

DATED this 1st day of July 2016

Service Contract

between

THE FOOD SAFETY AUTHORITY OF IRELAND

and

WICKLOW COUNTY COUNCIL

Revision 1 - 17/11/2017

THIS SERVICE CONTRACT is made this 1st day of July 2016

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 Wicklow County Council having its principal place of business at the County Buildings, Wicklow Town, Wicklow. (herein after referred to as the "Official Agency").

1. **Interpretation**

In this Service Contract, unless the context otherwise requires -

“Act” means the Food Safety Authority of Ireland Act, 1998 [No. 29 of 1998] as amended;

“Authority” means the Food Safety Authority of Ireland;

"Commencement Date" means the 1st July 2016;

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

“Official Agency” means Wicklow County Council.

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

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

3. For the purposes of section 48(5) of the Act, this Service Contract shall be in force for a period from the commencement date to the 30th June 2019. The Service Contract may be subject to review, modification or amendment, and may be extended by agreement.
4. For the purposes of section 11(2) of the Act, it is agreed that the Official Agency shall carry out in its functional area on behalf of and as an agent for the Authority the following –
- (a) the determination of compliance with food legislation by means of –

- (i) the inspection, approval, licensing and/or registration of premises and equipment, including premises or equipment used in connection with the manufacture, processing, disposal, transport and storage of food,
 - (ii) the inspection, sampling and analysis of food, including food ingredients, and
 - (iii) the inspection and analysis of food labelling,
 - (b) the provision of food safety and food hygiene education to producers, manufacturers, distributors, retailers and caterers.
5. For the purposes of section 48(3) of the Act, and having had regard to the resources available to the Official Agency, the Authority has specified in Schedule 2 the following matters to the Official Agency and the Official Agency has agreed to those matters –
- (a) the objectives and targets for food inspection the Authority wishes the Official Agency to meet, and the timeframe for achieving those targets and objectives, and
 - (b) any other matters which the Authority considers necessary
6. The Official Agency has indicated to the Authority that, for the purposes of section 48(4) of the Act, the means by which it proposes to meet the matters specified by the Authority in Schedule 2 of this Service Contract are those set out in Schedule 3 of this Service Contract. The Official Agency agrees to collect data and report to the Authority as detailed in Schedule 4.
7. In accordance with the provisions of *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, the Official Agency may delegate a task or function to a third party subject to the agreement of the Authority.
8. Without prejudice to the provisions of food legislation, the activities and food inspections to be undertaken on behalf of the Authority shall be directed towards bringing about a general acceptance amongst producers, manufacturers, distributors, retailers and caterers of the principle that, in respect of any food placed on the market, the primary responsibility for the safety and suitability of the food for human consumption is borne by them individually or, as appropriate, collectively and as a consequence, each of the persons mentioned shall take all reasonable steps to ensure, in so far as that person is concerned, the safety and hygienic standard of that food.

IN WITNESS WHEREOF the Authority and the Official Agency have caused their respective Seals to be affixed hereto on the date first above written.

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

Dr Pamela Byrne, Chief Executive Officer

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

SCHEDULE 1

List of the Food Legislation contained in the First Schedule to the Act for which the Official Agency has responsibility

Duties and responsibilities for food safety activities for the Official Agency will derive from the following list of food legislation.

When

(a) the Minister for Health and Children makes an order amending the First Schedule of the Act, or

(b) any Act passed by the Oireachtas or any statutory instrument made thereunder or regulation made under the European Communities Act, 1972, is deemed to be food legislation for the purposes of the Food Safety Authority of Ireland Act, 1998,

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

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

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

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

Food Legislation	Acts and Statutory Instruments
1. General	
Food Safety Authority of Ireland Act, 1998	Act No.29 of 1998 S.I. No.184 of 2000 S.I. No.580 of 2002 S.I. No.735 of 2003 S.I. No.210 of 2004 S.I. No. 827 of 2005 S.I. No.320 of 2006 S.I. No.839 of 2007 S.I. No. 494 of 2010 S.I. No. 724 of 2011 S.I. No. 346 of 2012 S.I. No. 390 of 2014 S.I. No. 107 of 2017
District Court (Food Safety Rules), 2004	S.I. No.700 of 2004
2. General Food Hygiene	
2.1 Hygiene Package	
EC (Food and Feed Hygiene) Regulations, 2009	S.I. No. 432 of 2009 S.I. No. 312 of 2010 S.I. No. 488 of 2010 S.I. No. 164 of 2012 S.I. No. 68 of 2015 S.I. 306 of 2015
Health (Definition of Marginal, Localised and Restricted Activity) (Butcher Shop) Regulations, 2010	S.I. No. 340 of 2010
<p>Commission Regulation (EU) No 217/2014 of 7 March 2014 amending Regulation 2073/2005 as regards Salmonella in pig carcasses</p> <p>Commission Regulation (EU) 2015/1474 of 27 August 2015 concerning the use of recycled hot water to remove microbiological surface contamination from carcasses</p> <p>Commission Regulation (EU) No 218/2014 of 7 March 2014 amending Annexes to Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council and Commission Regulation (EC) No 2074/2005</p> <p>Commission Regulation (EU) No 219/2014 of 7 March 2014 amending Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council as regards the specific requirements for post-mortem inspection of domestic swine</p> <p>Commission Regulation (EU) No 633/2014 of 13 June 2014 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council and Annex I to Regulation (EC) No 854/2004 of the European Parliament and of the Council as regards the specific requirements for handling large wild game and for the post-mortem inspection of wild game</p>	<p>Commission Regulation (EU) No217 /2014</p> <p>Commission Regulation (EU) 2015/1474</p> <p>Commission Regulation (EU) No 218/2014</p> <p>Commission Regulation (EU) No 219/2014</p> <p>Commission Regulation (EU) No 633/2014</p>

Commission Regulation (EU) No 1137/2014 of 27 October 2014 amending Annex III of Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the handling of certain offal from animals intended for human consumption	Commission Regulation (EU) No 1137/2014
Commission Implementing Regulation (EU) 2015/2295 of 9 December 2015 amending Regulation (EC) No 2074/2005 as regards lists of approved food establishments	Commission Implementing Regulation (EU) 2015/2295
Commission Regulation (EU) 2016/355 of 11 March 2016 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the specific requirements for gelatine, collagen and highly refined products of animal origin intended for human consumption	Commission Regulation (EU) 2016/355
2.2 Emergency Slaughter	
Abattoirs Act 1988 (other than Section 3-17, 21-34, 48 and 50)	Act No. 8 of 1988
3. Fresh Meat	
Agricultural Produce (Fresh Meat) Acts, 1930 to 1988	Act No. 33 of 1954
Agricultural Produce (Meat) (Miscellaneous Provisions) Act, 1954	Act No. 13 of 1978
Agricultural Produce (Meat) (Miscellaneous Provisions) Act, 1978	
4. Food Information	
EU (Provision of Food Information to Consumers) Regulations, 2014 and 2016	S.I. No. 556 of 2014 S.I. No. 389 of 2016 S.I. No. 559 of 2016
Health (Provision of Food Allergen Information to Consumers in Respect of Non-Prepacked Food) Regulations, 2014	S.I. No. 489 of 2014
EC (Labelling of Fishery and Aquaculture Products) Regulations, 2016	S.I. No. 121 of 2016
EC (Identification of Foodstuff Lot) Regulations, 1992	S.I. No.110 of 1992
4.2 Nutrition and Health Claims	
EC (Nutrition and Health Claims Made on Foods) Regulations, 2014 to 2017	S.I. No. 11 of 2014 S.I. No. 458 of 2015 S.I. No. 154 of 2017
4.3 Meat	
EC (Labelling of Beef and Beef Products) Regulations, 2000 to 2015	S.I. No. 435 of 2000 S.I. No. 485 of 2002 S.I. No. 404 of 2015
EU (Origin Labelling of Meat) Regulations, 2015	S.I. No. 113 of 2015
European Communities (Marketing of meat of bovine animals aged 12 months or less) Regulations, 2008	S.I. No. 245 of 2008
European Communities (Agricultural Products) Regulations, 2008	S.I. No. 213 of 2008
Council Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (Title II, Chapter I, Section 1 only)	Regulation (EC) No. 1234/2007
Council Regulation (EC) No. 361/2008 of 14 April 2008 amending Regulation (EC) No. 1234/2007 of 22 October 2007 establishing a	Regulation (EC) No. 361/2008

common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)	
Commission Regulation (EC) No. 556/2008 of 18 June 2008 laying down detailed rules for application of Council Regulation (EC) No. 1234/2007 as regards the marketing of meat of bovine animals aged 12 months or less	Regulation (EC) No. 566/2008
5. Materials and Articles in Contact with Foodstuffs	
European Union (Plastics and other materials) (Contact with Food) Regulations 2017	S.I. No 49 of 2017
6. Manufacturing and Processing Methods	
EC (Quick-Frozen Foodstuffs) Regulations, 1992 and 1995	S.I. No. 290 of 1992 S.I. No. 370 of 1995
European Communities (Foodstuffs) (Accession of Bulgaria and Romania) (Amendment) (No. 2) Regulations 2008	S.I. No 517 of 2008
EC (Foodstuffs treated with ionising Radiation) Regulations, 2000	S.I. No. 297 of 2000
7. Specified Risk Material & Animal By-Products	
European Union (Transmissible Spongiform Encephalopathies) Regulations 2015 in so far as it relates to food safety	S.I. No 532 of 2015
8. Zoonoses	
EC (Monitoring of Zoonoses) Regulations, 2004	S.I. No. 154 of 2004
Abattoirs Act 1988 (Veterinary Examination) (Salmonella in Pigs) Regulations, 2009	S.I. No. 521 of 2009
European Communities (Control of Salmonella in broilers) Regulations, 2009	S.I. No. 64 of 2009
European Communities (Control of Salmonella in turkeys) Regulations, 2010	S.I. No. 99 of 2010
9. Animal Remedies	
Animal Remedies Act, 1993 (other than sections 4 and 5)	Act No. 23 of 1993
European Communities (Control of Animal Remedies and their Residues) Regulations, 2009 (excluding Regulations 3,8,9-12, 16, 20 and 26)	S.I. No. 183 of 2009 S.I. No. 263 of 2012
Commission Regulation (EC) No 124/2009 of 10 February 2009 setting maximum levels for the presence of coccidiostats or histomonostats in food resulting from the unavoidable carry-over of these substances in non-target feed.	Commission Regulation (EC) No. 124/2009
Commission Implementing Regulation (EU) No. 436/2012 of 23 May 2012 amending the Annex to Regulation (EU) No. 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance azamethiphos.	Commission Implementing Regulation (EU) No. 436/2012
10. Contaminants	
European Communities (Certain Contaminants in Foodstuffs) Regulations, 2010 to 2017	S.I. No. 218 of 2010 S.I. No. 276 of 2012 S.I. No. 348 of 2012 S.I. No. 380 of 2013 S.I. No. 143 of 2014 S.I. No. 329 of 2016 S.I. No. 377 of 2017

European Communities (Extraction Solvents used in the Production of Foodstuffs and Food Ingredients) Regulations, 2010	S.I. No. 119 of 2010 S.I. No. 129 of 2011
11. Additives and Flavourings	
EC (Flavourings for use in Foodstuffs for Human Consumption) Regulations, 1992	S.I. No. 22 of 1992
European Union (Food Additives) Regulations, 2015 and 2016	S.I. No. 330 of 2015 S.I. No 484 of 2016
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	Regulation (EC) No. 2065/2003
Commission Regulation (EC) No. 627/2006 of 21 April 2006 implementing Regulation (EC) No 2065/2003 of the European Parliament and of the Council as regards quality criteria for validated analytical methods for sampling, identification and characterisation of primary smoke products	Regulation (EC) No. 627/2006
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 and Council Directive 2001/112/EC and Regulation (EC) No. 258/97	Regulation (EC) No. 1332/2008
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	Commission Regulation (EU) No.234/2011
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, Regulation (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC	Regulation (EC) No. 1334/2008
Commission Regulation (EU) No 246/2014 of 13 March 2014 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of certain flavouring substances	Commission Regulation (EU) No 246/2014
Commission Regulation (EU) No 1098/2014 of 17 October 2014 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances	Commission Regulation (EU) No 1098/2014
Commission Regulation (EU) 2015/648 of 24 April 2015 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of the flavouring substance of N-Ethyl(2E,6Z)-nonadienamide	Commission Regulation (EU) 2015/648
Commission Regulation (EU) 2015/1102 of 8 July 2015 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of certain flavouring substances	Commission Regulation (EU) 2015/1102

<p>Commission Regulation (EU) 2015/1760 of 1 October 2015 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of the flavouring substance p-mentha-1,8-dien-7-al</p> <p>Commission Regulation (EU) 2016/54 of 19 January 2016 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards inclusion of gamma-glutamyl-valyl-glycine in the Union list of flavouring substances</p> <p>Commission Regulation (EU) 2016/55 of 19 January 2016 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances</p> <p>Commission Regulation (EU) 2016/178 of 10 February 2016 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of certain flavouring substances</p> <p>Commission Regulation (EU) 2016/637 of 22 April 2016 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union list of certain flavouring substances</p> <p>Commission Regulation (EU) 2016/692 of 4 May 2016 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances</p> <p>Commission Regulation (EU) 2016/1244 (of 28 July 2016 amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards certain flavouring substances from a group related with an alpha beta unsaturation structure</p>	<p><u>Commission Regulation (EU) 2015/1760</u></p> <p><u>Commission Regulation (EU) 2016/54</u></p> <p><u>Commission Regulation (EU) 2016/55</u></p> <p><u>Commission Regulation (EU) 2016/178</u></p> <p><u>Commission Regulation (EU) 2016/637</u></p> <p><u>Commission Regulation (EU) 2016/692</u></p> <p><u>Commission Regulation (EU) 2016/1244</u></p>
12. Food for Particular Nutritional Uses	
European Union (Foodstuffs Intended for Particular Nutritional Uses) Regulations, 2012	<u>S.I. No. 169 of 2012</u>
13. Miscellaneous	
13.1 Food Fortification	
European Union (Addition of Vitamins and Minerals and of Certain Other Substances to Foods) Regulations 2017	<u>S.I No 376 of 2017</u>
13.2 Organic	
European Communities (Organic Farming) Regulations 2004 (S.I. No. 112 of 2004) other than that which relates to Articles 8 to 18 of Council Regulation (EC) No. 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91	<p><u>S.I. No. 112 of 2004</u></p> <p><u>S.I. No. 698 of 2007</u></p> <p><u>S.I. No. 30 of 2009</u></p>
Commission Implementing Regulation (EU) 2016/673 of 29 April	<u>Commission Implementing</u>

SCHEDULE 2

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

1. General requirements

1.1 Introduction

The Official Agency will fulfil all obligations regarding food safety as agreed with the Authority from time to time. The Official Agency shall work in partnership with the Authority and its other Official Agencies to ensure effective official controls and to enhance consumer protection and consumers' interests in so far as it relates to food legislation.

It is recognised that the ability of the Official Agency to completely fulfil the terms of this service contract depend on the necessary financial resources being made available from the national Exchequer. The level of assistance required will be agreed between the parties to this contract and may be submitted to the relevant government department(s). It is agreed that the Authority will support the case for adequate Exchequer funding for the Official Agency (with other Local Authorities) in the annual funding cycle, and that the funding allocated shall be applied to the recoument by the Official Agency of the costs necessarily incurred in providing the services required under this Service Contract. In the event that the required level of financial resources is not provided, no liability will attach to the Official Agency for incomplete fulfilment of the contract. The priority for enforcement of food legislation will be agreed between the Authority and the Official Agency in the annual service plan (section 1.6) based on the resources allocated.

1.2 Official Controls

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

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 or accreditation systems as may be agreed between the Official Agency and the Authority from time to time. The Official Agency shall carry out official controls in accordance with documented procedures.

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

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

The Official Agency shall comply with the relevant requirements of Regulation (EC) No. 882/2004. Over the duration of this contract the Official Agency will work in partnership with the Authority towards implementation of the new Regulation on Official Controls and Official Activities which will replace Regulation 882/2004.

The Official Agency will work with the Authority to develop performance measures to ensure that official controls are efficient, effective and suitable to achieve the objectives of the relevant legislation.

Over the duration of the contract the Authority shall review the Risk Rating Procedure. The Official Agency shall ensure that official controls in higher risk establishments or those that are likely to be higher risk take priority over official controls in lower risk establishments.

1.3 Legislation

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

1.4 Participation in Working Groups

The Official Agency will facilitate representative staff by agreement, to participate in the Authority's working groups, inter-agency working groups and expert working groups as appropriate to:

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

Current working groups include:

- Local Authority Standardisation Working Group
- Cross agency supervisory arrangements group
- Cross agency working group on Regulation 1169/2011 (FIC)
- The Food Fraud Task Force (or sub group)
- Distance Selling Working Group
- Hygiene Package/HACCP Flexibility Working Group
- Cross Agency Forum on Internal Audit
- Cross Agency Working Group on Animal By Products

Other working groups may be identified during the term of this contract

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

1.5 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 (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
- Contribute to EU harmonisation of food safety rules

The Official Agency in conjunction with other Local Authorities shall, as required 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.

1.6 Budget Estimate and Service Plan

During Quarter 4 each year the Authority shall request the Official Agency to submit a budget estimate for the following years official control activities. The Official Agency shall submit the budget estimate as per the Authority's request.

The Official Agency shall submit to the Authority a service plan by 31st January each year. The content and format of the plan will be agreed between the Authority and the Official Agency. The service plan shall include a list of inspections which the Official Agency intends to carry out and include the frequency/type of inspection intended to be carried out for each establishment supervised by the Official Agency. The Authority recognises that the service plan is subject to change.

The plan will be reviewed by the Authority and the Official Agency at liaison meetings.

The plan will be reviewed by the Authority and the Official Agency at liaison meetings.

1.7 Data collection and reporting

The Official Agency shall collect and share data with the Authority. The Official Agency will provide the Authority with data on its food control activities including inspection and sampling as detailed in Schedule 4; this data will be compiled by the Authority and shared with the Official Agency.

1.8 Information Systems

The Official Agency shall record such data in the Official Agency Premises Inspection database (OAPI), which will be further developed over the life of the contract. Data should be entered into the database on an ongoing basis but shall be entered within one month of the activity taking place.

The Authority and the Official Agency shall in partnership develop systems and work towards recording inspections through the use of electronic hand-held devices by the end of the term of this contract.

1.9 Out of hours emergency service

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

1.10 Contingency Planning

The Official Agency, in conjunction with the Authority, shall ensure that there are contingency plans in place at local level for dealing with incidents. The contingency plan shall be in line with the requirements of Article 13 of Regulation (EC) No. 882/2004 and include arrangements for activation of the plan, establishment of a crisis team, communication and information, plus out of hours contacts. The Authority will review these plans at liaison meetings.

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

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

The contact point shall be operational during all normal working hours and enable quick response at all times (including cover during leave periods). Details of the

contact points (telephone and e-mail) shall be notified to the Authority and updated as necessary.

The Official Agency shall implement the agreed *Inter-Agency Protocol for the Management of a Food Crisis* and guidance on *Management of Outbreaks of Foodborne Illness* as per Section 1.11.

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

1.11 Investigation of food incidents

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

The Official Agency shall notify the Authority without delay of incidents it becomes aware of, and the outcome of investigations.

The Official Agency in conjunction with the Authority, shall implement the agreed protocol(s) to manage and deal effectively with food borne outbreaks in particular the guidance on "*Management of Outbreaks of Foodborne Illness*" as published on SafetyNet.

The Official Agency shall co-operate with the Authority, other Official Agencies and / or the Outbreak Control team in the investigation of incidents, and to ensure mutual exchange of such information for the management of incidents, in a timely manner.

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

1.12 Zoonoses

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

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

The Official Agency will work on request from the Authority to strengthen surveillance for antimicrobial resistance in light of the relevant recommendations of the Authority's Scientific Committee report.

1.13 Third Party Complaints regarding the implementation of 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. Complaints received by the Authority will be notified to the Official Agency and will be managed through the liaison process.

1.14 Designated Officers

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

The Official Agency will review their designated officer list when there is a change in relevant staff, or at least annually, and inform the Authority in writing of required amendments.

1.15 Continuing Professional Development

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

The Official Agency shall identify training needs for staff performing official controls and ensure that staff carrying out official controls are kept up to date in their area of competence and develop specialised expertise, in partnership with the Authority and other Local Authorities.

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 endeavour to facilitate networking and collaboration with other Official Agencies to assist in improving knowledge in such areas.

The Authority will provide e-learning resources and training for official control staff so as to promote a consistent understanding and application of new legislation, guidance or procedures, as appropriate. The Official Agency shall support participants in using e-learning resources, disseminating knowledge or skills acquired and encourage the application of learning gained through the Authority's training in official control activities.

The Official Agency shall ensure that contractors used in the performance of the Service Contract provide evidence of Continuous Professional Development and Compliance with this section.

Where staff from the Official Agency need to travel outside the Official Agency functional area to attend training courses/meetings, this shall be facilitated by the Official Agency. The Official Agency in partnership with the Authority shall develop and implement training programmes for all staff engaged in the performance of the Service Contract. Where staff have participated in Better Training for Safer Food (BTSF) the training content shall be disseminated to relevant staff/contractors in the Official Agency and other local authorities in partnership with the Authority.

1.16 Food Complaints

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

Where the Authority refers a food complaint to the Official Agency with all relevant available information, the Official Agency shall provide the Authority with an update on the outcome of the complaint investigation and confirm close out of the complaint.

1.17 Missions of the Health and Food Audits and Analysis (HFAA) (formerly Food and Veterinary Office (FVO))

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

The Authority will notify the Official Agency when relevant recommendations have been published by the HFAA . The Official Agency shall take effective actions to implement recommendations (if any) from HFAA Missions, where applicable, whether or not the Official Agency participated in the actual mission. The Official Agency will keep the Authority informed of the relevant activities.

1.18 Internal Audit

The annual National Internal Audit Programme shall be agreed between the Authority and the Local Authority Veterinary Service Technical Liaison Group. If required the Authority may provide the support and resources required to engage a Third Party, working in conjunction with the Official Agency and other Local Authorities to review, prepare and implement the agreed Internal Audit Programme.

The Official Agency shall co-operate with the Local Authority Internal Audit group and participate in the National Internal Audit Programme. These internal audits will be conducted in accordance with the guidelines contained in Commission Decision 2006/677/EC. Taking external audit commitments into

consideration, the Official Agency shall be subject to at least one internal audit during the term of this contract.

The Official Agency shall provide the Authority with copies of internal audit reports, corrective action plans and updates to the corrective action plans carried out under the National Internal Audit Programme. Progress related to its internal audit activities will be reviewed at liaison meetings and normal communication channels with the Authority. The Official Agency shall participate in bilateral or cross agency meetings relating to internal audit.

1.19 Documented Procedures

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

1.20 Mutual Assistance

The Official Agency contracts for provision of services within its administrative area. Where requested and agreed, assistance may be provided to another Official Agency. An agreement under Section 85 or Section 86 of the Local Government Act 2001 shall be entered into between the Official Agency and at least one other County/City Council in consultation with the Authority to ensure continuity in provision of official food control services and to permit official controls by inspectors from the Official Agency in the area of another Local Authority and *vice versa*. The Official Agency will ensure such arrangements are in accordance with statutory requirements and best practice. This may necessitate travel outside the functional area of the local authority and shall be facilitated by the Official Agency.

The Authority and the Official Agency shall work in partnership with other Local Authorities to develop enhanced collaboration with and between Local Authorities over the lifetime of this contract, so as to facilitate consistently effective implementation of the service contracts in place between the Authority and the Local Authorities. The enhanced collaboration will include an increased capability of the Official Agency to serve enforcement notices and enforce specialised areas of food legislation.

1.21 EU Co-ordinated Control Plans

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

1.22 Inspection reports

The Official Agency shall draw up reports on the official controls that it carries out. These reports shall include a description of the purpose of the official control, the control methods applied, the results of the official control and where appropriate, action that the business operator concerned is to take. A report of the outcome of each inspection of food premises shall be issued to the relevant food business operators. Records of inspections, inspection outcomes and actions taken shall be maintained electronically and entered in the Official Agency Premises Inspection (OAPI) database.

The Official Agency shall maintain records of meetings with and visits to potential/new food business operators. The Authority shall provide a method of recording these meetings/visits in the Official Agency Premises Inspection (OAPI) database.

1.23 Follow up of non-compliances

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

The Official Agency shall ensure documented procedures are in place regarding follow-up of non-compliances.

1.24 Administrative assistance and co-operation

The Official Agency shall agree with the Authority the procedures for administrative assistance and co-operation required under Articles 36-40 of Regulation 882/2004 and include such activity in its Section 48(8) report to the Authority

Requests for assistance made or received by the Official Agency under Article 38, where a risk to human health or a serious infringement of food law is identified, shall be notified to the Authority in a timely manner.

1.25 Food Safety Education Programme

The Official Agency in conjunction with the Authority shall facilitate the delivery of a Food Safety Education Programme to industry staff in premises under their supervision. The Official Agency and the Authority shall agree, in advance, any planned Food Safety Education Programmes the Official Agency intends to implement. The primary responsibility for training of food industry staff remains with the food industry

1.26 Voluntary National Guides

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

1.27 Additional activities

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

1.28 Transparency

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

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

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

1.29 Food Fraud

The Official Agency will perform official controls to identify possible violations perpetrated through fraudulent deceptive practices in so far as they relate to the legislation in Schedule 1 and in line with agreed procedures. The Official Agency will co-operate with the Authority and/or other Official Agencies regarding timely reporting and investigations into alleged food fraud. The additional activities agreed under Clause 1.27 may include proactive official controls in this regard.

2.0 Veterinary Inspection Service

2.1 Introduction

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

2.2 Official Food Control Services to be Provided

The official agency shall fulfill all obligations regarding food safety as agreed from time to time by the Authority and the Official Agency in the context of food legislation. The Official Agency shall institute prosecutions and/or other enforcement measures for offences as appropriate in line with agreed procedures. When an enforcement notice is to be served by the Official Agency the content of the notice shall be agreed with the Authority as a matter of urgency, prior to it being served.

2.2.1 Establishments for Official Controls

The Official Agency shall provide official food control services in certain food establishments, which will be set out in a list that will be maintained by the Authority. Additions to or deletions in the list of establishments will be carried out by the Official Agency and notified to the Authority without delay. Categories of establishments in which official food control services will be provided by the Official Agency will be specified by the Authority. The Authority may if necessary determine responsibility for provision of official controls for specific businesses. The Authority, the Official Agency and other agencies will agree criteria for the allocation of supervising agency for certain establishments.

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

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

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

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

- Animal Identification and Movement System (AIMS).

- National Pig Identification and Tracing System (NPITS).
- National Sheep Identification System (NSIS)
- National Goat Identification System (NGIS)
- Flock Registration Scheme.
- Others as agreed between the Authority and the Official Agency.

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

The Official Agency will carry out inspections to ensure compliance with the legislation on the provision of food information to consumers.

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

The Official Agency shall register establishments in accordance with the legislation governing the operations of the plants, including capturing such information in the electronic database (OAPI) to enable the Authority to maintain the national register of establishments, in accordance with the Standard Operating Procedures of the Local Authority Veterinary Service.

The Official Agency, as part of the normal audit process, shall in line with agreed procedures review all aspects of the operation of each establishment to ensure continued compliance with conditions of approval and legislative requirements. Records of this review shall be maintained by the Official Agency.

2.2.2 Frequency of inspection

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

2.2.3 Additional services

(i) Provision of veterinary inspectors

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

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

Government Act, 2001.

(ii) Illegal slaughter

The Official Agency shall check for illegal slaughtering and unstamped meats, at all establishments under its supervision. Suspicions of illegal slaughter elsewhere will be referred to the Department of Agriculture, Food and the Marine.

(iii) Returns

The Official Agency shall complete and return ER106s to the Department of Agriculture Food and The Marine within the required timescale.

(iv) Sampling

The Official Agency will:

- (a) comply with National Residue Control Programme and where required attend and participate in meetings of the Cross Agency Residues Management Group and Cross Agency Residue Laboratory Group
 - (b) Take samples for analysis as required in accordance with food legislation and in line with the Standard Operating Procedures of the Local Authority Veterinary Service and in accordance with sampling plans to be developed by the Authority and Cork County Council Veterinary Food Safety Laboratory and any other laboratories as applicable,
- noting the need for timely receipt of the programme and plans.

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

The Official Agency shall aim to ensure the appropriate follow up of non-compliant samples.

(v) Consistency working group

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

3.0 Monitoring

3.1 Liaison

The Official Agency shall nominate person(s) including veterinary officers and senior management to liaise with the Contracts Manager in the Authority.

The following meetings shall be held:

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

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

3.2 Access

The Official Agency carrying out functions under this Service Contract shall be acting on behalf of and as an agent for the Authority. The Authority shall have appropriate access as required through the liaison link to the staff referred to in Schedule 3 and to all records, data and sites relevant to food safety duties, including financial records related to expenditure claimed from the Authority. Officers of the Official Agency shall have access as required through the liaison link to records relevant to the Official Agency held by the Authority.

3.3 Review

The Authority will review 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 service contract measures of performance in Appendix 1 and relevant dependencies. 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.

3.4 Verification

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

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

SCHEDULE 3

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

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

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

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

Staffing Resources

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

1.

DISCIPLINE	GRADE	TOTAL	WTE
Veterinarian	Veterinary Inspector(s)	1	1
Administration	Senior Executive Officer	1	0.1
	Clerical Officer	1	0.5
Management	Director of Services	1	

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

2.

Contractors:	TOTAL	WTE
Part-time Temporary Veterinary Inspector(s)	3	0.5

SCHEDULE 4

Data collection and reporting

1.0 General requirements for data collection and reporting

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

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

The data collected is to be maintained and all records are to be kept up to date. Records relevant to this service contract will be kept for a minimum of 5 years. The Official Agency shall record and maintain such data in the Official Agency Premises Inspection database (OAPI). Data should be entered promptly into the database on an ongoing basis.

The Official Agency shall submit copies of enforcement orders/notices served under the Food Safety Authority of Ireland Act, 1998, or other food legislation, to the Authority without delay.

Updates on close outs taken in response to findings of Official Agency internal audits, audits by the Authority and audits by the HFAA, to be provided at quarterly intervals as appropriate.

2.0 Resources

Schedule 3 shall be updated and submitted to the Authority on an annual basis or as changes arise.

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

3.0 Activities undertaken outside of returns outlined at 1.0 and 2.0

The Official Agency will submit, via electronic data capture, an annual Section 48.8 report to the Authority which will record details of:

- (a) Official Control Activities
- (b) Participation on the Authority's working groups, inter- agency working groups and expert working groups and any other similar activity.
- (c) Continual Professional Development undertaken by all staff listed in

Schedule 3

- (d) Food Hygiene Education provided to industry staff
- (e) New business start ups
- (f) Audits (internal & external)
- (g) Food Fraud Investigations

The Official Agency shall record and submit to the Authority annually in a format to be agreed with the Authority:

- (h) Food incidents/outbreaks
- (i) Food complaints
- (j) Complaints regarding the implementation of this Service Contract
- (k) Additional food safety activities as agreed

SCHEDULE 5

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

1. Legal Basis

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

2. General Requirements

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

3. Audit Programmes

The Authority shall provide details of the audits it intends to carry out on activities performed by the Official Agency through the circulation of Audit Programmes. As part of its audit programme planning process the Authority will take due regard of internal audits scheduled or conducted by the Official Agency as detailed in Clause 1.18 of Schedule 2 of the contract.

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

4. Liaison

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

5. Access

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

6. Corrective Action

Where audit findings indicate deficiencies in the controls, a corrective action plan shall be developed by the Official Agency in liaison with the Authority. 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: Template for review of the Service Contract

Clause No.	Clause Heading	Measurable Outcome	Key Deliverable
1.5	National Control Plan for Ireland	Co-operation with the Authority in updating Ireland's National Control Plan and in the preparation of annual reports for Ireland	Supply data to the Authority to enable the updating of Ireland's NCP and annual reports
1.6	Budget Estimate and Service Plan	Prepare budget estimate in Q4 Prepare service plan	Budget estimate to be received by the Authority by the end of Q4 each year Authority to receive service plan as per contract
1.7	Data collection and reporting	Official Agency to forward data to the Authority in accordance with Service Contract requirements	Data received by the Authority
1.14	Designated Officers	Official agency to nominate officers for designation by the Authority Official Agency to review and update designated officers list when change in relevant staff or at least annually	Official Agency to nominate officers for designation Official Agency to review and/or update designated officers list as per contract
1.16	Food Complaints	Official Agency to manage food complaints in accordance with documented procedures Official Agency to update Authority on outcome of food complaints referred to Official Agency by the Authority	Official Agency to manage food complaints as per documented procedures Official Agency to update Authority on outcome and close out of food complaints referred by the Authority

Clause No.	Clause Heading	Measurable Outcome	Key Deliverable
1.17	Missions of the Health and Food Audits and Analysis (HEAA)	<p>Official Agency to participate in HFAA Missions where appropriate</p> <p>Official Agency to close out and/or implement recommendations as appropriate</p>	<p>Participation in Missions</p> <p>Official Agency to respond to HFAA requests as appropriate</p> <p>Close out and/or implementation of recommendations</p>
1.18	Internal Audits	<p>Official Agency to participate in at least one internal audit by the end of the service contract</p> <p>Official Agency to forward to the Authority copies of relevant internal audit reports and corrective action plans</p>	<p>Official Agency to participate as specified</p> <p>Corrective actions implemented</p>
1.22	Inspection Reports	<p>Inspection reports issued to FBO</p> <p>Records of inspections entered on OAPI</p>	<p>Inspection reports received by FBO</p> <p>Inspection records on OAPI</p>
2.2.3	Sampling Plans	Official Agency to organise sampling and sending of Official Control samples as per annual sampling programme	Official Control Samples received by relevant labs