accordance with relevant guidelines issued by the European Commission.

These activities will be reviewed at liaison meetings with the Authority. The natural mineral water and food contact material schemes are administered through the Official Agency's core administrative management systems. These systems are accredited to ISO 17021:2015.

Documentation and inspection activities for all official controls shall be covered by the Official Agency's internal audit processes. In the case of recognition of natural mineral water, a full independent technical review of relevant documentation shall be performed prior to the extension of the period of source recognition.

1.24 Written Records of Official Controls

In line with Article 13 of Regulation (EU) 2017/625 the Official Agency shall draw up written reports on each official control that it has carried out. These reports shall include a description of the purpose of the official controls, the control methods applied, the outcome of the official control and, where appropriate, action that the operator concerned is to take.

In accordance with Article 13(2) of Regulation (EU) 2017/625 the Official Agency shall provide a report on the outcome of each official control of a business to the relevant operator.

The Official Agency shall provide a report on the outcome of official controls of businesses on a monthly basis to the Authority.

1.25 Follow-Up of Non-Compliances

In line with Article 138 of Regulation (EU) 2017/625 the Official Agency shall initiate follow-up action following detection of non-compliances to ensure that the operator concerned rectifies the non-compliance and takes steps to avoid further occurrences of such non-compliance.

Where appropriate the Official Agency may consult with the Authority regarding follow-up to non-compliances.

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

1.26 Requests for Advice

The Official Agency agrees to respond to the Authority in a timely way to requests for advice and information on the food legislation.

1.27 Additional Tasks

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. Official Controls and other Official Activities to be Provided

2.1 General

The Official Agency shall fulfil all obligations regarding food safety as may be agreed from time to time by the Authority and the Official Agency in the context of the food legislation.

The Official Agency shall allocate inspectors to carry out official controls and other official activities in particular establishments as per legislative requirements and the Official Agency's documented procedures, at a frequency based on risk in line with the requirements in Article 9 of Regulation (EU) 2017/625.

The Official Agency shall supervise establishments in line with the agreed, latest version of the supervisory arrangements document as applicable.

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.

2.1.1 Remote Inspections

The Official Agency may by mutual agreement with the Authority allocate inspectors to carry out official controls and other official activities in particular establishments remotely, and as per legislative requirements and the Official Agency's documented procedures, at a frequency based on risk in line with the requirements in Article 9 of Regulation (EU) 2017/625.

2.2 Natural Mineral Waters

The Official Agency shall undertake the determination of compliance with food legislation by means of:

- (i) The recognition of the extraction of natural mineral waters pursuant to the food legislation;
- (ii) The assessment and sampling of natural mineral waters pursuant to its recognition and exploitation in accordance with the food legislation.

The Official Agency shall provide official food control services in premises requiring recognition for the extraction of natural mineral water, which will be set out in a list to be maintained by the Authority. Additions to or deletions from the list of premises will be notified to the Authority without delay.

The premises will be those subject to Regulation 4 of the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2016 and the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2020.

Provisions as laid down in Part 5 of the European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) Regulations 2016 are applicable in so far as they relate to the enforcement of Regulations 4, 5 and 6(c).

2.3 Food Contact Materials

2.3.1 Scope

The Official Agency will undertake official controls and other official activities in establishments (other than food establishments) that import, manufacture, convert, distribute or supply (other than by retail) food contact materials, in accordance with the food legislation. In addition to the above, the Official Agency will also undertake official controls in food establishments that manufacture food contact materials and supply them to other establishments; the scope of such official controls shall be limited to the manufacture and supply of food contact materials.

The Official Agency shall supervise and review all aspects of the operation of each establishment, to ensure compliance with legislative requirements. The Official Agency will, as part of its official controls and other official activities, check the adequacy of migration and other testing carried out by the food contact material suppliers to ensure that their products comply with the food legislation. The official controls and other official activities will also check sampling information supplied to food contact material suppliers by their suppliers of raw materials. The Official Agency will participate on request in relevant annual labelling programmes.

In line with Article 10(2) of Regulation (EU) 2017/625 the Official Agency shall keep a register of operators and their establishments that import, manufacture, convert, recycle, distribute or supply (other than by retail) food contact materials, in which it undertakes official controls and other official activities.

In line with Article 15(5) of Regulation (EU) 2017/625 the Official Agency shall include in the register of operators and their establishments details of the operators name and legal form, establishment address and the specific activities they carry out, including activities undertaken by means of distance communication, and the places under their control.

The register of operators and their establishments will be sent electronically to the Authority annually.

2.3.2 Risk-Based Frequency of Official Controls and other Official Activities

On the basis of a risk assessment for the sector, the following minimum inspection frequencies will be achieved:

- Manufacturers, converters and plastic recyclers of food contact materials: One inspection every year
- Importers, distributors or supplier's (with no manufacture) of food contact materials: One inspection every two years.

Additional inspections may be conducted for individual operators and their establishments based upon a specific assessment of the results of official controls and other official activities. The Authority and Official Agency will review the inspection frequency periodically in the light of experience gained and legislative changes.

2.3.3 Sampling

The Official Agency will participate on request in sampling plans for food contact materials taken as part of the official controls and other official activities, with samples to be submitted by the Official Agency to official control laboratories specified by the Authority.

2.3.4 Establishments that Recycle Plastic Food Contact Materials

Official controls and other official activities in operators and their establishments that recycle plastics food contact materials will include audits of their recycling process in line with the relevant food legislation.

2.3.5 Export Certificates

Where the Authority issues export certificates for food contact materials or operators and their establishments to confirm their compliance with legislation, the Official Agency will, as part of its official controls and other official activities, provide relevant information to the Authority on request.

3. Monitoring

Section 3 of Schedule 2 outlines the means by which the Authority monitors and communicates with the Official Agency regarding the performance of the service contract.

3.1 Liaison and Meetings

The Official Agency shall nominate person(s) responsible for the operation of the Official Agency's Service Contract to liaise with the Enforcement Policy Manager in the Authority who shall be the Official Agency's contact point(s) within the Authority on matters related to this Service Contract.

Any matter related 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 Official Agency's contact point(s), the Enforcement Policy Manager and/or the Director. Issues may be escalated as required up to the Chief Executive of the Authority or equivalent for the Official Agency.

Liaison meetings shall be held at least annually. Additional meetings will be held as required by either party or as changing circumstances require. Meetings may be held remotely by mutual agreement between the Authority and the Official Agency.

3.2 Access

The Official Agency carrying out functions under this Service Contract shall be acting on behalf of and as an agent for the Authority. The Authority shall have access as required through the liaison link to the staff referred to in Schedule 3 and to all records, data and sites relevant to official controls and other official activities and additional tasks under Clause 1.26 pertaining to this Service Contract, including financial records related to expenditure claimed from the Authority. Officers of the Official Agency shall have access as required through the liaison link to records relevant to the Official Agency held by the Authority.

3.3 Verification

The Authority may take such measures as it considers appropriate to determine compliance by the Official Agency with the requirements of this Service Contract. This will include audit activities to satisfy the requirements of Section 48(9) of the Act and in accordance with Schedule 5 of the Service Contract. The Official Agency agrees to cooperate with the Authority's audit activities.

For those services accredited in line with ISO/IEC 17021:2015, 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.

3.4 Review

The Authority will review the delivery of this Service Contract and provide feedback to the Official Agency. Recommendations made by the Authority regarding the scope for better co-ordination and delivery of official controls and other official activities will be considered by the Official Agency management.

Schedule 3

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

The Official Agency, as a competent authority, performing official controls and other official activities shall meet a number of operational criteria. They shall maintain a sufficient number of suitably qualified and experienced staff and possess adequate facilities and equipment to carry out their duties properly.

The Official Agency shall ensure economy and efficiency in implementation of this Service Contract.

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

1. Staffing Resource

List of all staff involved for the purposes of this contract is outlined in Table 1 below:

Table 1. Staffing Resources

Title/Grade	Total Number of Staff Engaged in Official Controls and other Official Activities	Total Number of WTE Engaged in Official Controls and other Official Activities

Schedule 4

Data Collection and Reporting

1. General Requirements for Data Collection and Reporting

The Official Agency shall collect, and store information generated from official controls and other official activities specified in Schedule 2. The data collected is to be maintained and all records are to be kept up to date.

Inspection reports are to be electronically transferred to the Authority, on a monthly basis.

2. Resources

Schedule 3 information shall be updated and discussed with the Authority at the annual liaison meeting.

The Official Agency shall maintain an electronic list of staff involved in this Service Contract. The list shall include names, contact addresses, telephone numbers (including mobile details) and email addresses for all officers.

The Official Agency electronic list of staff involved in this Service Contract shall be submitted to the Authority when changes in staffing occur.

3. Activities Undertaken Outside of Returns Outlined under General Requirements for Data Collection and Reporting

The Official Agency will electronically submit, an annual Section 48(8) report to the Authority which will record details of:

- (a)** Official Control Activities, including staffing
- (b)** Food incidents/outbreaks
- (c)** Participation on the Authority's working groups, inter- agency working groups and expert working groups and any other similar activity
- (d)** Continual Professional Development undertaken by all staff listed in Schedule 3
- (e)** Food Hygiene or safety education activities undertaken
- (f)** Complaints regarding food or food contact materials
- (g)** Complaints regarding the implementation of this Service Contract
- (h)** Additional food safety activities as agreed.

Schedule 5

1. Auditing the Service Contract

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

1.1 Legal Basis

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

1.2 General Requirements

The Authority's audits will verify conformance by the Official Agency with this Service Contract including official controls and other official activities, food legislation and the relevant requirements of the Multi Annual National Control Plan (MANCP) for Ireland.

The Authority will take cognisance in its audit programmes of internal audits performed by the Official Agency (Section 1.23) as required by Article 6 of EU Regulation 2017/625. Audits will be conducted in accordance with the Authority's Audit Charter, documented procedures and European Commission [guidance on the implementation of the provisions for the conduct of audits under Article 6 of Regulation \(EU\) 2017/625](#).

1.3 Audit Programmes

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 1.23 of Schedule 2 of the contract. The Authority's audit programmes shall be circulated at a minimum of every 12 months following the commencement of this Service Contract.

1.4 Liaison

Liaison for the purpose of audit shall be through a representative(s) nominated by the Official Agency. The liaison process will be the mechanism for the Authority and Official Agency to exchange information on audit programming and planning.

1.5 Access

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

1.6 Corrective Action

Where the audit generates findings in relation to official controls and other official activities a corrective action plan shall be developed by the Official Agency in liaison with the Authority. Findings generated in relation to noncompliance with food law by operators will be documented as part of the audit reporting process for close out by the Official Agency.

The Authority will monitor implementation of corrective action to ensure close out 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.