DATED this 30th Day of January 2014

Service Contract

between

THE FOOD SAFETY AUTHORITY OF IRELAND
(Údarás Sábháilteachta Biana hÉireann)

- and -

THE SEA FISHERIES PROTECTION AUTHORITY
(An tÚdaras um Chosaint Iascaigh Mhara)

CONTENTS

SERVICE CONTRACT

THIS SERVICE CONTRACT is made the 30th day of January 2014 **BETWEEN:**

THE FOOD SAFETY AUTHORITY OF IRELAND, established in Ireland pursuant to the Food Safety Authority of Ireland Act, l998 (hereinafter referred to as the "Authority") having its principal place of business at Abbey Court, Lower Abbey Street, Dublin 1; and **THE SEA FISHERIES PROTECTION AUTHORITY,** having its principal place of business at **Park Road, Clogheen, Clonakilty, Co. Cork** (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, l998 [No. 29 of 1998] as amended;

"**Authority**" means the Food Safety Authority of Ireland;

"**Commencement Date**" means the 1st Day of January 2014;

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

"**Official Agency**" means the Sea-Fisheries Protection Authority;

"OAPI" means the 'Official Agency Premises Inspection' database, any development or version of the database or any successor system or database.

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 up to and including sale or supply of food to the consumer, the Authority will delegate the requisite powers, duties and responsibilities to the Official Agency commensurate with its role as a Competent Authority as defined within the terms of this Service Contract.

3. For the purposes of section 48(5) of the Act, this Service Contract shall be in force for a period from the commencement date to the 31st December 2019. The Service Contract may be subject to review, modification or amendment by either party, and may be extended by agreement.

4. For the purposes of Section 11 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;

    (b) the provision of food safety and food hygiene information to producers, manufacturers and distributors.

5. For the purposes of Article 10 of Regulation (EC) No 882/2004, 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 examination of any control systems that food business operators have put in place and the results obtained;

    (b) the inspection of:-

        (i) primary producers' installations, food businesses, including their surroundings, premises, offices, equipment, installations and machinery, transport, as well as of food;

        (ii) raw materials, ingredients, processing aids and other products used for the preparation and production of food;

        (iii) semi finished products;

        (iv) materials and articles intended to come into contact with food;

        (v) cleaning and maintenance products and processes, and pesticides;

        (vi) labelling, presentation and advertising;

    (c) checks on the hygiene conditions in food businesses;

    (d) assessment of procedures on good manufacturing practices (GMP), good hygiene practices (GHP), good farming practices and HACCP, taking into account the use of guides established in accordance with Community legislation;

(e) examination of written material and other records which may be relevant to the assessment of compliance with food law;

(f) interviews with food business operators and with their staff;

(g) the reading of values recorded by food business measuring instruments;

(h) controls carried out with the Official Agency's own instruments to verify measurements taken by food business operators; and

(i) any other activity required to ensure that the objectives of Regulation (EC) No 882/2004 are met.

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; and

(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.

7. In accordance with the provisions of Regulation (EC) No 882/2004 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 and distributors 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 by
Prof. Alan Reilly, Chief Executive Officer

PRESENT when the Official Seal of
THE SEA FISHERIES PROTECTION AUTHORITY
was affixed hereto by
Dr. Susan Steele, Authority Chair

SCHEDULE 1 – Food Legislation

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 hereunder 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. 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 hereunder) 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.

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
Sea-Fisheries and Maritime Jurisdiction Act 2006.	Act No. 8 of 2006
District Court (Food Safety) Rules 2004	S.I. No. 700 of 2004

2. General Food Hygiene	
E.C. (Food and Feed Hygiene) Regulations 2009	S.I. No. 432 of 2009 S.I. No. 312 of 2010 S.I. No. 488 of 2010 S.I. No. 587 of 2010 S.I. No. 164 of 2012 S.I. No. 362 of 2012
Commission Regulation (EU) No. 16/2011 of 10 January 2011 laying down implementing measures for the Rapid Alert System for Food and Feed (in so far as it relates to food)	
Commission Implementing Regulation (EU) No. 809/2011 of 11 August 2011 amending Regulation (EC) No 2074/2005 as regards documentation accompanying imports of frozen fishery products directly from a freezer vessel	
E.U. (Microbiological Criteria for Foodstuffs) Regulations 2012	S.I. No. 474 of 2012
3. Fisheries Control	
Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy	
4. Labelling	
4.1 General Labelling	
European Communities (Labelling, Presentation and Advertising of Foodstuffs) Regulations, 2002	S.I. No. 483 of 2002 S.I. No. 257 of 2003 S.I. No. 451 of 2003 S.I. No. 528 of 2003 S.I. No. 228 of 2005 S.I. No. 514 of 2005 S.I. No. 647 of 2005 S.I. No. 376 of 2007 S.I. No. 808 of 2007 S.I. No. 424 of 2008 S.I. No. 61 of 2009
European Communities (Labelling of Fishery and Aquaculture Products) Regulations 2003	S.I. No. 320 of 2003

Commission Regulation (EC) No. 415/2009 of 20 May 2009 amending Directive 2007/68/EC amending Annex IIIa to Directive 2000/13/EC of the European Parliament and of the Council as regards certain food ingredients	
European Communities (Identification of Foodstuff lot) Regulations, 1992	S.I. No. 110 of 1992
Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004	
4.2 Nutrition & Health Claims:	
European Communities (Nutrition Labelling for Foodstuffs) Regulations 2009	S.I. No. 461 of 2009
Regulation (EC) No. 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods	
Corrigendum to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods	
Regulation (EC) No. 109/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods.	
Commission Regulation (EC) No. 353/2008 of 18 April 2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No. 1924/2006 of the European Parliament and of the Council.	
Commission Regulation (EC) No. 1169/2009 of 30 November 2009 amending Regulation (EC) No. 353/2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No. 1924/2006 of the European Parliament and of the Council.	
Commission Regulation (EU) No. 116/2010 of 9 February 2010 amending Regulation (EC) No. 1924/2006 of the European Parliament and of the Council with regard to the list of nutrition claims.	

Commission Regulation (EC) No. 983/2009 of 21 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EU) No. 376/2010 of 3 May 2010 amending Regulation (EC) No. 983/2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EC) No. 984/2009 of 21 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EC) No. 1024/2009 of 29 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EC) No. 1025/2009 of 29 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EC) No. 1167/2009 of 30 November 2009 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EC) No. 1168/2009 of 30 November 2009 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EU) No. 375/2010 of 3 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EU) No. 382/2010 of 5 May 2010 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EU) No. 383/2010 of 5 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EU) No. 384/2010 of 5 May 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health	

Commission Regulation (EU) No. 957/2010 of 22 October 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health.	
Commission Regulation (EU) No. 958/2010 of 22 October 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health.	
Commission Regulation (EU) No. 1161/2010 of 9 December 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health.	
Commission Regulation (EU) No. 1162/2010 of 9 December 2010 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health.	
Commission Regulation (EU) No. 432/2011 of 4 May 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health.	
Commission Regulation (EU) No. 440/2011 of 6 May 2011 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to children's development and health.	
Commission Regulation (EU) No. 665/2011 of 11 July 2011 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk.	
Commission Regulation (EU) No. 666/2011 of 11 July 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to childrens development and health.	
Commission Regulation (EU) No. 1160/2011 of 14 November 2011on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk	
Commission Regulation (EU) No. 1170/2011 of 16 November 2011 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk	
Commission Regulation (EU) No. 1171/2011 of 16 November 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EU) No. 378/2012 of 3 May 2012 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health	
Commission Regulation (EU) No. 379/2012 of 3 May 2012 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health	

Commission Regulation (EU) No. 432/2012 of 16 May 2012 establishing a list of permitted health claims on foods, other than those referring to the reduction of disease risk and to children's development and health	
5. Materials in Contact with Foodstuffs:	
European Communities (Plastics and other materials) (Contact with food) Regulations 2007	S.I. No.587 of 2007 S.I. No. 88 of 2009 S.I. No. 463 of 2009 S.I. No. 301 of 2010
Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food	
Commission Regulation (EU) No. 1282/2011 of 28 November 2011 amending and correcting Commission Regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food	
6. Manufacturing and Processing Methods	
E.C. (Quick- Frozen Foodstuffs) Regulations 1992 and 1995	S.I. No.290 of 1992 S.I. No.370 of 1995
European Communities (Foodstuffs) (Accession of Bulgaria and Romania) Regulations 2008	S.I. No. 392 of 2008
7. Animal by-products	
European Communities (Transmissible Spongiform Encephalopathies and Animal By-products) Regulations 2008 (Regulations 1, 2, 7,10(10), 10A, 16(16)-(19), 18-20, 22-35 only in so far as they relate to food safety aspects within the meaning of the first mentioned Regulation)	S.I. No. 252 of 2008 S.I. No. 291 of 2009 S.I. No. 150 of 2011
Regulation (EC) No. 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 (Animal by-products Regulation) (Articles 1-4, 7-10, 21-22 and 26 only in so far as they relate to food safety)	
Commission Regulation (EU) No. 142/2011 of 25 February 2011 implementing Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (Article 17 & Chapters I, II, III & IV (Section 1 only) of Annex VIII only in so far as they relate to food safety)	
8. Zoonoses	

E.C. (Monitoring of Zoonoses) Regulations 2004	S.I. No. 154 of 2004
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
10. Contaminants	
E.C. (Certain Contaminants in Foodstuffs) Regulations 2010	S.I. No. 218 of 2010 S.I. No. 276 of 2012 S.I. No. 348 of 2012
Commission Regulation (EC) No. 315/93 of 8 February 1993 laying down Community procedures for contaminants in food	
Health (Arsenic and Lead in Food) Regulations, 1972 & 1992	S.I. No. 44 of 1972 S.I. No. 72 of 1992
11. Additives and Flavourings	
E.C. (Additives, Colours and Sweeteners in Foodstuffs) Regulations, 2000	S.I. No.437 of 2000 S.I. No.342 of 2001 S.I. No.344 of 2002 S.I. No.380 of 2002 S.I. No. 61 of 2005 S.I. No. 192 of 2005 S.I. No. 193 of 2005 S.I. No. 171 of 2007 S.I. No. 34 of 2008 S.I. No. 59 of 2008 S.I No. 369 of 2008 S.I. No. 126 of 2009 S.I. No. 522 of 2010 S.I. No. 534 of 2010 S.I. No. 130 of 2011
E.C. (Food Additives other than Colours and Sweeteners) Regulations, 2004	S.I. No.58 of 2004 S.I. No.369 of 2005 S.I. No. 40 of 2008 S.I. No. 93 of 2011
E.C. (Flavourings for use in Foodstuffs for Human Consumption) Regulations 1992	S.I. No.22 of 1992
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
E.C. (Food Additives) (Purity Criteria Verification) Regulations 1983	S.I. No. 60 of 1983
Regulation (EC) No 2065/2003 of the European Parliament and Council of 10 November 2003 on smoke flavourings used or intended for use in or on foods	
Commission Regulation (EC) No. 884/2007 of 26 July 2007, on emergency measures suspending the use of E 128 Red 2G as food colour	

Regulation (EC) No. 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorization procedure for food additives, food enzymes and food flavourings	
Regulation (EC) No. 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No. 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No. 258/97	
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.	
Regulation (EC) No. 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives	
Commission Regulation (EU) No. 238/2010 of 22 March 2010 amending Annex V to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council with regard to the labelling requirement for beverages with more than 12% by volume of alcohol and containing certain food colours	
Commission Regulation (EU) No. 257/2010 of 25 March 2010 setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives	
Regulation (EC) No. 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No. 1601/91, Regulations (EC) No. 2232/96 and (EC) No. 110/2008 and Directive 2000/13/EC	
European Communities (Purity Criteria on Food Additives other than Colours and Sweeteners) Regulations 2009	S.I. No. 277 of 2009 S.I. No. 128 of 2011
Commission Regulation (EU) No. 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives	
Commission Regulation (EU) No. 1130/2011 of 11 November 2011 amending Annex III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on Food additives by establishing a Union list of food additives approved for use in food additives, food enzymes, food flavourings and nutrients	
Commission Regulation (EU) No. 1131/2011 of 11 November 2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council with regard to steviol glycosides	
Commission Regulation (EU) No. 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council	
Commission Regulation (EU) No. 232/2012 of 16 March 2012 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the conditions of use and the use levels for	

Quinoline Yellow (E 104), Sunset Yellow FCF/Orange Yellow S (E 110) and Ponceau 4R, Cochineal Red A (E 124)	
Commission Regulation (EU) No. 380/2012 of 3 May 2012 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council as regards the conditions of use and the use levels for aluminium-containing food additives	
12. Food for Particular Nutritional Uses	
Commission Regulation (EC) No. 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs for people intolerant to gluten	
13. Miscellaneous	
13.1 Food Fortification	
Regulation (EC) No. 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods	
Regulation (EC) No 108/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No.1925/2006 on the addition of vitamins and minerals and of certain other substances to foods	
Commission Regulation (EC) No. 1170/2009 of 30 November 2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No. 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements.	
Commission Implementing Regulation (EU) No 307/2012 of 11 April 2012 establishing implementing rules for the application of Article 8 of Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods	
13.2 Fish Health and Imports	
European Communities (Veterinary Checks on Fish and Fishery Products Imported from Third Countries) Regulations 2003	S.I. No. 548 of 2003
Commission Regulation (EC) No. 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species (insofar as it pertains to food)	

SCHEDULE 2 – Objectives, targets timeframes and other matters

The objectives, targets, timeframe and other matters relating to food inspection and analysis which the Authority has agreed with 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 enhance consumer protection and ensure a seamless inspection service. The Official Agency shall encourage its staff to engage in inter-agency activities such as:

(a) Sharing of information on food businesses.

(b) Provision of reasonable assistance as appropriate.

(c) Participation in cross-agency meetings.

(d) Inter-agency training.

(e) Multi-disciplinary working.

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

(i) Identified risks associated with food, food businesses, the use of food or any process, material, substance, activity or operation that may influence food safety.

(ii) Food business operators' past record as regards compliance with food law.

(iii) The reliability of any own checks that have already been carried out.

(iv) Any information that might indicate non-compliance.

Official controls shall be carried out, as appropriate, at any of the stages of production, processing and distribution of food and of animals and animal products. They shall include controls on food businesses, on the use of food, on the storage of food, on any process, material, substance, activity or operation including transport applied to food and on live animals, required to achieve the objectives of this Service Contract.

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

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

In accordance and as required by Regulation (EC) No 882/2004, 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.

1.2 Legislation.

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

1.3 National Control Plan for Ireland (NCP).

The Official Agency shall have regard to the importance of achieving the aims of the National Control Plan for Ireland. The Official Agency shall contribute to the preparation of the NCP for Ireland.

1.4 Participation on Working Groups.

The Official Agency shall participate as agreed in working groups, interagency working groups and expert working groups to:

(a) Produce and keep under review the multi-annual national control plan for Ireland.

(b) Produce Guidance Notes, Codes of Practice and Guides to Good Hygiene Practice.

(c) Evaluate the implications of existing and proposed legislation.

(d) Evaluate relevant food safety/scientific information.

(e) Produce other outputs as agreed.

1.5 Annual Control Plan.

The Official Agency shall prepare an Annual Control Plan each year. The content and format of the plan will be agreed between the Authority and the Official Agency, and will include details and a schedule of the proposed internal audits the Official Agency intends to carry out in the year in question. The plan shall be submitted to the Authority in the first quarter of each calendar year.

1.6 Data collection, reporting and information systems.

The Official Agency shall collect agreed data and store it on the 'Official Agency Premises Information' (OAPI) system or any successor system.

The Official Agency and the Authority agree that data stored on the OAPI system falls within the scope of Section 16 of the Act and will be treated as such.

Where agreed, the Official Agency agrees to validate all data.

The Authority agrees to host and maintain the physical infrastructure, including file servers, associated with the OAPI system.

The Authority will be responsible for ensuring the relevant data protection provisions are complied with in relation to OAPI.

Excluding force majeure events, the Authority agrees to ensure that the OAPI system is available 95% of the time between the hours of 0900 and 1700 on all working days (i.e. Mondays through to Fridays excluding statutory holidays) on a year round basis.

The Authority agrees to provide at least 5 working days notice of any planned maintenance and as much notice as is practical for any emergency maintenance.

1.7 Information systems maintenance.

The Official Agency agrees to contribute an agreed amount towards the maintenance and upgrading of the multi-agency OAPI system and any successor system. The contribution will be reviewed as additional Official Agencies adopt the OAPI system.

The Authority will set up a Management Group for the OAPI System, the Official Agency agrees to participate in this Group.

The primary role of this Management Group will be to maintain, enhance, upgrade and develop the software of the OAPI system, as necessary, to meet the common and individual needs of the system's users groups.

Membership of the Management Group will comprise of the Authority and such Official Agencies as are using or actively planning to use the OAPI system.

The Management Group will decide its own arrangements for chairing meetings and co-ordinating activities and ongoing work.

The Management Group will meet at least twice per year or more often as it deems necessary. Meetings may be physical or via teleconference by agreement of the group.

The Authority and Official Agency may send as many representatives as it requires to the meeting of the Management Group, but regardless of the number of representatives present at any meeting each of the

members (i.e. the Authority and Official Agencies) will enjoy equal standing.

The Management Group will, through consensus as far as possible, agree and prioritise a list of enhancements, developments and upgrades for the OAPI system. This list will be reviewed at each meeting of the Management Group

1.8 Food Incident Management, Contingency Planning and Out of Hours Emergency/On Call Services.

The Official Agency, in conjunction with the Authority, shall develop incident management and contingency plans at central and regional level for dealing with crisis incidents, large scale food safety incidents and outbreaks of food related disease.

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

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.

1.9 Rapid Alert System for Food and Feed.

The Official Agency shall facilitate and participate in the operation of the EU Rapid Alert System for Food and Feed as required.

1.10 Zoonoses.

Where participation is facilitated, the Official Agency shall provide staff to attend Regional Zoonoses Committee meetings.

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

1.11 Investigation of Outbreaks.

Provisions shall be made by the Official Agency to deal effectively with food borne outbreaks in accordance with agreed protocols. Staff shall assist Outbreak Control Teams as required.

1.12 Complaints Regarding the Implementation of the Service Contract.

Without prejudice to Section 49 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006), the Official Agency shall provide information to the Authority on complaints regarding the Food Control Services provided under this Service Contract within 7 days of the complaint being made.

Complaints will be managed in accordance with an agreed procedure, and in a manner consistent with “The Ombudsman’s Guide to Standards of Best

Practice for Public Servants." The Official Agency shall co-operate with the Authority in any investigation regarding these complaints.

1.13 Enforcement Policy.

The Official Agency has developed an enforcement policy and this has been communicated to the Authority.

1.14 Designated Officers.

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

1.15 Continuing Professional Development.

Appropriate training must be provided for staff performing official controls to ensure competent and consistent implementation in accordance with Annex II, Chapter 1 of Regulation 882/2004. All staff performing official controls must be kept up to date in their area of competence and be provided with additional regular training as necessary.

A training strategy shall be developed by the Official Agency to include details of Continuing Professional Development to be provided to all staff listed in Schedule 3. Induction training is to be provided for all new staff by the Official Agency.

1.16 Missions of the Food and Veterinary Office (FVO).

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

1.17 Quality Management System.

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

A quality management system will be maintained over the duration of this contract.

1.18 Internal Audit

In the process of establishing a Quality Management System the Official Agency shall maintain an Internal Audit function to ensure official control activities achieve the objectives set out in relevant statutory requirements. The Official Agency shall take appropriate measures in light of audit findings and make all relevant documentation available for external audit by relevant authorities. The Official Agency shall continue to develop its Internal Audit function and the pilot system shall be reviewed in 2013.

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

1.19 Boundaries of the service.

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

1.20 EU Co-ordinated Control Plans.

The Official Agency shall carry out activities in accordance with the E.U. Co-ordinated Control Plans (under Regulation (EC) No 882/2004) as agreed with the Authority.

1.21 Inspection Reports.

A report of the outcome of each inspection of a food premises shall be issued to the relevant food business operator within 21 days of the inspection being carried out.

1.22 Administrative assistance and co-operation.

The Official Agency shall record any assistance provided to or from other Member States under Articles 36-40 of Regulation 882/2004 and include such activity in its Section 48(8) report to the Authority.

Requests for assistance made or received by the Official Agency under Article 38, where a risk to human health or a serious infringement of food law is identified, shall be notified to the Authority within 24 hours of them being made.

1.23 Food Safety Information.

The Official Agency shall provide information to the seafood sector on food safety law and relevant matters within its remit, through the Consultative Committee established under section 48 of the Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8 of 2006) or by any other means it considers appropriate,

1.24 Guides to Good Practice.

In accordance with the Authority's Guidance Note Number 23 (Development and Assessment of Recognised National Voluntary
Guides to Good Hygiene Practice and the Application of HACCP Principles) the Authority and the Official Agency shall implement an agreed policy to encourage and facilitate the development of Guides to Good Practice on Hygiene and HACCP principles by the seafood industry.

1.25 Molluscan Shellfish Safety Committee (MSSC).

The Official Agency will participate in the MSSC, and the associated Management Cell.

1.26 Border Inspection Posts

The Official Agency will be the competent authority for the import of fishery products and other seafood from third countries.

1.27 Additional Activities.

The Official Agency will participate in activities relating to food safety that may be arranged by the Authority, 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. Seafood Control Services

2.1 Introduction.

The Official Agency will maintain specified and dedicated resources for the enforcement of Food Legislation, including providing a central Food Safety Liaison Unit.

2.2 Official Food Control Services to be Provided.

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 legislation outlined in Schedule 1.

This includes fulfilling all obligations regarding food safety in the context of the list of legislation outlined in Schedule 1 for primary producers.

The determination of compliance with food legislation will be by means of:

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

(b) The inspection, sampling and analysis of food, including food ingredients.

(c) Ensure technical support on imports of fish and fishery products is provided to Veterinary Officers at Border Inspection Posts when required.

(d) Labelling checks should where possible take place as part of the control activities carried out by the Official Agency.

(e) The verification of compliance with potable water requirements.

(f) The provision of food safety and food hygiene information to producers, manufacturers and distributors.

(g) The management and supervision, in accordance with agreed protocols or Codes of Practice, of:

(i) Molluscan production and relaying areas, including compliance with the Codes of Practice on Monitoring of Marine Biotoxins in Bivalve Molluscs, and, Microbiological Monitoring of Bivalve Mollusc Production Areas.

(ii)

(iii) Purification plants and dispatch centres.

(iv) Fishing vessels.

(v) Auction centres

(vi) Processing establishments.

(vii) Ice Plants.

(viii) Storage

(ix) Transport.

(x) Third Country Imports and Border Inspection Posts.

Notwithstanding the obligations outlined in this section, the Official Agency and the Authority acknowledge the availability of statutory powers under the Food Safety Authority of Ireland Act which permit the Authority to carry out inspections, visits and other official controls in establishments subject to supervision by the Official Agency.

However, it is accepted that such visits will generally be conducted in the company of an officer from the Official Agency.

Where this is not possible, because of the exigency of the circumstances, as much notice as is practical will be provided to the Official Agency.

Furthermore, the Authority will provide written details of the reasons for their visit and the findings at the earliest possible opportunity to the Official Agency so as to allow them to fully and effectively discharge their role under this service contract.

3. Service Outputs/Activity.

3.1 Advice.

The Official Agency will provide advice to the Authority on:

(a) Risk management measures necessary to ensure the safety of food harvested from the sea.

(b) The marine environment and its actual or potential impact on food safety.

Advice may be given proactively, or following a request from the Authority**.**

3.2 Premises' Frequency of Inspection.

The frequency of inspection for establishments mentioned in Clause 2.2 of this Schedule of the contract will be as agreed in the relevant operational procedures between the Authority and the Official Agency.

Where operational procedures relating to the abovementioned services have not been developed, both the Official Agency and the Authority will co-

operate to develop and publish them in a manner that will allow them to be incorporated in to the Quality Management System of the Official Agency.

3.3 Molluscan Production Areas.

The Official Agency will ensure that 90% of verification samples of shellfish and water taken by the Official Agency as part of the National Marine Biotoxin Programme arrive at the analysing laboratory within 24 hours of sampling.

The Official Agency will co-operate with the Authority and the Marine Institute in the operation of a programme to monitor the microbiological contamination of live bivalve molluscs. This will include the ongoing development and implementation of Codes of Practice on monitoring, sampling and management of shellfish under this programme.

As part of this programme, the Official Agency will ensure that 90% of samples taken for the purposes of microbiological monitoring and classification arrive at the examining laboratory within 24 hours of sampling.

The Official Agency will follow up all instances of missing, rejected or otherwise non-conforming samples taken for either biotoxin or microbiological purposes and implement corrective action. Details of all such samples shall be provided to the Authority and the MSSC.

The Official Agency will classify shellfish production areas according to the Code of Practice on Microbiological Monitoring of Bivalve Mollusc Production Areas

The Official Agency will participate in all MSSC meetings, and the associated Management Cell.

The Official Agency will respond to all Management Cell requests within 24 hours.

3.4 Official Control of Certain Substances and Residues thereof.

The Official Agency will respond within 3 working days to all reports provided by the Marine Institute of non-conformances detected as part of the National Residues Control Plan (NRCP) insofar as it applies to seafood.

Reports on the progress of such investigations will be submitted to the Authority. The Official Agency and the Marine Institute have developed a Code of Practice for the handling of non-compliant residue samples.

3.5 Delegation of tasks.

Under Regulation 882 of 2004, the Official Agency may delegate specific tasks to a laboratory only if the delegated laboratory is accredited for those tasks to EN ISO/IEC 17025. The Authority shall be informed of such delegations as soon as is reasonable practicable after they are made. Any such delegations must be made in a manner consistent with Article 5 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council of the 29th April 2004 on official controls performed to ensure the

verification of compliance with feed and food law, animal health and animal welfare rules.

4. Monitoring

4.1 Liaison.

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

The following liaison meetings shall be held:

(a) Four Official Agency liaison meetings, one per quarter in each calendar year.

(b) One annual food safety regional meeting/workshop for all Sea-Fishery Protection Officers held at a number of agreed venues around the country.

(c) Two Trilateral liaison meetings, in conjunction with the Marine Institute, in the first and second half of each calendar year.

(d) Additional meetings will be held as required by either party.

(e) Cross Agency meetings as arranged by the Authority to which the Official Agency will send representatives.

Prior to each scheduled meeting of the MSSC, the Official Agency agrees to meet with the Authority and the Marine Institute on a trilateral basis, with a view to discussing and achieving consensus on key issues.

4.2 Access.

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. 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.

4.3 Audit Techniques.

The Authority may take such measures, as it considers appropriate to determine compliance by the Official Agency with the requirements of this contract. This will include audit in accordance with Schedule 5 and the Official Agency agrees to cooperate with the Authority's.audit activities.

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

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

SCHEDULE 3 - Resources

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

Staffing Resources

At each Service Contract Liaison Meeting, the Official Agency shall provide an indication of all staff involved for the purposes of this Service Contract.

SCHEDULE 4 - Data Collection and Reporting

1. General requirements for data collection and reporting

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

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

The data collected is to be maintained and all records are to be kept up to date. Records relevant to this service contract will be kept for a minimum of 5 years.

An agreed dataset is to be electronically transferred to the Authority. As part of the agreed dataset, information on internal audit activities will be forwarded to the Authority.

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

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

2. Resources

Schedule 3 shall be updated and submitted to the Authority 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 the liaison meetings.

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

3. Activities undertaken outside of returns outlined at 2.0

The Official Agency will record and submit to the Authority annually details of:

(a) Food incidents/outbreaks.

(b) Internal audit activities as required by Regulation 882/2004

(c) Participation on Food Safety Authority of Ireland working groups, interagency working groups and expert working groups and any other similar activity.

(d) Continual Professional Development undertaken by staff.

(e) Complaints regarding the implementation of the service contract.

(f) Provision of food safety information to the food industry.

(g) Additional food safety activities as agreed.

SCHEDULE 5 – Audit of the Service Contract

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

1. Legal Basis

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

2. General Requirements

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

3. Programming

The Authority shall provide details of the audits it intends to carry out on the Official Agency's activities through the circulation of its audit programmes. As part of its planning process the Authority will take due regard of internal audits planned or carried out by the Official Agency as detailed in Clause 1.18 of Schedule 2 of the contract.

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

4. Liaison

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

5. Access

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

6. Corrective Action

Where audit findings indicate deficiencies in the controls, a corrective action plan will be developed by the Official Agency in liaison with the Authority.
The Authority will monitor implementation of the plan to ensure corrective action is adequate, appropriate and implemented in a timely manner.

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