



SCOTTISH EXECUTIVE



Single integrated national control plan for the United Kingdom

January 2007 to March 2011

Note for consultation

This draft of the National Control Plan covers only the official control arrangements in the UK for the feed and food sectors and also the plant health sector. It does not cover the animal health and welfare sectors. Responsibility for those parts of the Plan lies with the Department of Environment, Food and Rural Affairs, the Scottish Executive Environment and Rural Affairs Department, the Welsh Assembly Government Environment, Planning and Countryside Department, and the Department of Agriculture and Rural Development for Northern Ireland. These Departments are in the process of developing these elements and these will be integrated with the feed and food elements and the plant health elements post-consultation.

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Abbreviations

A list of the abbreviations used in the plan is provided below.

AFBI	Agri-Food Biosciences Institute for Northern Ireland
AHDO	Animal Health Divisional Office
AMI	Animal Medicines Inspectorate
AOAC	Association of Official Analytical Chemists
APA	Association of Public Analysts
APHA	Association of Port Health Authorities
ASP	Amnesic shellfish poisoning
BIP	Border Inspection Post
BSE	Bovine spongiform encephalopathy
CEFAS	Centre for Environment, Fisheries and Aquaculture Science
CRL	Community Reference Laboratory
CSL	Central Science Laboratory
DARD	Department for Agriculture and Rural Development for Northern Ireland
Defra	Department for Environment, Food and Rural Affairs
DHI	Dairy Hygiene Inspectorate
DSP	Diarrhetic shellfish poisoning
DVM	Divisional Veterinary Manager
DVO	Divisional Veterinary Officer
EC	European Community
EEC	European Economic Community
EHO	Environmental Health Officer
EMI	Egg Marketing Inspectorate
EPC	Welsh Assembly Government, Environment, Planning and Countryside Department
EPU	Egg and Poultry Unit
EU	European Union
FAPAS	Food Analysis Performance Assessment Scheme
FARE	Feed Additives, Research & Enforcement
FRS	Fisheries Research Services
FSA	Food Standards Agency
FVO	Food and Veterinary Office
HACCP	Hazard Analysis Critical Control Point
HMRC	Her Majesty's Revenue and Customs
HPA	Health Protection Agency
ISO	International Standardisation Organisation
LACORS	Local Authorities Co-ordinators of Regulatory Services
MDS	Milk and Dairy Scheduling System
MHS	Meat Hygiene Service

MoU	Memorandum of Understanding
MRL	Maximum Residue Level
NCP	National Control Plan
NIFELG	Northern Ireland Food Enforcement Liaison Group
Non-POAO	Products of non-animal origin
NPTC	National Proficiency Tests Council
NRL	National Reference Laboratory
NVQ	National Vocational Qualification
OTM	Over thirty months
OV	Official Veterinary
OVS	Official Veterinarian Surgeon
PCBs	Polychlorinated biphenols
PCN	Potato cyst nematode
PHSI	Plant Health and Seeds Inspectorate
POAO	Products of animal origin
PRC	Pesticides Residues Committee
PSD	Pesticide Safety Directorate
PSP	Paralytic Shellfish Poisoning
QAB	Quality Assurance Branch
RASFF	Rapid Alert System for Feed and Food
RDS	Rural Development Service
RPA	Rural Payments Agency
SAHO	Senior Animal Health Officer
SAMS	Scottish Association for Marine Science
SASA	Scottish Agricultural Science Agency
SEERAD	Scottish Executive, Environment and Rural Affairs Department
SFBB	Safer Food Better Business
SFELC	Scottish Food Enforcement Liaison Group
SI	Statutory Instrument
SLA	Service Level Agreement
SPVO	Senior Principal Veterinary Officer
SR	Statutory Rule
SRM	Specified risk material
SSI	Scottish Statutory Instrument
SVS	State Veterinary Service
TRACES	Trade control and expert system
TSEs	Transmissible Spongiform Encephalopathies
UKAS	United Kingdom Accreditation Service
VAU	Verification and Audit Unit
VIPER	Veterinary Instructions, Procedures and Emergency Routines
VLA	Veterinary Laboratory Agency
VMD	Veterinary Medicines Directorate
VMHA	Veterinary Meat Hygiene Adviser
VO	Veterinary Officer
VS-VPHU	Veterinary Service – Veterinary Public Health Unit

Contact point

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Enquires will then be forwarded either within the Food Standards Agency or to other Government Departments as appropriate.

Chapter 1 - Introduction

Background

- 1.1 The UK Single Integrated National Control Plan (NCP) has been prepared in accordance with the requirements of European Community Regulation 882/2004 on official controls.¹ This Regulation sets down the principles and approach to be taken by the authorities in EU Member States that have responsibility for monitoring and enforcing compliance with feed and food law and with animal health and animal welfare rules (i.e. the 'competent authorities' responsible for organising and undertaking 'official controls'). The underpinning aim of the Regulation is to improve the consistency and effectiveness of official controls within Member States and across the European Community, and to provide safeguards to consumers. Each Member State is required to prepare a multi-annual (between three and five years) NCP describing the national official feed and food, and animal health and welfare control arrangements and setting out the objectives and priorities for control activities during the period of the plan. Although the general provisions of Regulation 822/2004 do not apply to plant health controls, the Regulation does require that arrangements for these be included in the NCP. Further information on the provisions of the Regulation, including those on NCPs, as they relate to monitoring and enforcing the requirements of feed and food law in the UK are available at:

<http://www.food.gov.uk/multimedia/pdfs/offcgaaguidancenotes.pdf>.

- 1.2 The NCP has been prepared jointly by the Food Standards Agency (FSA), the Department for Environment, Food and Rural Affairs (Defra), the Scottish Executive Environment and Rural Affairs Department (SEERAD), the Welsh Assembly Government Environment, Planning and Countryside Department (EPC) Department, and the Department of Agriculture and Rural Development for Northern Ireland (DARD).

Scope of the UK NCP

- 1.3 The NCP covers the official control systems in place in the UK in respect of 'feed law' and 'food law' (as defined for the purposes of EU Regulation 882/2004^{2, 3}), [and in respect of animal health and animal welfare rules].⁴ In

¹ Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules. Official Journal L191, 28.5.2004, 1-52.

² 'Feed law' means the laws, regulations and administrative provisions governing feed in general, and feed safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of feed and the use of feed - Article 2(3) of Regulation 882/2004.

addition, the scope extends to plant health controls in respect of the rules included in Council Directive 2000/29/EC.⁵

Note for consultation

See note on cover page concerning the scope of this consultation draft of the NCP.

Content of the plan

- 1.4 The NCP outlines what the FSA, Defra (and its agencies), SEERAD, EPC and DARD are aiming to achieve by implementing the plan, i.e. the strategic objectives (Chapter 2). Following this, and in accordance with the requirements of Regulation 882/2004, and taking account of the guidance on preparing control plans developed by the European Commission,⁶ the NCP describes the regulatory landscape in the UK (Chapter 3). It provides details of the roles and responsibilities of the different authorities (the competent authorities) and associated bodies that are involved and gives an overview of how these authorities and other bodies meet the requirements set out for them in Regulation 882/2004. It outlines how these authorities co-ordinate their activities and work together to safeguard public and animal health, and to protect consumers (Chapter 4). It also provides information on the mechanisms that are in place or are being put in place to help improve the consistency and effectiveness of enforcement across all the sectors, and for sharing of good practice by enforcement practitioners (Chapter 5). The planned official control activities of the competent authorities (and the priorities for these) during the period of the NCP, are also set out (Chapter 6). Finally, the procedures for monitoring and reporting the progress of implementation of the NCP are described (Chapter 7).

Planning cycle

- 1.5 The planning cycle for UK NCPs will follow that of the Westminster Government's Spending Review (this applies primarily to England and spending review cycles may vary in other parts of the UK). These Spending

³ 'Food law' means the laws, regulations and administrative provisions governing food in general, and food safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of food - Article 3(1) of Regulation (EC) No 178/2002 laying down the general principles and requirements of food law. For the purposes of Regulation 882/2004, 'food law' does not include rules on marketing standards for agricultural products.

⁴ This comprises all relevant Community animal health and welfare rules (including those applicable to bee health and fish health) and national measures that implement these rules or give effect to them.

⁵ Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. Official Journal L 169, 10.7.2000, 1-112.

⁶ Draft Commission Decision (EN 660005 - Rev 5) setting out guidelines to assist Member States in preparing the single integrated multi-annual national control plan further to the provisions of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and welfare rules.

Reviews set firm and fixed Departmental expenditure limits and define the key improvements that the public can expect from these resources. The reviews cover three years although they generally take place every two years with a one year overlap. The next spending review will be in 2007 and will include spending plans for 2008-09, 2009-10 and 2010-11. The first UK NCP will, therefore, cover to the end of this period.

Note for consultation

- **Do you agree that we should base the planning cycle on that of the Spending Reviews?**
- **Do you agree with the proposed period for the first UK NCP?**
- **Should any other factors be taken into account in deciding the planning period? If so, what are these and why?**

Implementation of the NCP

- 1.6 The NCP will be implemented from 1 January 2007. Delivery of the objectives will be monitored and the plan kept under review and updated as appropriate. Annual progress reports on implementation, as is required by Regulation 882/2004, will be provided to the European Commission.
- 1.7 The NCP, together with the annual implementation reports, will provide the basis for future assessments of the performance of control systems in the UK by the European Commission's Inspection Services (the Food and Veterinary Office - FVO).

Chapter 2 - The UK NCP: what we want to achieve

Note for consultation

The overall objectives set out in the draft NCP are consistent with the aim of Regulation 882/2004 to have an effective official control system in place that provides safeguards to consumers. In addition, a number of sector specific strategic objectives are set out. It should be noted that these sector specific objectives have been the subject of separate public consultations and our questions here are concerned only with whether these are relevant in the context of the NCP.

- Do you agree that these specific objectives are appropriate and accord with the overall objectives of the plan?
- Should further objectives be included?

Overall objectives

- 2.1 The principal objectives of the UK NCP are in line with those established in Regulation 882/2004 and are:
- to ensure the effective implementation of relevant Community law;
 - to ensure that the UK enforces feed law and food law and monitors and verifies that relevant requirements are met, and, that systems of official controls and other appropriate surveillance and monitoring activities, covering all stages of production, processing and distribution of feed and food, are maintained;
 - [to ensure that the UK has an effective system of official controls for monitoring and verifying compliance with animal health and welfare rules;] and
 - to ensure that the UK has an effective system of official controls for monitoring and verifying compliance with plant health law under Council Directive 2000/29/EC.
- 2.2 The UK's objective is to deliver this by means of a flexible and proportionate approach that protects public, animal and plant health, and consumer interests without imposing unnecessary burdens on the authorities that are responsible for undertaking official controls or on those that are subject to these controls. The aim is to achieve this by working across central Government and in partnership with our enforcement stakeholders, particularly with the various Government agencies involved and with local and port health authorities, and their representative and professional bodies, to ensure a committed and co-ordinated approach to enforcement.

- 2.3 In meeting these objectives, we will aim to follow the principles of Better Regulation: proportionality, accountability; consistency; transparency and targeting. We will take account of the Westminster Government's Better Regulation Action Plan⁷ and, in particular, the 'Hampton enforcement principles'⁸ where they do not run contrary to our obligations under EU legislation. We will also take account of the Regulators' Compliance Code (a statutory Code of Practice for regulators which enshrines the Hampton principles) which is currently being developed and with which central and local government competent authorities across the UK will be required to comply. We will also take account of related activities and initiatives aimed at improving regulation and enforcement in Wales, Scotland and Northern Ireland.
- 2.4 In delivering these objectives, we will also aim to contribute to Government-wide policy by taking sustainability into account in all our activities.

Specific objectives

Feed and food sectors

- 2.5 Ensuring that there is a comprehensive and integrated system of official controls from 'farm to fork' will contribute to protecting public and animal health and safeguarding consumer interests. During the period of the NCP, the aim is that such a system will contribute, in particular, to the following strategic objectives:
- Reducing foodborne illness;
 - Limit and monitor the risks to consumers from chemical and radiological contamination;
 - Making it easier for consumers to make informed choices; and,
 - Protecting consumers from food fraud and illegal practices.
- 2.6 These objectives link closely with achieving specific key targets in the Food Standards Agency's current Strategic Plan for 2005-2010 and that of the Meat Hygiene Service.⁹ The full texts of these are available at:
- <http://www.food.gov.uk/multimedia/pdfs/stratplan0510.pdf>.
- <http://www.food.gov.uk/enforcement/meathyg/mhservice/mhssp>
- 2.7 They also link closely with objectives set out in the strategic or business plans for Defra and the equivalent Departments in Scotland, Wales and Northern Ireland, and in annual business plans for the Veterinary Medicines Directorate

⁷ Further information at: http://www.hmtreasury.gov.uk/newsroom_and_speeches/press/2005/press_50_05.cfm

⁸ Reducing administrative burdens: effective inspection and enforcement, March 2005. Philip Hampton - this is available at: <http://www.hm-treasury.gov.uk/media/A63/EF/bud05hamptonv1.pdf>

⁹ The Meat Hygiene Service is currently developing a new strategic plan for the period 2007 to 2011.

and the Pesticide Safety Directorate (which are executive agencies of Defra). These plans are available at:

<http://defraweb.defra.gsi.gov.uk/corporate/5year-strategy/5year-strategy.pdf>

<http://www.dardni.gov.uk/dard-strategic-plan-2006-2011.pdf>

http://new.wales.gov.uk/topics/environmentcountryside/countryside_policy/farming/farmingfuture?lang=en

<http://www.scotland.gov.uk/Resource/Doc/77843/0018723.pdf>

<http://www.pesticides.gov.uk/corporate.asp?id=913>

<http://www.vmd.gov.uk/About/busplan0405-0607.pdf>

- 2.8 The Food Standards Agency has responsibility at central Government level for the main body of feed and food law in the UK, and other Government agencies and local authorities have responsibility for monitoring and verifying compliance with this and for enforcing its requirements. Partnership working between the Agency and these agencies and local authorities is key to meeting the objectives outlined above. A further high level objective, therefore, is to develop, agree and work towards implementing an 'enforcement strategy for the 21st century'. It is hoped that this will provide a model that may be used to draw together other Government regulators and agencies to minimise the burden and improve the effective use of local authority resources.

Note for consultation

The Food Standards Agency is in the process of developing a draft 'enforcement strategy' for areas within its responsibility and will be consulting separately, both formally and informally, with stakeholders in due course.

Plant health

- 2.9. Plant pests (such as insects, bacteria, viruses etc) which affect the health of cultivated or wild plants by feeding on them or causing disease generally pose no direct risk to humans or animals. They do, however, have a potential to damage the environment (directly or indirectly through their eradication or management) and to reduce crop yields and marketability of produce. Ensuring that there is an effective system of official controls will help to minimise this capacity. During the period of the NCP, the aim is that such a system will contribute, in particular, to the following strategic objectives:

- protecting the countryside and natural resources; and,
- ensuring sustainable farming and food supply.

- 2.10 These objectives also link to the strategic plans for Defra and Agriculture/Rural Affairs Departments in the Devolved Administrations (see para 2.7 above) and to Defra's Plant Health Strategy for England which is available at:

<http://www.defra.gsi.gov.uk/planth/strategy/strategy05.pdf>

Chapter 3 - The Regulatory landscape: who does what

Note for consultation

This Chapter aims to describe, in general terms, the official control arrangements in the UK and the approach taken by the regulatory authorities.

- **Are the UK arrangements adequately and correctly described?**

Background

- 3.1 Responsibility within the UK for official controls in respect of feed and food law is held centrally but, in practice, day to day responsibility for enforcement functions is divided between central and local Government. The central authorities are the Food Standards Agency (FSA), Defra (and its agencies), and the Agriculture/Rural Affairs Departments in the Devolved Administrations (SEERAD, EPC and DARD). At local level, much of the monitoring and enforcement of feed and food law is carried out by local authorities.
- 3.2 With regard to plant health, responsibility lies with the UK Plant Health Service which comprises a number of units from within Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations.
- 3.3 The various central and local Government Departments that are responsible for organising and undertaking official controls constitute the 'competent authorities'. In carrying out their various functions, they are assisted by National Reference Laboratories and by official laboratories, and also by a number of independent third parties to which specific control tasks have been delegated (which are termed 'control bodies' under Regulation 882/2004). This Chapter describes the various roles and responsibilities of each of these players.

Competent authorities

Legal framework

- 3.4 The competent authorities responsible for official controls in respect of feed and food law are designated formally in domestic legislation that gives effect to Regulation 882/2004 at national level. Details of this legislation and the authorities designated under it are given at [Appendix A](#). Where these competent authorities have particular responsibilities for monitoring and enforcing specific pieces of 'feed law' or 'food law', these are set out in the relevant domestic legal measures.

- 3.5 With regard to plant health, Directive 2000/29/EC¹⁰ requires that a single and central authority is designated to have responsibility for matters related to plant health within the context of that Directive. In the UK, Defra and, it's Plant Health Division in particular, has this function.

Feed and food law

- 3.6 Feed law and food law are specifically defined for the purposes of Regulation 882/2004. In effect 'feed law' includes EU and national rules on feed hygiene, feed composition, feed additives, medicated feed, feed labelling, and veterinary medicine and pesticide residues in feed. It covers not only feed for food-producing animals but also feed for horses, pets and fish. Similarly, 'food law' includes EU and national rules on, for example, food hygiene, food composition, food labelling, rules for food produced from genetically modified organisms, additives and contaminants, veterinary medicine and pesticide residues, standards for organic foods, and use of protected names.
- 3.7 The primary food legislation in Great Britain is the Food Safety Act 1990,¹¹ and in Northern Ireland is the Food Safety (Northern Ireland) Order 1991.¹² For feed, the primary legislation throughout the UK is provided by the Agriculture Act 1970.¹³ However, secondary legislation is also made under the European Communities Act 1972,¹⁴ the Consumer Protection Act 1987,¹⁵ and directly under European Community Regulations. Following devolution, most feed and food legislation is now made separately in England, Scotland, Wales and Northern Ireland.
- 3.8 This primary and secondary legislation sets out the requirements that feed and food business operators must meet and establishes offences and penalties for non-compliance. It also provides the legal powers needed by the competent authorities to carry out their duties in monitoring and verifying compliance by businesses with these requirements and in enforcing these where appropriate and necessary. In general terms, this includes powers to enter premises, powers to inspect and copy records, and to take samples. It also includes enforcement powers including, for example, issuing of improvement notices, remedial action notices or detention notices. Specific regulatory provisions employing different enforcement powers apply to particular areas such as regulations governing pesticide residues.

Plant health law

- 3.9 For the purposes of the NCP, 'plant health law' means the provisions of Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. This Directive is implemented at

¹⁰ Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. Official Journal L 169, 10.7.2000, 1-112.

¹¹ Food Safety Act 1990, c 16.

¹² Food Safety (Northern Ireland) Order 1991, SI 1991/1762 (N.I.7).

¹³ Agriculture Act 1970, c 40.

¹⁴ European Communities Act 1972 c. 68.

¹⁵ Statutory Instrument 1987/1680 (c.51).

national level by the Plant Health (England) Order 2005¹⁶ and separate but parallel legislation in Scotland, Wales and Northern Ireland.¹⁷ Plant health inspectors covering England implement the Order in Wales on behalf of the National Assembly for Wales (NAW). The Plant Health (Forestry) Order 2005¹⁸ implements the Directive in relation to forestry materials.

- 3.10 The domestic legislation imposes restrictions and requirements on material imported from third countries and provides internal Community controls on the movement of material from other Member States. Plant health inspectors have the power to enter premises to check compliance with the provisions of the Orders and to take samples and inspect records. Where an inspector has reasonable grounds for suspecting the Order has been contravened, he may serve a notice prohibiting the landing of any plant pest or material or require its treatment, destruction or re-exportation.

Division of responsibility

Developing and implementing feed and food law

- 3.11 Responsibility for both the development and implementation of feed and food law, and responsibility for monitoring and verifying compliance with it and enforcement of it, is divided. The Division of responsibility is summarised in the Figure below, and explained in the following paragraphs.
- 3.12 For the most part, responsibility for developing and implementing feed and food law (both domestic and EU) from 'farm to fork', particularly as it relates to feed and food *per se*, lies with the FSA. This includes rules on hygiene, additives, contaminants, labelling and composition. It also includes rules on feed and food produced and sold within the EU, and public health requirements for feed and food imported from outside the Community. Details of this legislation are available at (NB - the food law guide is currently being updated):
- www.food.gov.uk/foodindustry/farmingfood/animalfeed/animalfeedlegislation
<http://www.food.gov.uk/foodindustry/regulation/foodlawguidebranch/>
- 3.13 Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations have responsibility between them for feed and food legislation that falls outside the FSA's remit. Details are given at **Appendix B**. In summary, this includes, beef labelling, standards for organic products, protected food names; animal by-products (in relation to feed); certain rules relating to TSEs; imports from third countries of products of animal origin as regards the animal health requirements; medicated feed¹⁹ and specified feed additives;²⁰ and, residues of pesticides and veterinary drugs.

¹⁶ Statutory Instrument 2005/2530.

¹⁷ Plant Health Scotland Order 2005 (Scottish Statutory Instrument 2005/613), Plant Health (Wales) Order 2006 (2006/1643) and Plant Health Order (Northern Ireland) 2006 (2006/82).

¹⁸ SI 2005/2517.

¹⁹ A medicated feedingstuff is an animal feedingstuff which contains a veterinary medicinal product which can only be supplied to a keeper of animals on receipt of a prescription.

²⁰ A specified feed additive is a substance which is added to animal feedingstuffs routinely, without prescription, for the prevention of coccidiosis or histomonosis, or to favourably affect the growth of animals.

Division of responsibility - at a glance

Developing and Implementing feed and food law	<div> <div> FSA <u>Food Law</u> <ul style="list-style-type: none"> • General - traceability, rapid alert system (RASFF), official controls • Import controls - public health aspects, fish/fishery products and products of non-animal origin • Labelling - general, nutritional, health claims • Composition and standards - e.g. mineral waters, fat spreads, chocolate, foods for particular nutritional use • Biological safety - e.g. food hygiene, TSEs. • Chemical safety - e.g. additives, contaminants, food contact materials, irradiation • Biotechnology - GM feed and food </div> <div> Feed Law <ul style="list-style-type: none"> • General - traceability, RASFF, official controls • Import controls • Labelling • Composition and standards • Biological safety - feed hygiene • Chemical safety - additives, prohibited and undesirable substances </div> <div> Defra (and its agencies), SEERAD, EPC and DARD <u>Food law</u> <ul style="list-style-type: none"> • Imports controls - animal health aspects for products of animal origin • Labelling - Beef labelling and protected food names • Composition and standards - organic produce • Biological safety - certain rules relating to TSEs • Residues of pesticides - PSD • Residues of veterinary products - VMD </div> <div> <u>Feed law</u> <ul style="list-style-type: none"> • Animal by-products - feed ban • Medicated feed • Chemical safety - specified feed additives </div> </div>					
Ensuring that feed and food satisfies the requirements of feed and food law	<div> <div>Farm</div> <div> <div>All stages of production, processing and distribution</div> <div> <div> Feed Business operators (Approximately 91,000 business in the UK - this includes farms) </div> <div> Food business operators (Approximately 600,000 establishments, plus approximately 195,000 holding at primary production level.) </div> </div> <div>Fork</div> </div> </div>					
Official controls in respect of feed and food law	<div> <div>Central level monitoring and enforcement</div> <div> <div> FSA <ul style="list-style-type: none"> • Inspection and approval of food irradiation facilities • Approval of fresh meat premises • Classification of shellfish harvesting areas </div> <div> MHS <ul style="list-style-type: none"> • Hygiene controls - fresh meat • SRM controls • OTM controls </div> <div> DHI (on behalf of the FSA) <ul style="list-style-type: none"> • Hygiene controls - milk production holdings </div> <div> EMI/Egg and Poultry Unit (on behalf of the FSA) <ul style="list-style-type: none"> • Hygiene controls - egg production units </div> </div> <div> <div> Defra <ul style="list-style-type: none"> • Organisation of protected food names scheme • Overseeing system for certification of organic produce • Organisation of beef labelling scheme </div> <div> VMD <ul style="list-style-type: none"> • Medicated feed and specified feed additives • Veterinary medicine drug residue surveillance </div> <div> SVS <ul style="list-style-type: none"> • Animal protein in feed ban </div> <div> PSD <ul style="list-style-type: none"> • Pesticide residue monitoring & enforcement </div> </div> <div> <div> DARD <ul style="list-style-type: none"> • Hygiene controls - fresh meat, milk production holdings, egg production units • Feed law controls </div> </div> <div>Local level monitoring and enforcement</div> <div> <div> Local authorities in England and Wales <ul style="list-style-type: none"> • Feed and food law not enforced by the central Departments </div> <div> Local authorities in Scotland <ul style="list-style-type: none"> • As for authorities in England • DHI role - hygiene controls at milk production holdings </div> <div> District Councils in Northern Ireland <ul style="list-style-type: none"> • Food law not enforced by the central authorities. </div> </div> </div>					

Monitoring and verifying compliance with, and enforcement of, feed and food law

- 3.14 There are approximately 91,000 feed businesses in the UK. This includes producers of feed materials, manufacturers of additives and premixtures, manufacturers of compound feedingstuffs, importers, distributors, retailers and farms. With regard to food, there are approximately 600,000 establishments which include slaughterhouses, manufacturers, processors, packers, importers, distributors and wholesalers, retailers, and restaurants and caterers. In addition, there are approximately 195,000 holdings making up the primary food production sector in the UK. Responsibility for monitoring and verifying compliance (official controls) and enforcement of feed and food law by these businesses is divided. For the most part, this function in respect of food (including imported food) is delegated, as appropriate, to local and port health authorities in the UK (this involves 468 local authorities, and 89 port health authorities (PHAs) which inspect food at points of import). Similarly for feed law enforcement within Great Britain, this is delegated to local authorities (205 authorities are involved).
- 3.15 Responsibility for the areas that fall outside the local authority remit is as follows.
- The FSA itself is directly responsible for the approval and inspection of food irradiation facilities in the UK, and also for the approval of those fresh meat premises in the UK that are subject to veterinary audit. The FSA is also responsible for monitoring, designation and classification of shellfish harvesting areas in the UK which is required under Community legislation on food hygiene.
 - The FSA's executive agency, the Meat Hygiene Service, is responsible in Great Britain for official controls in approved meat plants subject to veterinary audit, including meat hygiene requirements. This service is provided on behalf of the FSA in Northern Ireland by DARD Veterinary Service - Veterinary Public Health Unit (VS-VPHU).
 - Working on behalf of the FSA, the Dairy Hygiene Inspectorate (currently part of Defra's Rural Development Service) enforces relevant provisions of food hygiene legislation at milk production holdings in England and Wales. In Northern Ireland, this Inspectorate's function is provided by DARD Quality Assurance Branch (in Scotland, milk production holdings are inspected by local authority food law enforcement services). Another Defra Inspectorate, the Egg Marketing Inspectorate, acts on behalf of the FSA in England and Wales in respect of on-farm enforcement of the new hygiene regulations at egg production units. In Scotland, the EMI's function is fulfilled by the Egg & Poultry Unit of SEERAD and, in Northern Ireland, by DARD Quality Assurance Branch.
 - The Health and Safety Executive is responsible for enforcement of certain food related provisions in the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995²¹ within territorial waters.

²¹ SI 1995 No. 738

- Defra is directly responsible for organising in the UK, schemes that permit the use of protected food names, and for overseeing the work of the bodies responsible for certification of organic produce and those responsible for verifying beef labelling claims (enforcement responsibility lies with local authorities).
- The Pesticide Safety Directorate is responsible for the national monitoring and surveillance programmes for pesticide residues in food and drink, and the Veterinary Medicines Directorate for the veterinary drug residue surveillance programmes.
- The Veterinary Medicines Directorate, and in particular, its Animal Medicines Inspectorate, is also responsible for monitoring and enforcing feed law as it relates to medicated feed and specified feed additives. This function extends to Great Britain only. DARD provides the same service in Northern Ireland.
- The State Veterinary Service (an executive agency of Defra) is responsible for ensuring compliance with the prohibition on the use of animal protein in animal feed in Great Britain under legislation on TSEs, though prosecutions are normally taken by local authorities.
- In Northern Ireland, monitoring and verifying compliance with, and enforcement of all feed law is the responsibility of DARD.

3.16 More detailed information on the particular activities of the various competent authorities is provided at Appendices C to M, together with general information about their organisation and structure and their resources, and about how they meet the requirements set out in Regulation 882/2004.

Note for consultation

The Appendices seek to provide a general description of the scope and range of normal control activities routinely undertaken by the regulatory authorities and services in the UK. This is particularly important as this will provide the basis for the application of Article 28 of Regulation 882/2004. This Article requires that charges are made by the competent authorities to cover the costs of official controls that they carry out following the detection of infringements or non-compliance with legal requirements and where these exceed 'normal control activities' (financing of normal control activities is covered by Article 27). It covers only exceptional circumstances such as major and significant feed or food incidents. Application of Article 28 will be taken forward separately by FSA and by Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations for their own areas of responsibility (although there will be close liaison to ensure consistency of approach where appropriate) and separate consultations will take place, as necessary, in due course. However, the descriptions of 'normal control activities' in the appendices will be key.

- **Are 'normal control activities' described adequately?**

Plant health controls

3.17 Plant quarantine and plant certification services in England, Scotland, Wales and Northern Ireland are provided by the UK Plant Health Service. This service comprises a number of units as follows:

- Defra's Plant Health Division
- Defra's Plant Health and Seeds Inspectorate
- Central Science Laboratory
- SEERAD
- Welsh Assembly Government
- DARD QAB
- Forestry Commission

Further information on the Service is provided at Appendix N and at the following link:

<http://www.defra.gov.uk/planth/phnews/service.htm>

National Reference Laboratories (NRL)

3.18 In order to provide technical and scientific support for the official control framework, the European Commission has created a network of 'National Reference Laboratories' (NRLs) co-ordinated by 'Community Reference Laboratories' (CRLs). This network of laboratories is responsible for setting up EU-wide standards for routine procedures and reliable testing methods in the areas of feed and food and animal health, for example for monitoring of marine biotoxins, analysis of residues of veterinary medicines and pesticides, and for animal health issues such as avian influenza and classical swine fever (the network does not extend to plant health issues). The legal basis for the network is Regulation 882/2004.

3.19 CRLs are appointed by the Commission. They provide the Commission with scientific and technical assistance. Those for feed and food are responsible for providing NRLs with details of analytical methods, including reference methods and co-ordinating their application (in particular by organising comparative testing). They conduct training courses for NRL staff and keep them abreast of advances in their field of expertise, as well as co-ordinating practical arrangements needed to apply new analytical methods.

3.20 To complete the framework, each Member State must designate an NRL to correspond to each CRL. These laboratories must collaborate with the CRLs in their particular area of expertise and disseminate nationally information provided by the CRL. They are responsible for co-ordinating the activities of official laboratories and should, where appropriate, organise comparative tests between them. In addition, they provide scientific and technical assistance to the central competent authorities.

- 3.21 Details of the NRLs that have been designated in the UK to cover feed and food areas are provided at [Appendix O](#) together with information on how the relevant central competent authority (FSA or Defra) ensure that they meet the requirements for NRLs set out in Regulation 882/2004. It should be noted that the Commission appointed a number of new CRLs in May 2006 covering a number of new areas. These include pesticide residues, aflatoxins, PCBs, heavy metals, and also a number of microbiological contaminants. For these areas, the UK central authorities are in the process of making arrangements to fulfil the NRL role.

Official laboratories

Introduction

- 3.22 Official feed and food laboratories are designated by the central competent authorities for the purposes of chemical analysis or microbiological examination of samples taken by enforcement practitioners (staff of the competent authorities carrying out official controls) during the course of their duties. In the UK, these include Public and Agricultural Analyst Laboratories, the Health Protection Agency²² and hospital trust laboratories that undertake work for local authorities. Official laboratories must employ staff who possess qualifications which are defined by national legislation. In addition, Public Analysts (PAs) must be formally appointed by a local authority. Laboratories that undertake work for the central authorities and their agencies, such as the Pesticide Safety Directorate and the Veterinary Medicines Directorate, are also designated official laboratories.
- 3.23 Designation may only be granted if the laboratory meets certain standards (i.e. is accredited to the European Standards specified in Regulation 882/2004). Where accreditation was not required under previous Community legislation, laboratories have been given a transitional period until 31 December 2009 to gain the necessary accreditation. In the UK, accreditation is undertaken by the United Kingdom Accreditation Service (UKAS). Detailed information on UKAS is available at: <http://www.ukas.com/>.
- 3.24 There is no legislative requirement to designate official laboratories in the plant health sector. There are, however, Government laboratories in England, Scotland and Northern Ireland, which carry out work as required in diagnosis, research and consultancy (further details are given in [Appendix N](#)).

Laboratories designated by the FSA

- 3.25 The FSA is responsible for designating the majority of official feed and food control laboratories in the UK (these laboratories are employed by local authorities). The FSA has worked in liaison with the Association of Public

²² The Health Protection Agency's role is to provide an integrated approach to protecting UK public health through the provision of support and advice to the NHS, local authorities, emergency services, other Arms Length Bodies, the Department of Health and the Devolved Administrations. More information is available at: <http://www.hpa.org.uk/>

Analysts (APA),²³ the representative body for most food and feed control laboratories in the UK, with the Health Protection Agency and with UKAS to define the scope of accreditation and the audit requirements for the official laboratories. In the case of feed control laboratories, this is on-going as the requirement for accreditation in Regulation 882/2004 was new (whilst for food it was a requirement under previous Community legislation).

3.26 The agreed accreditation requirements and the assessment and audit of the laboratories conducted by UKAS are set out in an Agreement between the FSA and UKAS. In addition to meeting the accreditation requirements, laboratories seeking official designation must provide evidence that they are, or will be, undertaking feed or food control work for local authorities. This is currently being revised following the introduction of Regulation 882/2004 but once the revised Agreement is finalised, it will be published on the FSA website. The revised Agreement will stress the need for adverse accreditation inspections to be reported to the Agency by UKAS.

3.27 A list of FSA designated official laboratories is published at:

http://www.food.gov.uk/enforcement/public_analysts/foodcontrollabs

Most of these laboratories are privately owned. Others fall under local authority control but also undertake private work for other authorities. Given this, the majority of these laboratories constitute 'control bodies' for the purposes of Regulation 882/2004. Details of how the FSA ensure that they meet the requirements for such bodies are given at Appendix P. It is recognised that there are a number of laboratories which undertake control work in a limited area (e.g. monitoring and classification of shellfish harvesting areas - see para below) and these will be separately identified in an updated list of control laboratories.

3.28 The FSA in England and Wales designates laboratories for the purposes of monitoring and classification of shellfish harvesting areas. For microbiological (classification) monitoring these are mainly Health Protection Agency laboratories but in some cases they are privately owned. In Scotland, classification is undertaken directly by the Agency and laboratory testing is undertaken by the Fisheries Research Service.²⁴ For toxicological monitoring, these are again designated laboratories with which the FSA has contractual arrangements to carry out the testing requirements as set out in Community hygiene legislation. All the laboratories concerned have had their methods accredited by UKAS. Some of these constitute control bodies (such as one of those employed by FSA Scotland) and details of how the FSA ensures that these laboratories bodies meet the requirements in Regulation 882/2004 for control bodies are given at Appendix P.

Laboratories designated for pesticide residue analysis

3.29 Five laboratories are employed by the Pesticide Safety Directorate for Maximum Residue Level (MRL) analysis. These are also accredited by UKAS and operate in accordance with the European Standards set out in Regulation 882/2004. Accreditation is checked annually and laboratories are contractually

²³ Detailed information on the Association of Public Analysts is available at: <http://www.the-apa.co.uk/>

²⁴ More information on the Fisheries Research Services is available at: <http://www.marlab.ac.uk/>

obliged to inform the Directorate about changes to their accreditation and are required to attain acceptable scores in relevant national and European proficiency tests.

Laboratories designated for analysis of residues of veterinary medicines

3.30 The following official laboratories undertake analysis of veterinary residues for the surveillance work in the UK:

- LGC Ltd;²⁵
- Central Science Laboratory (CSL);²⁶ and,
- Agri-Food Biosciences Institute for Northern Ireland (AFBI).²⁷

These laboratories too operate in accordance with the European Standards specified in Regulation 882/2004. They are accredited to ISO 17025 and have relevant accredited methods in place for the analyte/matrix combinations in the residues programme. The analytical methods employed also meet the requirements of Commission Decision 2002/657.²⁸ All laboratories are subject to audits by UKAS.

Laboratories designated for analysis of medicated feedingstuffs and specified feed additives

3.31 The official laboratory designated for the analysis of samples of medicated feedingstuffs or feedingstuffs containing specified feed additives (additives, premixtures and compound feedingstuffs) taken for the purposes of official controls is Central Laboratories²⁹ in Oxfordshire which is accredited by UKAS in accordance with the requirements of Regulation 882/2004. DARD delegate responsibility for analysis of statutory samples to the designated Public Analyst who operates to a Memorandum of Understanding (which is reviewed annually). In addition screening samples are analysed by the AFBI (Northern Ireland) in adherence to a sampling and analysis plan drawn up by DARD.

Laboratories designated for the analysis of organic produce

3.32 Official laboratories may be used when chemical testing is required by any contractor undertaking surveillance and inspection of the approved inspection bodies on behalf of Defra as a means of determining conformity with the relevant standards. Such laboratories must comply with the General Requirements for the Competence of Calibration and Testing Laboratories laid down in Standard requirements of EN45011. The laboratory used is generally LGC Ltd.

²⁵ LGC was appointed following an open tender exercise and is an independent provider of analytical services. More information is available at: <http://www.lgc.co.uk/>

²⁶ CSL is an executive agency of Defra. More information is available at: <http://www.csl.gov.uk/>

²⁷ AFBI is a Government Laboratory. More information is available at: <http://www.afbini.gov.uk/>

²⁸ Commission Decision 2002/657 implementing Council Directive 96/23/EC concerning the performance of analytical methods and the interpretation of results. Official Journal L 221, 17.8.2002, 8-36.

²⁹ More information at: www.central-labs.co.uk/

Control Bodies

Introduction

- 3.33 Although the competent authorities have overall responsibility for organising and carrying out official controls, they may under the provisions of Regulation 882/2004, delegate control tasks to independent third parties or 'control bodies'. In particular, 'control bodies' include private bodies that are approved for the certification of organic produce or for verifying protected food names as required by relevant specific Community legislation.^{30, 31, 32}
- 3.34 The tasks that may be delegated to these bodies relate to monitoring and verifying compliance of businesses with feed and food law, for example, inspections, sampling and analysis. However, responsibility for taking formal enforcement action where non-compliance with the law is found (for example, issuing of an improvement notice) may not be delegated. Such action may only be taken by the relevant competent authority. The Commission may, at a future date, restrict further the types of tasks that may be delegated.
- 3.35 Delegation of tasks to 'control bodies' is subject to certain conditions being satisfied. There must be an accurate description of the task and proof that the control body has the necessary expertise, and that it is impartial and free from conflict of interest in respect of the particular task. Control bodies must meet (be accredited to) appropriate and specified European Standards and there must be procedures in place to ensure that results of any controls are communicated to the competent authority. In addition, the competent authority must arrange audit or inspection of the control body and, if it finds that the control body is not meeting the specified conditions, the delegation must be withdrawn.
- 3.36 With regard to the plant health sector, Council Directive 2002/29/EC also permits the use of independent private bodies to undertake control tasks. In the UK, however, all tasks are undertaken by the Plant Health Service.

Control bodies employed by the UK authorities

- 3.37 In the UK the majority of control bodies employed by the competent authorities are the laboratories undertaking chemical analysis or microbiological examination for local authorities or for the central Government Departments with official control functions. Other control bodies are employed for the collection of samples for residue monitoring and surveillance programmes. In addition, those bodies employed to certify organic produce, to verify protected food names, and to verify claims under Defra's 'Beef Labelling Scheme' also constitute control bodies.

³⁰ Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs Official Journal L 198 , 22..7.1991, 1-15.

³¹ Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed. Official Journal L 93, 31.3.2006, 3.

³² Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Official Journal L93, 31.3.2006, 12.

- 3.38 Arrangements are in place through contracts or Service Level Agreements between the competent authority and the control body to ensure conditions and standards of performance are met. Full details of the control bodies in the UK, the control tasks delegated to them and the arrangements in place to comply with the requirements of Regulation 882/2004, can be found at Appendix P.

Chapter 4 - Working together to safeguard public, animal and plant health, and to protect consumers

Note for consultation

This Chapter aims to give an overview of the mechanisms in place to ensure that the various authorities with official control responsibilities co-ordinate their activities and work together to provide a comprehensive control system operating from 'farm to fork'.

- Are all the major co-ordination and co-operation mechanisms described?**
- Should other mechanisms be introduced? If so, what should these be?**

Background

- 4.1 In order to ensure the integrity of the feed and food chains, it is essential that there is an effective system of official controls in place from 'farm to fork' and covering all stages of production, processing and distribution. In the UK, responsibility for providing these controls is divided between a number of different authorities involved at different stages. These authorities co-ordinate their activities and co-operate with each other in order to ensure that there are no gaps, and that they work together to safeguard public and animal health, and to protect consumers.
- 4.2 This Chapter outlines the main mechanisms that are in place in the UK for facilitating co-ordination and co-operation on a day-to-day basis and for dealing with emergencies. It also outlines the mechanisms in place for the competent authorities in the UK to assist and co-operate with the European Commission and with other Member States where issues are identified that may have a potential impact in more than one Member State or across the Community.
- 4.3 In the plant health sector too it is important that the various units making up the UK Plant Health Service co-operate together and with colleagues in the other Member States of the European Community in order to protect the environment and agricultural and horticultural production industries. This Chapter also outlines the mechanisms in place to facilitate this.

Co-ordination and co-operation in the feed and food sectors

Introduction

- 4.4 Local and port health authorities together provide the framework of official controls in the UK in respect of the main body of food law, and in Great Britain, in respect of the main body of feed law. Responsibility for official

controls in these sectors also lies with central Government Departments and their agencies. Local and port health authorities, as appropriate, work and liaise closely with these Departments and agencies through a range of both formal and informal mechanisms. Informal contact takes place at all levels on a day-to-day basis and through regular meetings. The principle more formal mechanisms are outlined in the following paragraphs.

Local Authorities Co-ordinators of Regulatory Services (LACORS)

- 4.5 LACORS is a local government central body created by the UK Local Authority Associations i.e. the Local Government Association,³³ Welsh Local Government Association,³⁴ Convention of Scottish Local Authorities³⁵ and Northern Ireland Local Government Association.³⁶ Detailed information on LACORS and its activities may be found at:

<http://www.lacors.gov.uk/pages/trade/lacors.asp>

- 4.6 LACORS plays a key role in facilitating effective co-ordination, communication and consultation between local feed and food authorities and the FSA and other relevant central Departments/Agencies.

LACORS Regional and Focus Groups for feed and food

- 4.7 Local authorities are required to belong to Food Safety Liaison Groups made up of neighbouring local authorities with food regulatory responsibilities (there are 47 in the UK). In addition, there are 11 Regional Liaison Groups organised by local authority Trading Standards Departments which discuss food standards, and animal feed law enforcement matters. Where appropriate, the remit of these Trading Standards Groups is being extended to food hygiene enforcement at primary production following the introduction of new food hygiene rules which include requirements for primary producers who were not previously subject to such legislation. All of these liaison groups examine and discuss enforcement issues of local and national importance, and facilitate problem resolution and consistency in enforcement activity at regional level.
- 4.8 Where appropriate, other competent authorities are also represented at these liaison groups, such as the Meat Hygiene Service, the Dairy Hygiene Inspectorate, the Animal Medicines Inspectorate, analytical experts and other specialists (for example from the Health Protection Agency and Health Protection Scotland³⁷). These Regional Groups are consulted by LACORS and the FSA on various issues including changes to legislation and national sampling plans. In turn the regional groups will raise problems with the interpretation of legislation or enforcement matters with LACORS.

³³ More information on the Local Government Association is available at: <http://www.lga.gov.uk/>

³⁴ More information on the Welsh Local Government Association is available at: <http://www.wlga.gov.uk/>

³⁵ More information on the Convention of Scottish Local Authorities is available at: <http://www.google.co.uk/search?hl=en&q=cosla&meta=>

³⁶ More information on the Northern Ireland Local Government Association is available at: <http://www.nilga.org/>

³⁷ More information on Health Protection Scotland may be found at: <http://www.hps.scot.nhs.uk/>

- 4.9 In Scotland there are currently four liaison groups and these are represented in the Scottish Food Enforcement Liaison Committee (see para 4.15). There is also a product specific group dealing with enforcement matters relating to fish and shellfish, the Scottish Fish Hygiene Working Group (membership comprises representatives of food authorities with a significant fish/shellfish industry and FSA Scotland).
- 4.10 LACORS has also established Focus Groups which are made up of representatives of local authorities and official laboratories. These groups allow issues raised by regional Liaison Groups to be addressed centrally. They include the Food Hygiene Focus Group, Food Standards Focus Group, Food Labelling Focus Group, Food Sampling Focus Group and Feed and Fertilisers Focus Group.

Home Authority Principle

- 4.11 Businesses will generally build up a relationship with, and receive advice and information from, one particular local authority. This is usually the local authority where the business is based. In relation to trading standards and food safety matters, local government has developed a scheme where that authority is referred to as the *Home Authority* i.e. 'the local authority where the relevant decision making base of a business is located'. For sole traders or businesses with only one site or office, the Home Authority will be the local authority where this site or office is located. For businesses with multiple branches, stores etc throughout the UK, the Home Authority will generally be the local authority where the head office (or another decision making centre) is located. This Home Authority Principle helps local authorities work together with businesses to provide consistent and coordinated trading standards and food enforcement services. Further information on the Home Authority Principle is available at:

<http://www.lacors.gov.uk/pages/trade/HAPrinciple.asp>

- 4.12 LACORS supports and acts as a steward of the Home Authority Principle by providing framework advice and guidance on its operation, monitoring its use and where possible resolving disputes and providing an extensive database of companies, brand names and local authority contact information to facilitate effective communications. Although the principle does not have any strict legal status, the need to follow it is clearly highlighted by LACORS and is endorsed by the FSA. This is reflected in the statutory Codes of Practice which the Agency has established (in the case of feed law, is establishing) and to which local authorities must have regard. Details are provided at Appendix C.

Memoranda of understanding on feed law enforcement

- 4.13 With regard to feed law enforcement, LACORS has established separate Memoranda of Understanding between local authorities and the Animal Medicines Inspectorate, and local authorities and the State Veterinary Service.

Food Standards Agency support mechanisms

- 4.14 The FSA provides central co-ordination of enforcement of feed and food safety and standards legislation by local authorities in the UK. Specific arrangements for co-ordination and co-operation relating to the enforcement of food safety and standards legislation is set out in Food Law Codes of Practice and associated Practice Guidance (separate but parallel codes/practice guidance apply in each of the four UK countries). For feed law enforcement, arrangements are set out in the Feed Law Code of Practice (which is currently the subject of public consultation). Further details of the Codes are provided at [Appendix C](#).
- 4.15 The FSA has also set up a number of groups for facilitating co-ordination and co-operation.
- Enforcement Liaison Group - The Enforcement Liaison Group is a UK-wide stakeholder group which was established to strengthen and develop links between the FSA and local authority food law enforcement services. As well as representatives from enforcement authorities, membership comprises representatives from consumer, professional and industry bodies. The Group provides a forum for discussion of strategic food law enforcement issues. Detailed information can be found at:
<http://www.food.gov.uk/enforcement/elg/>
 - Animal Feed Law Enforcement Liaison Group – This Group was established on the recommendation of the Advisory Committee on Animal Feedingstuffs³⁸ to discuss animal feed law and related matters and identify common problems and agree a co-ordinated approach to feed law enforcement. Membership of the Group comprises representatives from all of the competent authorities with responsibility for feed law enforcement in the UK, as well as LACORS. Detailed information on the Group is available at
<http://www.food.gov.uk/enforcement/aflelg/>
 - Enforcement Stakeholder Forum – This Forum comprises representatives from the enforcement authorities and their representative organisations. It was established to give feed and food enforcement stakeholders an opportunity to discuss with the FSA current and emerging issues in an informal way. It also provides a forum for exploring possibilities for productive partnership working. Further information on the Enforcement Stakeholder Forum can be found at:
http://www.food.gov.uk/aboutus/how_we_work/stakeholderforums/enforce_stakeforum/
 - Scottish Food Enforcement Liaison Committee (SFELC) – This is a non - statutory advisory Committee formed under the auspices of the FSA. It provides a forum for the Agency in Scotland to maintain and develop links with key stakeholders who can provide the necessary expertise to contribute to the development, implementation and maintenance of the Agency's policies in respect of the safety of food supplied in Scotland and

³⁸ More information on Advisory Committee On Animal Feedingstuffs may be found at www.food.gov.uk/science/ouradvisors/animalfeedingstuffs/

the protection of consumer interests in food related matters. Membership comprises stakeholders with particular interest in food law enforcement in Scotland. Its membership includes Enforcement representatives, consumers, industry and professional bodies.

- Northern Ireland Food Enforcement Liaison Group (NIFELG) – In general terms, the role of this Group mirrors that of the SFELC in Scotland. Membership comprises representatives from the enforcement authorities in Northern Ireland, including district councils, DARD Veterinary Service – Veterinary Public Health Unit (VS-VPHU) and DARD Quality Assurance Branch (QAB).
- FSA Wales/Local Authority Working Group - The Group provides a forum for discussion of all aspects of food law enforcement. The membership includes representatives from relevant specialist 'all Wales enforcement groups' (Food Safety, Communicable Disease, Port Health and Food and Agriculture Standards), plus LACORS, Welsh Local Government Association and food examiners and public analysts.

4.16 The FSA provides and supports a range of other activities aimed at further developing the co-ordination and co-operation of local authority official control activities. These include:

- Dedicated enforcement portal on FSA website - this provides a single point of access to enforcement-related information, to which all enforcement practitioners have access.
- Low cost training programme - This is designed to provide a continuing programme of quality update training for local authority food law enforcement practitioners at a cost that is affordable to local authorities. More information on the scheme can be found at:
<http://www.food.gov.uk/multimedia/webpage/lowcost/>
- Training for feed law enforcers - This has also been provided by the Agency's Animal Feed Unit to local authorities and DARD QAB for the last three years and will be considered for future years where resources permit.
- Guidance material - As well as the Practice Guidance that has been developed for local authorities (see Appendix C), other guidance material is regularly issued by the FSA on a range of topics, often as a result of new regulations coming into force. These are available through the FSA website at the following links:
<http://www.food.gov.uk/foodindustry/guidancenotes/>
www.food.gov.uk/foodindustry/farmingfood/animalfeed/animalfeedlegislation
- Grants and expertise - These are made available by the FSA to establish and support specific and targeted enforcement activities and the application of new legislation and initiatives, such as assistance for local authorities investigating food fraud, and for the promotion of food safety management systems based on HACCP principles.
- Food sampling and surveillance database - This system is in development and will enable the electronic transfer of standardised and accurate

sampling data (both chemical and microbiological for food and animal feed) between local authorities, official laboratories and ultimately to be stored in a central database that can be accessed by all local authorities and the FSA. This will be used to identify trends and will enable better targeting of resources and prevention of sampling duplication.

Food Alerts

- 4.17 Food Alerts are issued by the FSA to let local authorities (and consumers) know about problems associated with feed and food and, where appropriate, provide details of specific action to be taken. These are issued under two categories, 'Food Alerts: for Action' and 'Food Alerts: for Information'. More information on the Food Alert system is available at:

<http://www.food.gov.uk/enforcement/alerts/>

Co-operation and co-ordination for official controls of imported feed and food

- 4.18 The principal central authorities involved in imported feed and food controls are the FSA, Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations and Her Majesty's Revenue and Customs (HMRC).³⁹ There is regular liaison between these authorities including, quarterly meetings of the Defra Import/Export Consultation Exchange, six-monthly meetings of the Agency's Imported Food Project Group, and quarterly informal meetings between the FSA, Defra and HMRC. In addition, *ad hoc* meetings are held to discuss specific issues and there is routine communication between the Departments on day to day work issues. With regard to feed, these agencies also meet with other enforcement agencies twice a year at the Animal Feed Law Enforcement Liaison Group.
- 4.19 There is also close liaison between these central Government Departments and the local and port health authorities that are involved in carrying out controls. This is facilitated through the enforcement representative bodies, the Association of Port Heath Authorities (APHA - more information at: <http://www.apha.org.uk/>) and LACORS, and routine meetings with representatives from the major ports where food and feed is entering into the UK.
- 4.20 With regard in particular to feed and food of non-animal origin, the FSA has developed the following initiatives:
- Imported Food Control Resource Pack - This provides guidance on enforcement approach and a programme of basic and intermediate training on imported food controls for enforcement practitioners. As at March 2006, approximately 2,700 officers, with at least one from each UK local/port health authority, have attended relevant training.
 - Imported Food Sampling Group - This facilitates the co-ordination of food sampling activity. Membership comprises representatives of APHA, Defra, the Health Protection Agency, regional local authority co-ordinators as well

³⁹ HMRC do not currently have a role in Northern Ireland in relation to imported food. DARD performs the equivalent role

as LACORS and FSA officials. A Sampling Co-ordinator has been appointed to gather and disseminate information and to improve communications in this area.

- GRAIL - This is an electronic database of all legislation, import conditions and guidance relating to imported foods of non-animal origin. It enables enforcement practitioners to search for legislative requirements on a number of different criteria e.g. product name and country of origin.
- Dedicated website section on imported food - This is a comprehensive source of information on imported food controls www.food.gov.uk/imports It includes a dedicated Helpline to provide a first point of contact for advice on imported food control issues.

Food hygiene controls from farm to fork

- 4.21 New food hygiene legislation, applying horizontally from 'farm to fork' came into force across the UK (and the rest of the European Community) on 1 January 2006. Its enforcement is the responsibility of a number of different authorities and agencies - local authorities, the Meat Hygiene Service, DARD Quality Assurance Branch and Veterinary Service, Veterinary Public Health Unit, the Dairy Hygiene Inspectorate, the Egg Marketing Inspectorate and SEERAD Egg and Poultry Unit. This legislation is important from a public health perspective and good co-ordination and co-operation between these authorities is critical. This is achieved mainly through regular but informal contacts between enforcement officers, through shared conferences and meetings etc. It is also achieved via LACORS and the Food Liaison Committees described at paras 4.5 to 4.16.
- 4.22 For much of the primary production sector (which comprises some 195,200 holdings across the UK), the new legislation introduced food hygiene rules for the first time. For the dairy and egg sectors where there were previous hygiene controls, the existing enforcement regimes will be maintained but for remaining primary production sectors the FSA has responsibility for establishing and funding arrangements for its application and enforcement. Following careful consideration and consultation with relevant stakeholders, it has been agreed that local authorities in England and Wales, and DARD QAB in Northern Ireland will be responsible for this work. In Scotland, the arrangements are still to be finalised. Progress is currently being made towards establishing the practical arrangements. A Technical Working Group (with UK representation) has been set up to develop risk ratings and draft enforcement guidance in partnership between enforcement authorities, industry and the FSA. A primary production enforcement liaison group will be established in Scotland.

Veterinary medicines residues monitoring

- 4.23 To ensure the smooth running of this programme, a planning meeting is held each year to consider the scope of the residues surveillance programme for the coming year and to review the effectiveness of the current programme. This involves officials from the Food Standards Agency, the State Veterinary

Service, Meat Hygiene Service, the National Reference Laboratories and representatives of the Veterinary Residues Committee, which oversees the UK residue surveillance work. In addition, the VMD has quarterly meetings with the main authorities and control bodies to discuss progress on the plan and issues related to residues surveillance. It also meets officials from DARD and the FSA three times a year when an Independent Committee considers the overall progress on the plan.

Pesticide residues monitoring

- 4.24 For pesticide residues, bilateral exchange of information takes place within regular meetings of a Liaison Group which includes representatives of PSD, Health and Safety Executive, Local Authorities, FSA, Rural Payments Agency (RPA) and the Environment Agency.
- 4.25 In addition, PSD has quarterly meetings with an independent committee, the Pesticides Residues Committee (PRC), that oversees and advises upon the UK residue monitoring programme. Officials nominated by DARD and the Scottish Executive, together with officials from the FSA, also attend these meetings which consider the overall progress of the plan together with the results.
- 4.26 The draft proposals for the forward plan are published on the PSD website to enable comments from stakeholders to be considered as part of this process. An annual planning meeting is held with members of the PRC and FSA to discuss the programme for the following years taking into account stakeholder comments.

Emergency and contingency planning

Feed and food emergencies

- 4.27 Co-ordination and co-operation of the various authorities is particularly important in the case of emergencies and various contingency plans are in place to deal with such events. These contingency arrangements are outlined below.

Food Standards Agency

- 4.28 The FSA's Incidents Response Protocol outlines the procedures that should be followed by Agency staff during food and feed incidents and emergencies. The document, last revised in March 2006, describes notification procedures, roles and responsibilities during incidents, and the arrangements for the closure and review of incidents. Training is provided as appropriate.
- 4.29 The Protocol contains provisions for incidents where the FSA are not 'leading' the response but will nevertheless have a key supporting role usually to another government Department. It would also be used if and when the

European Commission is required to put its crisis management plan into operation (the arrangements for this are specified at Article 55 of the General Food Law Regulation – 178/2002).

- 4.30 Close links have also been established with a number of other Departments/Agencies to ensure a rapid and co-ordinated response during incidents/emergencies (there are Service Level Agreements or Memoranda of Understanding with many of them). This includes Defra, the Environment Agency, the Veterinary Laboratories Agency, the Rural Payments Agency and the Scottish Agricultural College. Information and instructions are transmitted to local authorities via the Food Alert system.
- 4.31 The Agency in conjunction with the Food Incidents Taskforce has developed an advisory document that aims to reduce the possibility of future contamination incidents. This principles for preventing and dealing with food safety incidents. It sets out the principles that apply, and gives guidance on their application, in meeting existing obligations under feed and food law and the general objective of providing food that is safe and of acceptable quality. More information is available at:
<http://www.food.gov.uk/Consultations/ukwideconsults/2006/prevrespfood>
- 4.32 FSA Scotland holds a Contingency Response Handbook for use in dealing with routine or major feed or food incidents or emergencies in Scotland. This incident plan provides advice to FSA Scotland staff on how to handle an incident should it occur and sets out the key responsibilities and duties which must be undertaken by FSA Scotland staff in the event of a routine incident, major incident or emergency with food safety implications.

Meat Hygiene Service (MHS)

- 4.33 The MHS is currently formalising contingency plans to cover outbreaks of notifiable diseases. These plans form part of the MHS's overall business continuity strategy. The MHS Management Board acts as the strategic decision making body, and a selected a Risk Co-ordinators Body, under the Director of Corporate Services, acts as the tactical decision making body.

Veterinary Medicines Directorate (VMD)

- 4.34 With regard to medicated feedingstuffs and specified feed additives, contingency planning issues will form part of the Animal Medicine Inspectorate (AMI) review and once agreed will be implemented in Standard Operating procedures used by the inspectors. With regard to residues, VMD in conjunction with the FSA and Veterinary Laboratory Agency operates a food safety incident scheme, which ensures that animals containing excessive residues of veterinary medicines or banned substances do not enter the food chain.

Pesticides Safety Directorate (PSD)

- 4.35 PSD has drawn up a Pesticide Residues Emergency Plan, and has distributed it to bodies potentially involved in pesticide emergency work, and is responsible for maintaining it. The plan summarises procedures to be followed

in the event of incidents of potential food safety concern involving pesticide residues, for which PSD generally has lead responsibility. These include emergency action resulting from monitoring and enforcement activities and arising from spillages (including into waterways), misuse or abuse of pesticides, or contamination from an unknown origin. It also details procedures for dealing with acute safety implications arising from contaminated imports, normally reported via RASSF for which FSA takes lead responsibility, but involving PSD in risk assessment and dissemination of information.

- 4.36 Copies of the plan have been distributed to all bodies potentially involved in its implementation, including the FSA, Central Science Laboratory, Laboratory of the Government Chemist, Rural Development Service, Health and Safety Executive, Local Authorities Co-ordinators of Regulatory Services Body (LACORS), Environment Agency, Drinking Water Inspectorate, Association of Port Health Authorities, Fresh Produce Consortium, Welsh Assembly Government Environment, Planning and Countryside Department, Department for Agriculture and Rural Development (Northern Ireland), and the Scottish Executive.

DARD

- 4.37 DARD maintains contingency plans for plant health, milk hygiene and animal feeds. The Milk and Feeds Plans are agreed with the FSA. These plans are reviewed regularly, staff trained as necessary and the plans tested.

Local authorities

- 4.38 Local authorities are required by the relevant Code of Practice (see Appendices C and E) to set up and implement documented procedures for dealing with incidents and emergencies in respect of food or feed. Serious incidents resulting in, for example, an outbreak of foodborne illness should be immediately notified to the appropriate agency, e.g. the Health Protection Agency (HPA) and the Food Standards Agency. Local authorities should also carry out an assessment to determine the likely scale, extent and severity of the risk to public health or safety involving other agencies as appropriate.

Working across the EU

- 4.39 Arrangements are in place in the UK to fulfil the requirements set out in Articles 34 to 40 of Regulation 882/2004 on administrative assistance and co-operation in the areas of feed and food. These requirements aim to ensure mutual assistance and co-operation between the competent authorities of the different Member States and with the Commission so that they may work together where the results of enforcement controls indicate that action is needed in more than one country. This is separate to the arrangements concerning food hazards and incidents that are communicated via the

Commission's RASFF system (Rapid Alert System for Feed and Food⁴⁰) but is rather for dealing with more routine matters.

- 4.40 The arrangements, for the most part, are administrative in nature and are effectively set out for UK local authorities dealing with food law enforcement in the Food Law Codes of Practice and associated Practice Guidance for each of the four UK countries (these are available by following the links at: <http://www.food.gov.uk/enforcement/foodlaw/>). For those local authorities dealing with feed, similar advice is included in the Feed Law Enforcement Code (currently being developed).
- 4.41 To facilitate assistance, each Member State is required to designate a 'liaison body' to act as the first point of communication for transmission and reception of requests for assistance. In the UK, the FSA performs this role. As competent authority for veterinary matters under Council Directive 89/608,⁴¹ Defra has regular contact with the FSA on such issues where they have an impact of feed or food safety.
- 4.42 As Northern Ireland has a land border with the Republic of Ireland, the FSA has regular contact and partnership working arrangements with the Republic's Food Safety Authority and its Department of Agriculture.

Co-ordination and co-operation in the plant health sector

- 4.43 As the Single Authority for the UK under the plant health Directive (2000/29/EC), Defra's Plant Health Division keeps in close touch with the other services. There are co-ordination meetings every six months and frequent meetings on specific issues which involve representatives from all authorities as appropriate.
- 4.44 With regard to the European Community and working with the equivalent services in the other Member States, notifications of interceptions of pests and diseases and other instances of non-compliance are sent to the European Commission using the Europhyt notification system (European Network of Plant Health Information Systems)⁴² as required under Directive 2000/29/EC. If the interception is of immediate concern and/or if emergency action is being taken, the Commission is informed by letter. This system ensures that issues are brought to the attention of all Member States. The UK uses the same system to notify interceptions in material moving within the EC.
- 4.45 In addition to this, DARD has regular meetings with Plant Health officials in the Department of Agriculture and Food in the Republic of Ireland and maintains close contact on issues of mutual interest.

⁴⁰ More information on RASFF is available at: http://ec.europa.eu/food/food/rapidalert/index_en.htm

⁴¹ Council Directive 89/608/EEC of 21 November 1989 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters Official Journal L 351 , 2.12.1989 34 37.

⁴² More information on Europhyt is available at: <http://ec.europa.eu/idabc/en/document/2267/580>

Chapter 5 - Raising standards and sharing good practice

Note for consultation

This Chapter outlines the mechanisms or systems used to help drive up the standard of the enforcement authorities.

- Are these mechanisms adequately described?
- Are other mechanisms in place that should be mentioned here?

Background

- 5.1 As with any system of legal controls, the effectiveness of feed and food law depends on how well it is enforced. The aim of good enforcement is to safeguard public and animal health and protect consumers, as well as ensuring fair trading without imposing unnecessary burdens on the businesses involved. In order to ensure that the competent authorities are providing such an effective and consistent service, Regulation 882/2004 requires that they are subject to audit (this requirement does not apply to the competent authorities in the plant health sector) and the European Commission has provided guidance on how such audits should be conducted.⁴³ This Chapter sets out how this requirement is met in the UK and how audit and other mechanisms are used to help drive up standards of performance of the authorities involved, and for identifying and disseminating good practice to improve consistency of approach.

Monitoring and auditing performance

- 5.2 Responsibility for monitoring and verifying compliance with feed and food law, and enforcement of its requirements, is divided in the UK between the FSA, Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations, and local and port health authorities.
- 5.3 The FSA has various statutory powers in respect of monitoring and auditing the performance of the authorities that enforce the legislation for which it is responsible. Based on these powers, established Audit Schemes for local and port health authorities, and for the Meat Hygiene Service (MHS) and DARD Veterinary Service - Veterinary Public Health Unit (VS-VPHU) are in place. In addition, the MHS and DARD VS-VPHU operate their own audit schemes. Further information on these schemes is provided at [Appendix Q](#). These audit schemes assess the performance of local and port health authorities, the

⁴³ Commission Decision on guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules - currently still in draft.

MHS and DARD VS-VPFU against specific standards and also aim to identify good practice. The various schemes are subject to independent scrutiny and measures are in place to ensure transparency for relevant stakeholders.

- 5.4 Where the FSA has direct official control functions, audit arrangements are now being established as outlined in Appendix C. Similarly, for the other authorities that enforce legislation on the FSA's behalf - the Dairy Hygiene Inspectorate, the Egg Marketing Inspectorate, and DARD Quality Assurance Branch - audit arrangements are being established as outlined in Appendices G, H and I respectively. In all these cases, the audit schemes will be designed to assess whether the competent authorities meet the operational criteria set out for them in Regulation 882/2004. In developing them, account is being taken of the Commission's guidelines mentioned above, and also of accepted good audit practice. Authorities will be audited using a systematic process (which will be subject to independent scrutiny) and against an agreed standard, and at a frequency based on risk. Reporting will be balanced such that it includes positive findings as well as areas for improvement and good practice will be identified and disseminated. Measures will be included to ensure that the audit process in each case is transparent for all relevant stakeholders.
- 5.5 With regard to those areas where Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations are responsible for the legislation, there is an established system in place for the inspection of Border Inspection Posts by the State Veterinary Service and DARD Veterinary Service and a scheme for audit of the Rural Payments Agency Inspectorate which has an official control function in respect of beef labelling rules. Details of these schemes are provided at Appendix Q.
- 5.6 For Defra's other official control functions, its Internal Audit Unit is developing an audit strategy. This will ensure that all major aspects of such work are fully reviewed in risk-based audits at least once during a five year period. A report for each piece of work completed, including any recommendations for improvements, will be produced and circulated as required. As with those areas where the FSA is developing audit arrangements, the audit schemes will be designed to assess whether the operational criteria for competent authorities are met and will take account of the Commission's guidelines on conducting audits.
- 5.7 As highlighted in Appendices J and K respectively, the Veterinary Medicines Directorate and the Pesticides Safety Directorate are also currently assessing the audit arrangements that are required with regard to their official control functions.

Other mechanisms for sharing good practice

- 5.8 In addition to identifying good practice by local authority feed and food law enforcement services, through audit, the FSA disseminates a wide range of good practice via, for example, the website, case studies in newsletters and regional meetings. This includes, for example, identifying and publishing good

practice on local authority promotion of food safety management systems based on HACCP principles. As part of an Agency Project on Engagement of Asian Communities, local authorities are also invited to share good practice and research work aimed at improving food safety awareness among Asian consumers and food businesses in Great Britain. More information is available on the FSA website at:

<http://www.food.gov.uk/enforcement/goodpractice/>

Chapter 6 - Planning for the future - the next four years

Note for consultation

This Chapter outlines the official control activities that are planned for the various authorities during the period of the NCP. For the most part, these represent 'business as usual' by the competent authorities but there are some additional specific activities and priorities included. It should be noted that certain of these are subject to separate consultation arrangements, and so we ask that any comments should reflect only on these activities in the context of the NCP.

- Do you agree with the planned activities?
- Should additional activities be included and, if so, why?

Background

- 6.1 During the period of the NCP, the FSA, Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations will continue to work and liaise with each other and, where appropriate, with local and port health authorities and their representative and professional bodies. The aim is to continue to develop and implement a shared agenda that will help ensure an effective system of official feed and food controls. This Chapter outlines the planned official control activities for the various authorities involved during the period of the NCP.
- 6.2 The various Units that make up the UK Plant Health Service will also continue to work together to protect the countryside and to help contribute towards sustainable farming and food. The activities of the Plant Health Service over the period of the plan are also outlined in this Chapter.

Feed and food law monitoring and enforcement

Local and port health authorities

- 6.3 Under the terms of the Framework Agreement on Local Authority Food Law Enforcement (see [Appendix C](#), paras 18 and 19), local and port health authorities must have service delivery plans in place which set out details of the services they provide, the means by which these will be delivered and how they will meet any relevant performance targets. These plans will be implemented during the period of the NCP and will be reviewed at least once annually and, where necessary, updated.

Food Standards Agency

Vision for feed and food law enforcement and enforcement strategy

6.4 The FSA's vision for enforcement is:

'Within a sound regulatory framework, maximise industry compliance which, with informed and empowered consumers, will achieve improved public health and better consumer confidence'.

6.5 The FSA will build on the existing official control framework in order to move towards achieving this vision and with the aim of moving towards a system based on outcomes rather than inputs. This managed evolutionary approach will allow flexibility, but will be driven by ongoing research and an evidence base to improve compliance and protection of public health. This will be achieved through the development of an enforcement strategy. This strategy is currently at an early draft stage, and key stakeholders have been consulted informally. It will build on the recommendations of the Hampton report and operate alongside other initiatives for co-ordinating functions across central regulators for local environmental health and trading standards services.

Note for consultation

The Food Standards Agency is in the process of developing a draft 'enforcement strategy' for their areas of responsibility and will be consulting separately, both formally and informally, with stakeholders in due course.

Implementing the FSA strategic plan

6.6 During the period of the NCP, the FSA, in line with its strategic plan for 2005 to 2010, will work in partnership with its enforcement stakeholders to:

- monitor and review the Framework Agreement in Local Authority Food Law Enforcement;
- provide direct support to local authorities to enable them to work with businesses to raise standards in food safety management;
- continue to provide training support for local authority enforcement officers where appropriate;
- support local authorities dealing with major food fraud investigations;
- review the effectiveness of the food alerts system;
- publish good practice acquired from Agency audits of local authorities and findings from our enforcement research programme;
- provide guidance and technical advice on enforcement issues;
- develop ways to measure the outcomes of food law enforcement work and improve timeliness and relevance of local authority performance data;
- publish information on enforcement performance to inform consumers and encourage better local authority performance; and,

- play a part in the wider initiatives to streamline enforcement and inspection regimes whilst maintaining excellent public protection outcomes.

Liaison activities

- 6.7 The Agency will continue to develop and strengthen its links with local authority food and food law practitioners and with other relevant authorities and organisations through its enforcement stakeholder groups and committees - see para 4.15.

Priorities for local authorities

- 6.8 In order to provide clear direction to local authority regulatory services about the enforcement activities that the FSA believe will best protect public health and consumers other interests in relation to food, five high priority areas and five low priority areas have been identified. These priorities were agreed by the FSA Board in October 2005 and were subject to public consultation earlier this year. Over 30 responses are being considered.
- 6.9 The top five priorities are set out below. These priorities link to the targets in the FSA Strategic Plan for 2005 to 2010 and also to Central Local Partnership Framework which is a commitment by central Government and the Local Government Association to work together in order to strengthen and sustain local elected government in England and improve local service provision.⁴⁴

Top priorities

- To pro-actively provide support and take targeted, proportionate risk based enforcement action, including inspections, to protect food safety and prevent food borne disease.
- Through reactive, intelligence-led enforcement, tackle rogue businesses and take appropriate measures to safeguard the food supply from adulteration, contamination, fraud and misdescription.
- To provide appropriate, targeted, specific, transparent and robust advice, support and incentives to businesses to maximise compliance with EU risk-based Food Hygiene Regulations and General Food Law.
- In line with the Government's Sustainable Development agenda in particular that relating to Healthy Communities, to provide help, advice and support to consumers, to protect public health and promote healthier lifestyles and consumer choice.
- To provide transparent, robust and consistent approaches to investigating and resolving consumer complaints about food and food businesses, in particular through a properly resourced Home Authority Principle.

⁴⁴ More information on this is available at: <http://www.communities.gov.uk/index.asp?id=1133646>

6.10 The activities which are not priorities are outlined below.

Bottom priorities

- Radiation monitoring.
- Routine microbiological sampling which is on an ad hoc basis and not targeted.
- Routine inspection which is not risk-based and not targeted.
- Routine retail checks on food labels that are not risk-based.
- All advice and information that is not targeted, does not have the primary objective of maximising compliance, or is not linked to a specific campaign.

6.11 With regard to feed law enforcement by local authorities in Great Britain, the priority also is to pro-actively provide support to animal feed businesses and take targeted, proportionate risk-based enforcement action, including inspections (in accordance with the provisions of the Code of Practice on Feed Law Enforcement), to protect feed safety. To assist local authorities in targeting their feed control activities, guidance on particular priorities is provided by the FSA on an annual basis. The priorities are based on RASSF and feed incident alerts, results of feed sample analyses received by the Agency, and changes to animal feed legislation.

Monitoring and audit programmes of local and port health authorities for the period of the NCP

6.12 Monitoring of the delivery of feed and food law enforcement by local authorities, will continue under the Framework Agreement. However, the method of that monitoring is currently being reviewed, with the aim of introducing a new system in 2007-08. Audit programmes under the Framework Agreement will also continue, although these will depend on the outcome of the review of audit arrangements for local authorities which is also currently in progress.

6.13 Periodic surveys on hygiene standards in UK food premises will also be carried out in addition to the monitoring programme. The surveys, which will obtain information from local authorities across the UK, will provide general details as to which types of business (retail, restaurants, etc.) are complying with hygiene legislation and indicate the main areas where they are failing. These surveys will be principally used to give performance indicators for the several Agency initiatives established to drive up compliance e.g. 'Safer Food Better Business' in England. An initial survey carried out at the end of 2005 and published in July 2006 will serve as a baseline against which to measure improvements in food hygiene and safety.

Performance targets for and audit of the MHS, DARD (VS-VPHU and QAB), DHI and EMI/SEERAD Egg and Poultry Unit

6.14 As highlighted elsewhere in the NCP, performance targets are set (or will be set). Regular reporting and assessment of performance against these will continue on an annual basis for the period of the plan. Audit programmes will continue to be established during the period of the plan.

Official feed and food laboratories

- 6.15 Food control laboratories have been required to meet (be accredited to) certain European accredited for the past eight years. This accreditation follows the normal ISO 17025 Accreditation Standard with proficiency testing and annual assessment/audit visits. The accreditation requirements for food control laboratories now also apply to feed control laboratories. UK feed control laboratories will be working towards this during the period of the plan. The scope of accreditation and proficiency testing must be carefully defined (as has been the case for food control laboratories) and the FSA and the Association of Public Analysts which represents feed laboratories in the UK, will continue to work together to agree and implement this.

FSA official control functions

- 6.16 The FSA has responsibility for the approval of food irradiation facilities in the UK, the approval of fresh meat premises, and the monitoring, designation and classification of shellfish harvesting areas. For each of these areas, the normal control activities as described in Appendix C will continue during the period of the plan.

Implementation of European Commission recommendations

- 6.17 An important part of the FSA's remit over the period of the plan will be to ensure that any recommendations made by the European Commission's Inspection Services (the Food and Veterinary Office) with regard to the UK official control system will be considered fully and implemented as appropriate. In order to achieve this, the FSA will work with the Commission and with the relevant competent authorities and associated bodies.

Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations

Veterinary medicines residues surveillance and pesticides residues monitoring and enforcement

- 6.18 During the period of the plan, the Veterinary Medicines Directorate will continue to operate its statutory surveillance programme and provide the annual surveillance plans and results to the European Commission. Similarly, the Pesticides Safety Directorate will continue its non-statutory monitoring programmes to the Commission. In addition, it is expected that a mandatory programme (for 2008) will be required under Community legislation Maximum Residue Levels.⁴⁵ UK pesticide enforcement programmes will also continue and will take account of adverse findings from the national monitoring programmes.

⁴⁵ Regulation (EC) 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC. Official Journal L 70, 16.3.2005, 1-16.

Import controls for product of animal origin

- 6.19 During the period of the plan, inspection programmes for Border Inspection Posts will continue as outlined in Chapter 5.

Other Defra areas

- 6.20 Defra's control activities in respect of the protected food names schemes, the certification scheme for organic produce and the beef labelling scheme will also continue as described in Appendix D.

Implementation of European Commission recommendations

- 6.21 As for the FSA, Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations will also consider fully and implement, as appropriate, any recommendations made by the European Commission's Inspection Services regarding the parts of the official control system that they are responsible for.

Official controls in the plant health sector

- 6.22 The Plant Health Service will continue to prepare Business Plans during the period of the NCP. These will include targets for numbers of inspection and a range of other activities.
- 6.23 In addition, Defra is currently developing a notification system linked to Her Majesty's Revenue and Customs on single window principles to enable more efficient implementation of plant health import controls introduced by Directive 2002/89. This should become operational during 2007.

Chapter 7 - Monitoring and reporting our progress

Background

- 7.1 The UK NCP will be implemented from 1 January 2007 and, thereafter, progress will be monitored on an on-going basis and an annual report will be prepared and sent to the European Commission. This Chapter describes how the review and reporting process will be managed and outlines the monitoring activities that will be undertaken.

Management of the review and reporting process

- 7.2 The review and reporting process will be managed by means of a cross-Departmental Project. As lead Government Department for matters relating to EU Regulation 882/2004, the FSA will co-ordinate the project overall but will work closely with Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations. The FSA's Official Control Regulation Implementation Team will have overall responsibility for the day-to-day management of the project and will work closely with colleagues from across the FSA (including the MHS) and from each of the UK Agriculture/Rural Affairs Departments. The project will be supported by FSA senior management through a Project Board which will also include representatives from the other Departments involved. There will be consultation with key stakeholders where significant changes to the plan are proposed.
- 7.3 As part of the managed project described above, annual progress reports on implementation of the UK NCP will be prepared. As required by Regulation 882/2004, these will be sent to the European Commission. They will also be posted on the website of the various Departments to ensure transparency for consumers about the control activities undertaken in the UK and about their results.

Monitoring activities

- 7.4 The central competent authorities (FSA and the Agriculture/Rural Affairs Departments) will keep the NCP under review and pro-actively seek information on any factors that may require it to be amended and updated. Amendments may be needed, for example, to reflect developments at national level such as: the introduction of new legislation; changes in the roles and responsibilities competent authorities or the structure and organisation of

the control system; the outcome of audits of the competent authorities, and the outcome of inspections of the national control systems by the European Commission's Food and Veterinary Office.

- 7.5 The mechanisms for monitoring and auditing the official feed and food control activities of the competent authorities in the UK described elsewhere in this plan will be the basis on which progress on implementation is assessed and measured.

What we will be reporting

- 7.6 Reporting will be based around the strategic priorities set out in Chapter 2. It will be supplemented by information on the control activities of the relevant competent authorities. The particular control activity data that will be reported is to be agreed at Community level. This is still the subject of discussion between the Commission and the Member States and a formal proposal from the Commission is expected shortly. Stakeholders will be consulted on these proposals and once the requirements have been agreed, this Chapter of the NCP will be updated and extended.

Appendix A

Designation of competent authorities in the UK

The table below provides details of the competent authorities in the UK that have responsibility for official controls in respect of feed and food law, and animal health and animal welfare rules. Copies of all legal instruments may be downloaded from the website of the Office of Public Sector Information at: <http://www.opsi.gov.uk/>

Responsible Department	Relevant legislation	Designated competent authorities
Food Standards Agency	The Official Feed and Food Controls (England) Regulations 2006 (SI 2006/15) ¹	<ul style="list-style-type: none"> Food Standards Agency Feed authorities (local authorities in England with responsibility for feed law enforcement) Food authorities (local authorities in England with responsibility for food law enforcement)
Food Standards Agency (Scotland)	The Official Feed and Food Controls (Scotland) Regulations 2005 (SSI 2005/616), as amended by the Food Hygiene (Scotland) Regulations 2006 (SSI 2006/3)	<ul style="list-style-type: none"> Food Standards Agency Feed authorities (local authorities in Scotland with responsibility for feed law enforcement) Food authorities (local authorities in Scotland with responsibility for food law enforcement)
Food Standards Agency (Wales)	The Official Feed and Food Controls (Wales) Regulations 2006 (SI 2006/590 (W.66)) ²	<ul style="list-style-type: none"> Food Standards Agency Feed authorities (local authorities in Wales with responsibility for feed law enforcement) Food authorities (local authorities in Wales with responsibility for food law enforcement)
Food Standards Agency (Northern Ireland)	The Official Feed and Food Controls Regulations (Northern Ireland) 2006 (SR 2006/2) ³	<ul style="list-style-type: none"> Food Standards Agency Feed authority (Department of Agriculture and Rural Development for Northern Ireland) District councils

¹ SI 2006/15 revoked and replaced the Official Feed and Food Controls (England) Regulations 2005 (SI 2005/2626).

² SI 2006/590 (W.66) revoked and replaced the Official Feed and Food Controls (Wales) Regulations 2005 (SI 2005/3254 (W.247)).

³ SR 2006/2 revoked and replaced the Official Feed and Food Controls Regulations (Northern Ireland) 2005 (SR 2005/574).

Responsible Department	Relevant legislation	Designated competent authorities
Department for Environment, Food and Rural Affairs (Veterinary Medicines Directorate)	The Veterinary Medicines Regulations 2005 (SI 2005/2745)	<ul style="list-style-type: none"> • Secretary of State (Defra) - for medicated feed and specified feed additives
Department for Environment, Food and Rural Affairs	[The Official Controls (Animals, Crops, Feed and Food) (England) Regulations 2006 Note - this Statutory Instrument is still in draft form. It will be subject to full public consultation will take place in due course.]	<ul style="list-style-type: none"> • [Secretary of State (Defra) • Local authorities]
Scottish Executive, Environment and Rural Affairs Department	[The Official Controls (Animals, Crops, Feed and Food) (Scotland) Regulations 2006 Note - this Scottish Statutory Instrument is at the drafting stage. Public consultation will take place in due course.]	<ul style="list-style-type: none"> • [Scottish Ministers • Local authorities]
Welsh Assembly Government, Environment, Planning and Countryside Department	[The Official Controls (Animals, Crops, Feed and Food) (Wales) Regulations 2006 Note - this Statutory Instrument for Wales is at the drafting stage. Public consultation will take place in due course.]	<ul style="list-style-type: none"> • [Welsh Assembly Ministers • Local authorities]
Department of Agriculture and Rural Development for Northern Ireland	[The Official Controls (Animals, Crops, Feed and Food) Regulations (Northern Ireland) 2006 Note - this Statutory Rule is at the drafting stage. Public consultation will take place in due course.]	<ul style="list-style-type: none"> • [Department of Agriculture and Rural Affairs for Northern Ireland • District councils]

Appendix B

Feed and food responsibilities of the Agriculture/Rural Affairs Departments

The Department for Environment, Food and Rural Affairs (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations have responsibility in their respective regions for the following areas of feed and food law as it relates to feed and food *per se*.

Note - Copies of all UK domestic legislation may be downloaded from the website of the Office of Public Sector Information at: <http://www.opsi.gov.uk/> Copies of Community legislation are available from the European Commission website at: http://europa.eu.int/eur-lex/en/search/search_lif.html

Organic products

- The regulation of organic products under:
 - the Organic Products (Imports from Third Countries) Regulations 2003;⁴ and,
 - the Organic Products Regulations 2004.⁵

Protected food names

- The application of the rules laid down for the protection of agricultural products and foodstuffs as traditional specialities guaranteed in Council Regulation (EEC) No. 509/06 on agricultural products and foodstuffs as traditional specialities guaranteed.⁶
- The application of the rules laid down for the protection of designations of origin and geographical indications of agricultural products and foodstuffs in Council Regulation (EEC) No. 510/06 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.⁷

Beef labelling

- The regulation of beef labelling under:
 - the Beef Labelling (Enforcement) (England) Regulations 2000;⁸
 - the Beef Labelling (Enforcement) (Scotland) Regulations 2001;⁹
 - the Beef Labelling (Enforcement) (Wales) Regulations 2001;¹⁰ and,
 - the Beef Labelling (Enforcement) (Northern Ireland) Regulations 2001.¹¹

⁴ SI 2003/2821.

⁵ SI 2004/1604 (as amended by SI 2005/2003).

⁶ Official Journal L93, 31.3.06, 1-11.

⁷ Official Journal L93, 31.3.06, 12-25.

⁸ SI 2000/3047 (as amended by SI 2002/2315).

⁹ SSI 2001/252.

¹⁰ SI 2001/1360 (W.88).

¹¹ SR 2001/271 (as amended by SR 2006/263).

Imported products of animal origin

- The regulation of the import of and trade in products of animal origin under:
 - the Products of Animal Origin (Import and Export) Regulations 1996,¹² with the exception of the execution and enforcement of regulation 3 which is the responsibility of the Food Standards Agency;
 - the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998,¹³ with the exception of the execution and enforcement of regulation 3 which is the responsibility of the Food Standards Agency;
 - the Products of Animal Origin (Third Country Imports) (England) (No. 4) Regulations 2004,¹⁴ with the exception of the execution and enforcement of regulation 5 which in part is the responsibility of the Food Standards Agency;
 - the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002,¹⁵ with the exception of the execution and enforcement of regulation 5 which is the responsibility of the Food Standards Agency;
 - the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005,¹⁶ with the exception of the execution and enforcement of regulation 5 which is the responsibility of the Food Standards Agency; and,
 - the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2004,¹⁷ with the exception of the execution and enforcement of regulation 4 which is the responsibility of the Food Standards Agency.

Transmissible spongiform encephalopathies

- The regulation of transmissible spongiform encephalopathies (TSE) in relation to testing (including sampling) controls on bovine, ovine and caprine animals slaughtered for human consumption under:
 - the Transmissible Spongiform Encephalopathies (England) (No. 2) Regulations 2006,¹⁸ and European Parliament and Council Regulation 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies;¹⁹
 - the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2002,²⁰ and European Parliament and Council Regulation 999/2001;
 - the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006,²¹ and European Parliament and Council Regulation 999/2001; and,
 - the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006,²² and European Parliament and Council Regulation 999/2001.

¹² SI 1996/3124 (as last amended by SI 2003/3177).

¹³ SR 1998/45 (as last amended by SR 2004/464).

¹⁴ SI 2004/3388.

¹⁵ SSI 2002/445 (as last amended by SSI 2005/323).

¹⁶ SI 2005/666 (W 56).

¹⁷ SR 200/464.

¹⁸ SI 2006/1228.

¹⁹ Official Journal L 147, 31.5.2001, 1-40.

²⁰ SSI 2002/255 (as amended).

²¹ SI 2006/1226 (W.117)

²² SR 2006/202.

Residues

- The regulation of residues of veterinary medicines and other substances under:
 - the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997;²³ and,
 - the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998.²⁴
- The regulation of residues of pesticides under:
 - the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005;²⁵
 - the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005;²⁶ and,
 - the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations (Northern Ireland) 2006.²⁷

Feed

- The Regulation of medicated feedingstuffs under the Veterinary Medicines Regulations 2005 and the regulation of specified feed additives under the Veterinary Medicines Regulations 2005.²⁸
- The regulation of transmissible spongiform encephalopathies (TSE) in relation to the bovine spongiform encephalopathy (BSE) related feed ban under:
 - the Transmissible Spongiform Encephalopathies (England) (No.2) Regulations 2006;
 - the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2002;
 - the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006;
 - the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006.

²³ SI 1997/1729 (as last amended by SI 2004/147).

²⁴ SR 1998 No 237.

²⁵ SI 2005/3286 (as amended by SI 2006/985).

²⁶ SSI 2005/599 (as last amended by 2006/151).

²⁷ SR 2006/220

²⁸ SI 2005/2745.

Appendix C

Food Standards Agency

Organisation and structure

1. The Food Standards Agency (FSA) was established by Act of Parliament, the Food Standards Act 1999,²⁹ on 1 April 2000. As set out in the Act, the FSA has responsibility for protecting public health from risks that may arise in connection with the consumption of food, and otherwise to protect the interests of consumers in all matters connected with food. This includes wide-ranging responsibilities in the area of animal feed.
2. The Agency is a non-Ministerial Government Department accountable to the Westminster Government through the Secretary of State for Health and to the Scottish Parliament, National Assembly for Wales and the Northern Ireland Administration through their health ministers or equivalents. The work of the FSA is governed by a Board appointed to act in the public interest and put consumers first. The Board consists of a Chairman, Deputy Chair and up to 12 other members. The Board is responsible for the FSA's overall strategic direction within the framework of the Food Standards Act 1999. This includes ensuring that the Agency's legal obligations are fulfilled, and that decisions and actions take proper account of scientific advice as well as the interests of consumers and other stakeholders. Further information about the Board, including details of its current membership are available at:
<http://www.food.gov.uk/aboutus/ourboard/>
3. The day to day operations of the Agency are managed by its Chief Executive and its staff are civil servants. Feed and food safety and standards are devolved matters in the UK, so in addition to its headquarters in London, the FSA has offices in Scotland, Wales and Northern Ireland. Each of these offices is headed by a Director accountable to the FSA's Chief Executive. An up-to-date high level organisation chart for the FSA is available at:
<http://www.food.gov.uk/multimedia/pdfs/structure.pdf>.
4. FSA Scotland, Wales and Northern Ireland provide advice to their respective Ministers on food safety and standards policy and legislation. There is also a statutory Food Advisory Committee within each country which provide the FSA with independent information and advice on food safety and standards issues in the respective countries. Details of these Committees are available on the FSA website at:
http://www.food.gov.uk/scotland/aboutus_scotland/advisorycommittee/
http://www.food.gov.uk/wales/aboutus_wales/advisorycommitteewales
<http://www.food.gov.uk/northernireland/aboutfsani/advisorycommittee/>

²⁹ Food Standards Act 1999, c 28.

Roles and responsibilities

5. The Food Standards Act 1999 sets out the Agency's functions. It has a wide remit for feed and food safety and standards issues from 'farm to fork', including developing policy and representing the UK on feed and food matters at EU level, and responsibility for making and implementing feed and food law (further detailed information on the FSA's work is available on its website at: <http://www.food.gov.uk>). Responsibility for monitoring and verifying compliance with (official controls), and enforcement of this legislation is shared between the FSA (including its executive agency, the Meat Hygiene Service, and other authorities working on the Agency's behalf), and local authorities.
6. The Food Standards Act 1999 provides the FSA with a package of statutory powers to strengthen its influence over enforcement activity, and to help in the delivery of national priorities and objectives. The Act gives the Agency powers to set standards of performance in relation to enforcement of feed and food law and to monitor and audit enforcement authorities against those standards in order to assess their performance. It also gives the Agency powers to require local authorities to provide information relating to feed and food law enforcement. The Agency may enter local authority premises, to inspect records and take samples, and it may make reports to individual authorities which may give guidance on improving performance. It can also require enforcement authorities to publish these reports, and state what action they propose in response.
7. Details of the FSA's enforcement functions and of the relationships between the FSA and other authorities or Departments that enforce legislation for which the Agency has overall responsibility, are provided in the following paragraphs.

FSA official control functions

Note for consultation

This section describes the official control activities routinely undertaken by the Agency.

- **Are these described adequately?**

Inspection and approval of food irradiation facilities

8. The FSA itself has direct responsibility for the inspection and approval of food irradiation facilities in the UK under Directive 1999/2/EC³⁰ and, as required, has notified the European Commission of this. Enforcement of other legislation relating to irradiated food such as labelling regulations and import controls is the responsibility of local and port health authorities. The Agency's

³⁰ Directive 1999/2/EC of the European Parliament and of the Council on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation. Official Journal L 066, 13.3.1999, 16-23

enforcement function lies within its Emergency Planning, Radiation and Incident Response Division which is part of the Food Safety Policy Group.

9. At present, there is only one facility in the UK that is approved for the irradiation of food. This is inspected by FSA officials against the provisions of its approval at least once every two years. This frequency is proportionate to the amount of food treated. This will be kept under review and possibly revised if the volumes of food being irradiated increase significantly.
10. With regard to the FSA officials undertaking the inspection and approval visits, they are not permitted to own shares in the inspected and approved food irradiation facility, nor to have a vested interest in the commercial success of irradiated food. With regard to qualifications, they have science degrees and specific expertise in issues relating to food irradiation and radiation issues generally. On-going training requirements in relation to this enforcement role are identified as part of the individual's standard training and development management and any relevant training that is undertaken is recorded and evaluated as part of the appraisal process.
11. The procedure for approval of an irradiation facility is detailed in Food (Control of Irradiation) Regulations.³¹ FSA officials use a standard checklist for their inspection visits so that a consistent protocol is followed on each occasion. After each inspection a written report is produced and a letter is sent to the company concerned. On granting approval or varying the terms of approval, details are published in the London, Edinburgh and Belfast Gazettes (official newspapers of record in the UK). In addition, and as required by Directive 1999/2/EC, details of approved facilities are notified to the European Commission and annual submissions are made providing the results of the inspections carried out.
12. With regard to internal monitoring, inspections are carried out by one official who is always accompanied by another from the Agency. An audit programme for food irradiation facility inspections and arrangements for independent scrutiny of this are currently being developed. As this is a very specialised function, the Agency is considering the option of working with equivalent inspectors in the other Member States who will have the necessary expertise to assess the effectiveness of arrangements on a mutually supportive basis.

Approval of fresh meat premises

13. The FSA has direct responsibility for approving establishments subject to veterinary control under food hygiene legislation, i.e. slaughterhouses, cutting plants placing fresh meat on the market and game handling establishments, as well as any co-located cold stores, meat products, minced meat, meat preparations, mechanically separated meat and edible co-products establishments. Responsibility for this function within Great Britain lies with the Agency itself, whilst in Northern Ireland, this function is carried out for the Agency by the Department of Agriculture and Rural Development, Veterinary Service - Veterinary Public Health Unit (DARD VS-VPHU).

³¹ SI 1990/2490, as amended.

14. Approval assessment visits in Great Britain are carried out by Veterinary Meat Hygiene Advisers (VMHAs). They are qualified veterinary surgeons with specific expertise in the structural, equipment and operational requirements applying to meat establishments. The VMHAs use a standard checklist when carrying out approval assessments to ensure consistency of decisions. This checklist forms the basis of the VMHA's recommendation to grant conditional or full approval or refuse approval. Approvals are kept under review by the FSA through liaison with the Meat Hygiene Service, who are responsible for day-to-day enforcement of the relevant legislation and, if appropriate, make recommendations to the FSA for the suspension or withdrawal of approvals. With regard to monitoring, VMHAs are managed by senior officers within the FSA who are themselves veterinarians. Whenever possible they are accompanied on assessment visits by a veterinarian from the Meat Hygiene Service. An audit system of the approval function and arrangements for independent scrutiny is being developed.
15. In Northern Ireland, approval assessment visits are carried out by Divisional Veterinary Officers (DVOs) within DARD VS-VPHU. Recommendation to approve is to FSA Northern Ireland. DVOs conducting approval assessment visits are accompanied on assessment visits by the VS-VPHU veterinarian responsible for the plant.

Monitoring, designation and classification of shellfish harvesting areas

16. The FSA is directly responsible for establishing the UK monitoring programmes for shellfish harvesting areas as required under Community legislation on food hygiene. Shellfish harvesting areas must be designated, classified and monitored on a regular basis in relation to the specified levels of microbiological contamination of the waters from which shellfish are harvested as well as the flesh of the shellfish. It is also a requirement to monitor each designated area for specified marine biotoxins on a regular basis in accordance with specified risk assessment. Sampling for these programmes is carried out by local authorities responsible for the area in which the shellfish bed is located. Designated laboratories carry out the specified testing and analysis of the samples and report the results to the FSA. The FSA is directly responsible for decisions in relation to the classification of shellfish harvesting areas, and when samples for marine biotoxins are found to be positive (or above the specified levels) the FSA advises the local authority on the action to be taken.

Working in partnership with local authorities

17. The function to monitor and verify compliance with, and enforcement of the main body of food law in the UK rests with local and port health authorities. Similarly, in Great Britain, the main body of feed law is enforced at local level. The FSA has a major responsibility to ensure that the enforcement function is delivered effectively and consistently. This is based on the statutory powers in the Food Standards Act 1999 referred to at para 6.

Framework Agreement on Local Authority Food Law Enforcement

18. The mechanism by which the Agency influences official control activity by local and port health authorities is the Framework Agreement on Local Authority Food Law Enforcement. This was developed in close liaison with LACORS (Local Authorities Co-ordinators of Regulatory Services) and the Local Government Association³² and came into effect on 1 April 2001. It reflects the partnership between the Agency and local and port health authorities and the shared aim of maintaining high and consistent standards of enforcement to protect public health and consumers' interests in relation to food. It covers feed law enforcement as well as food law enforcement. The Agreement is UK-wide and is available at:

<http://www.food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf>.

19. The Agreement sets out standards for feed and food law enforcement which local and port health authorities (as appropriate) are expected to meet. It increases public accountability by requiring publication of local service plans setting out food and feed enforcement priorities and provides guidance on how this may be achieved. It also outlines how the Agency monitors and audits the performance of local and port authorities (further details of this are provided in Chapter 5 of this NCP).

Codes of Practice and associated Practice Guidance

20. Direction and guidance on the approach to food enforcement is provided in statutory Codes of Practice. These aim to ensure enforcement consistency by setting out instructions and criteria to which local and port health authorities should have regard when engaged in the enforcement of food law. Separate but parallel Codes, and associated Practice Guidance, have been developed for England, Scotland, Wales and Northern Ireland. The Codes/Practice Guidance documents were updated following the introduction of Regulation 882/2004 to reflect its requirements and, in particular, those relating to official control of feed and food of non-animal origin imported from outside the Community. The Codes/Practice Guidance are published and are available by following the links at:

<http://www.food.gov.uk/enforcement/foodlaw/>

21. With regard to feed law enforcement, the Agency is currently developing a similar statutory Code of Practice (and in due course will develop Practice Guidance) which will apply in Great Britain. This Code is currently subject to public consultation - the consultation documents are available at:

<http://www.food.gov.uk/Consultations/consulteng/2006/feedlawcopeng>

Practice Guidance, which will incorporate the content of the Code of Practice, will be provided to the Quality Assurance Branch DARD which enforces all feed legislation in Northern Ireland. The Veterinary Medicines Directorate is reviewing the Standard Operating Procedures used by the Animal Medicines Inspectorate and will take account of the Code when these are revised (see Appendix E, paragraph 19)

³² More information on the Local Government Association is available at: <http://www.lga.gov.uk/home.asp>

Rapid Alert System for Food and Feed (RASFF) and FSA Food Alerts

22. The RASFF system, which is run by the European Commission, was established in 1979 to provide the control authorities in the Member States with an effective tool for exchange of information on measures taken to ensure food safety. The RASFF network comprises the Member States, the Commission and the European Food Safety Authority. The FSA is a member and its Incident Branch is the UK contact point for RASFF notifications. More information on RASFF is available at:

http://ec.europa.eu/food/food/rapidalert/index_en.htm

23. Food Alerts are the Food Standard Agency's way of letting local authorities and consumers know about problems associated with feed and food and, in some cases, provide details of specific action to be taken. These are issued under two categories, 'Food Alerts: for Action' and 'Food Alerts: for Information'. More information on the Food Alert system is available at:

<http://www.food.gov.uk/enforcement/alerts/>

Guidance and support

24. The FSA also provides a wide range of other guidance to local and port health authorities which is made available via the Enforcement Portal of the FSA website at: <http://www.food.gov.uk/enforcement/>. It also provides support by means of training initiatives, additional funding and grants, and by providing advice and information etc. More details of this aspect of the FSA's work is provided in Chapter 4.

Powers of intervention

25. Where local authorities are found to be failing to discharge their functions adequately or failing to meet their statutory obligations to apply the law, the Agency may consider using powers of direction and default contained in the Food Standards Act 1999, the Food Safety Act 1990 and the Food Safety (Northern Ireland) Order 1991, and also in secondary legislation on food hygiene and on official feed and food controls applying in each of the four UK countries. Guidance intended to provide transparency on how and when such powers may be used has been developed and issued to all local and port health authorities. To date, these powers have not been exercised.

Working with the Meat Hygiene Service and DARD Veterinary Service

26. The FSA's executive agency, the Meat Hygiene Service (MHS) carries out the Agency's functions in approved fresh meat premises in Great Britain. Details of the accountability and governance arrangements between the FSA and MHS are set out in the 'Meat Hygiene Service - Framework Document' which is available at:

<http://www.food.gov.uk/multimedia/pdfs/mhsframework.pdf>.

The functions of the MHS include official controls in respect of meat hygiene legislation and in respect of those aspects of TSE legislation for which the

FSA is responsible. These functions are set out in a Service Level Agreement between the Agency and the MHS.

27. In line with Cabinet Office requirements for Executive Agencies, the MHS Framework Document requires the setting of annual performance targets. Such targets or objectives must be linked to the objectives of the MHS and cover quality and delivery of service, financial performance, and efficiency. Responsibility for setting such objectives for the MHS, and assessing performance against them, rests with the MHS Board, acting on behalf of the FSA Board.
28. In Northern Ireland, DARD Veterinary Service - Veterinary Public Health Unit provides a similar service to the MHS under a Service Level Agreement with the FSA.
29. Detailed information on the structure and organisation of MHS and DARD and on the control activities that they carry out is provided at [Appendix F](#) and [Appendix I](#) respectively.

Working with the Dairy Hygiene Inspectorate and DARD Quality Assurance Branch

30. The Dairy Hygiene Inspectorate (DHI) enforces food hygiene legislation at milk production holdings in England and Wales and supervises the statutory sampling and testing of untreated cows' milk on behalf of the FSA. The terms and conditions for this are set out in a Service Level Agreement with DHI which is reviewed annually. This sets out performance targets for inspections and for the management and monitoring of the statutory milk testing scheme. Progress against these targets is reported to the FSA every three months and meetings held to discuss matters as required. The FSA is currently developing plans for audit of the performance of the DHI.
31. In Northern Ireland, food hygiene at milk production holdings is enforced by DARD Quality Assurance Branch - QAB (in Scotland, this role is fulfilled by local authorities). A Service Level Agreement is being developed which will include performance targets that will be monitored and audited by the FSA.
32. Detailed information on the structure and organisation of the DHI and DARD QAB, and on the control activities that they carry out is provided at [Appendix G](#) and [Appendix I](#) respectively.

Working with the Egg Marketing Inspectorate and SEERAD Egg and Poultry Unit)

33. Defra's Egg Marketing Inspectorate (EMI) acts on behalf of the FSA in England and Wales in respect of on-farm enforcement of food hygiene legislation at egg production units. In Scotland, the EMI's function is fulfilled by the Egg & Poultry Unit of SEERAD and, in Northern Ireland, by DARD QAB. As with the DHI, the terms and conditions for this are set out in Service Level

Agreements which are reviewed annually. Again, the FSA is currently developing plans for the audit of the performance of these bodies.

34. Detailed information on the structure and organisation of the EMI and the SEERAD Egg and Poultry Unit and on the control activities that they carry out is provided at Appendix H. DARD QAB is covered at Appendix I.

Appendix D

Department for Environment, Food and Rural Affairs and the Agriculture/Rural Affairs Departments in the Devolved Administrations

Organisation and structure

1. The Department for Environment, Food and Rural Affairs (Defra) works for the essentials of life - food, air, land, water, people, animals and plants. Its remit is the pursuit of sustainable development - weaving together economic, social and environmental concerns. Defra therefore: brings all aspects of the environment, rural matters, farming and food production together; is a focal point for all rural policy, relating to people, the economy and the environment; and has roles in both European Union and global policy making, so that its work has a strong international dimension. Detailed information on the structure and organisation of the Department, including the current organisational chart, is available at:

<http://defraweb.defra.gsi.gov.uk/corporate/index.asp>.

2. The Scottish Executive Environment and Rural Affairs Department (SEERAD), the Welsh Assembly Government, Environment, Planning and Countryside (EPC) Department and the Department for Agriculture and Rural Development for Northern Ireland (DARD) have similar responsibilities to Defra within the Devolved Administrations. General information on these Departments, including their organisation and structure, may be found at the following links.

<http://www.wales.gov.uk/index.htm>

<http://www.scotland.gov.uk/Topics/Agriculture>

<http://www.dardni.gov.uk/>

Roles and responsibilities

Note for consultation

This section describes the official control activities routinely undertaken by these Departments.

- **Are these described adequately?**

3. The Departments (and Defra agencies) have responsibility for developing and implementing feed and food law that falls outside the FSA's remit. Details of this are provided at Appendix B. Responsibility for monitoring and verifying compliance with, and enforcement of this feed and food law is shared between the Departments (and Defra agencies) and local and port health authorities. In addition, DARD has designated responsibility under the

Agriculture Act 1970 for enforcement of all feed law in Northern Ireland, including that for which the FSA has policy responsibility. Details of the various functions are set out below.

Organic products

4. Organic food produced within the EU must originate from growers, processors and importers who are registered with an approved certification body and subject to regular inspection. In the UK, Defra has responsibility for the organic inspection and certification system. Certification is undertaken by approved certification bodies which must meet the requirements of (be accredited to) the European Standard on General requirements for bodies operating product certification systems (EN45011). At local level, local authorities enforce the rules as an offence is committed if produce is incorrectly labelled as 'organic'. Defra is also responsible for authorisation of organic produce imported from outside the EU and works closely with port health authorities that are responsible for endorsing certificates of inspection accompanying consignments from the approved organic certification body certifying the produce and ensuring that the importer is registered with an approved certification body. For this purpose, Defra maintains a database of authorisations to which port health authorities have secure access. Details of local authority food law enforcement services are provided at [Appendix E](#).
5. There are currently ten approved certification bodies involved in the control of organic production in the UK.³³ These are independent bodies and under Regulation 882/2004, constitute 'control bodies' (see [Appendix P](#)). Defra's Organic Branch, on behalf of the four Agriculture/Rural Affairs Departments, is responsible for approving these bodies in accordance with its Organic Certification Body and Inspection Approval Control Manual.³⁴ The Branch also oversees the on-going work of these certification bodies and undertakes annual audits which include surveillance inspections of a number of registered operators. The findings are reported to the certification body and can result in withdrawal of certification status if significant problems are identified. In addition, the UK Accreditation Service (UKAS) carries out annual audits of the inspection and certification activities of the approved bodies and failure to receive confirmation from UKAS of compliance with EN45011 will also result in a certification body's approval being withdrawn.
6. Defra provides an annual report on organic production, inspection and certification in the UK to the European Commission. This includes a list of operators and organic inspection bodies operating in the UK along with a report on supervision and compliance with EN45011. The report also includes a description of the inspection system along with details of supervision visits to the inspection bodies. Further information on inspections undertaken by the bodies themselves, along with sanctions imposed and sampling undertaken, is also required in this report.

³³ Details are available at: www.defra.gov.uk/farm/organic/certbodies/approved.htm.

³⁴ A copy of the manual is available at www.defra.gov.uk/farm/organic/legislation-standards/inspector-controlmanual.pdf.

Protected food names

7. Defra is responsible for the operation within the UK of the protected food names schemes set out in Council Regulations 509/2006³⁵ and 510/2006.³⁶ These schemes originally came into operation in 1993 and provide for a system for the protection of food names on a geographical or traditional recipe basis. The three schemes (Protected Designation of Origin, Protected Geographical Indication and Traditional Speciality Guaranteed) highlight regional and traditional foods whose authenticity and origin can be guaranteed through an independent inspection system.
8. Defra handles applications from UK producers for recognition under these schemes. The UK currently has 36 protected food name products some of which are only made by one producer (e.g. Dorset Blue) and others which are produced by thousands of producers (e.g. Welsh Lamb). Once registered, all products are subject to inspection at least once a year to ensure that the specifications are met and applicants must nominate an inspection body (which may be public or private bodies) to undertake this function. Defra is responsible for approving these bodies within the UK and for monitoring their performance. Under Regulation 882/2004, these bodies constitute 'control bodies' and further details of how Defra works with them is provided at Appendix P. More detailed information on the operation of the protected food names schemes within the UK is available at:
www.defra.gov.uk/foodrin/foodname/intro.htm.
9. UK local authorities also have an enforcement role with respect to ensuring that registered food names are not used fraudulently and that general food labelling rules are complied with. Details of local authority food law enforcement services are provided at Appendix E.

Beef labelling

10. Community rules have been designed to provide European consumers with more reliable information about the beef they buy. Beef offered for sale must be fully traceable and compulsory country of origin indications must be shown. The rules apply to all fresh and frozen beef and veal offered for sale at all stages in the supply chain from slaughterhouse to final sale to the consumer. Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations are responsible for developing and implementing the relevant legislation. Claims about the origin, production methods or characteristics of beef which are not compulsory can be made on a voluntary basis if approved under the *Beef Labelling Scheme* which operates alongside the compulsory rules and which these Departments also administer. Further information on the schemes and how they operate in the UK is available at:
<http://defraweb.defra.gsi.gov.uk/foodrin/beeflab/beeflab.htm>.

³⁵ Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed. Official Journal L93, 31.3.06, 1-11.

³⁶ Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Official Journal L93, 31.3.06, 12-25.

11. Under the *Beef Labelling Scheme*, prior approval of an application and verification by a recognised independent third party is required for all voluntary claims. These verifiers are considered 'control bodies' under Regulation 882/2004 (see [Appendix P](#)).
12. With regard to carrying out official controls in respect of beef labelling, responsibility is shared. In England and Wales, this is between local authorities and the Rural Payments Agency (RPA). In Scotland, this is between SEERAD and local authorities, and in Northern Ireland, between DARD and local authorities. Controls with respect to imported beef are the responsibility of port health authorities in Great Britain. DARD Veterinary Service is responsible in Northern Ireland.

Import controls for products of animal origin

13. Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations are responsible for veterinary checks and animal health aspects of import controls of products of animal origin (POAO). The official controls or checks are carried out at Border Inspection Posts (BIPs) which must meet standards and follow procedures set out for them in Council Directive 97/78/EC.³⁷ Responsibility for carrying out these checks in Great Britain is devolved to local and port health authorities and details of their work is provided at [Appendix E](#). In Northern Ireland, responsibility for fish and fishery products has been devolved to district councils with responsibility for all other POAO imports remaining with DARD.
14. Defra has overall responsibility in the UK for ensuring that BIPs are operated in accordance with Council Directive 97/78/EC. The UK has introduced a programme of liaison visits by officers of the State Veterinary Service to local authority operated BIPs to ensure compliance with the required standard. Any deficiencies are discussed with the Official Veterinary Surgeon responsible for the BIP and the BIP operator, and an action plan formulated to correct them. Reports of these liaison meetings are sent to Defra's International Animal Health Division which is responsible for the policy aspects of the veterinary checks regime to enable them to monitor overall standards at BIPs and progress in dealing with problems.

Feed law

15. Defra and the devolved Agriculture/Rural Affairs Departments are responsible for the development and implementation of legislation on animal feed related to animal disease (TSEs, *Salmonella* etc.). Enforcement of that legislation is a matter for local authorities in liaison with the State Veterinary Service in Great Britain. In Northern Ireland, DARD enforces feedingstuffs legislation. The Veterinary Medicines Directorate (VMD), which is an Executive Agency of Defra, is responsible for negotiation, implementation and enforcement of legislation on specified feed additives and medicated feedingstuffs. In Northern Ireland, DARD is responsible for policy and enforcement of this aspect of feed legislation.

³⁷ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries Official Journal L 024 , 30.1.1998, 9 -30.

16. Details of local authority feed law enforcement services, the State Veterinary Service, the Veterinary Medicines Directorate and DARD are provided at Appendices L, J, and I respectively.

Pesticide residue monitoring

17. There is a wide range of pesticides that may be used in agriculture and food production within the EU and in other countries. PSD, in liaison with other Government Departments, is responsible for the regulation of pesticides in the UK. This includes responsibility for national monitoring programmes for pesticide residues in food and drink and follow up enforcement action. This responsibility is devolved but there are central arrangements for the delivery of official controls. Details of how PSD undertakes these programmes are given at Appendix K.
18. Local and port health authorities may conduct their own surveillance of pesticide residues, referring to PSD, in consultation with the FSA, for consumer risk assessments, and take enforcement action where necessary under general food safety legislation. Local authorities have an obligation to send returns on such food related incidents to the FSA.

Veterinary medicine residues

19. VMD acts as the competent authority for surveillance of veterinary residues in the UK under Council Directive 96/23/EC³⁸ on behalf of the UK's Chief Veterinary Officer. It is responsible for the operation in Great Britain of the residues surveillance programme. DARD undertakes this role in Northern Ireland. Details of how these functions are fulfilled are given at Appendix J.
20. Local authorities also have powers under the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997³⁹ (an equivalent legislation in Northern Ireland) to take samples from animals and animal products for analysis.

³⁸ Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC Official Journal L 125 , 23.5.1996, 10-32.

³⁹ SI 1997/1729 (as last amended by SI 2004/147).

Appendix E

Local and port health authorities

Roles and responsibilities

1. Local authorities throughout the UK are responsible for monitoring and verifying compliance with, and enforcing the requirements of the main body of food law. In Great Britain, this includes local authorities at sea and air ports that are responsible for checking imports of food of non-animal origin at points of entry into the Community, and at Border Inspection Posts (BIPs) for checks on food of animal origin. In Northern Ireland district councils (the equivalent to local authorities) are only responsible for checking imports of fish and fishery products (all other food of animal origin is the responsibility of the Department for Agriculture and Rural Development (DARD)).
2. In Great Britain, local authorities are also responsible for the enforcement of the main body of feed law (in Northern Ireland, this function is undertaken by DARD).

Organisation, management and resources

3. There are 468 local authorities in the UK. A map showing their boundaries is available at:
http://www.statistics.gov.uk/geography/downloads/uk_cty_ua.pdf
These fall into a number of different categories and this determines the regulatory activities for which they are responsible. 'County Councils' are large authorities made up of a number of district areas and 'Districts' are smaller areas within counties. 'Unitary authorities', which include London Boroughs, and Metropolitan Boroughs carry out both district and county functions. In Scotland, Wales and Northern Ireland, all local authorities are unitary.
4. With regard to food law enforcement, Counties are responsible for enforcing food standards legislation (e.g. food composition, labelling, claims and presentational matters), whilst Districts are responsible for food hygiene matters. Unitary Authorities are responsible for both.
5. There are also 89 Port Health Authorities in the UK which inspect food at points of import. These are local authorities specifically constituted under the Public Health (Control of Disease) Act 1984 and their functions include imported food control at point of entry into the UK. In places where a port health authority cannot be constituted, e.g. airports, the relevant local authority will act as the port health authority. The Association of Port Health

Authorities (APHA)⁴⁰ is the representative body for port health authorities in the UK.

6. BIPs are facilities within a port or airport designated as a place dedicated to veterinary checks on products of animal origin (POAO) imported into the EU from outside the community. BIP facilities are usually privately owned but local and port health authorities are responsible for checks at BIPs which have been approved for checks of POAO intended for human consumption. In Northern Ireland, this function in relation to district councils is restricted to fish and fishery products.
7. With regard to feed, responsibility lies with 150 local authorities and one port health authority in England, 32 local authorities in Scotland and 22 in Wales.
8. The feed and food law regulatory services of local authorities are generally provided by Environmental Health or Trading Standards Departments by authorised officers (Environmental Health or Trading Standards Officers and other technical officers).

Accountability

9. Day to day operational control of local and port health authority feed and food law regulatory services rests with senior authority officers. Overall policy, resource allocation strategy, and monitoring of service delivery rests within each authority with the body of elected members or councillors. This body agrees policies and priorities, taking account of statutory obligations, and officers of the authority are accountable to them.
10. Local authority feed and food law regulatory services are required under the terms of the Framework Agreement (see paragraph 22) with the Food Standards Agency to draw up, document and implement a service delivery plan. This sets out the aims and objectives of the service, it provides background information on the nature and size of the authority, the organisational structure, the scope of and demands on the service. It also sets out a plan for service delivery for feed and food law controls (including those relating to imported food), the resources allocated to this, details of quality assessment and the process of review. To ensure local transparency and accountability, the plan should be submitted to the relevant member forum for approval.

Funding

11. Local authority regulatory services are funded partly through council tax, which is set and collected locally. In England and Wales, funding is also partly through a grant from central Government called the 'Revenue Support Grant'. In Scotland, local authorities receive funding as a block grant from the Scottish Executive. In Northern Ireland, district councils are funded through

⁴⁰ Detailed information on APHA may be found at: <http://www.apha.org.uk/>

local taxation and by grants from the FSA. In addition, those authorities with BIPs generate limited revenue from charging for import controls on POAO.

Human resources

12. It is estimated that in the 468 UK local authorities approximately 1,500 Environmental Health Officers and 500 Trading Standards Officers (full time equivalents) are authorised to undertake food law enforcement. These officers are supported by technical and administrative staff.
13. Environmental Health Officers have specialist skills and knowledge in the implementation and enforcement of food legislation. They are required to hold an honours degree or postgraduate qualification in environmental health that is accredited by the Chartered Institute of Environmental Health⁴¹ (for England, Wales and Northern Ireland) or by the Royal Environmental Health Institute of Scotland.⁴² Trading Standards Officers are qualified, trained and skilled in providing legal advice, investigating consumer complaints and ensuring compliance with relevant aspects of food and feed legislation. All Trading Standards Officers hold a degree in consumer protection or an equivalent qualification from a university approved by a Trading Standards Institute.⁴³ Environmental Health and Trading Standards Officers may be assisted by other officers that are appropriately qualified, competent, experienced and authorised to enforce food and feed law.

Control activities

Note for consultation

This section describes the official control activities routinely undertaken by local and port health authorities.

- **Are these described adequately?**

Feed and food

14. Local and port health authorities in the UK are responsible for a wide range of control activities. Their specific responsibilities vary (and will be set out in their Service Delivery Plans - see para 10) but together they provide a control framework which covers all stages of feed and food production, processing and distribution from 'farm to fork'. At primary production level, for example, local authorities in England and Wales are responsible for monitoring and verifying compliance with, and enforcing the requirements of the new EU food hygiene legislation⁴⁴ (in Northern Ireland, this is the responsibility of DARD

⁴¹ More Information on the Chartered Institute for Environmental Health is available at: http://www.cieh.org/about_the_cieh

⁴² More information on the Royal Environmental Institute for Scotland is available at: <http://www.royal-environmental-health.org.uk/>

⁴³ More information on the Trading Standards Institute is available at: <http://www.tsi.org.uk/>

⁴⁴ Detailed information on this legislation is available at: <http://www.food.gov.uk/foodindustry/hygiene/>

QAB and, arrangements for Scotland are still to be finalised and agreed), and also the new EU feed hygiene Regulation.⁴⁵ At other stages in the production chains, local authorities are responsible not only for monitoring and enforcing feed and food safety legislation but also for enforcing rules on labelling and compositional standards. Port health authorities provide controls for products entering the UK from outside the Community. Where local and port health authorities find non-compliance, they work with the business concerned in accordance with their enforcement policies and, where necessary, take formal enforcement action to ensure that compliance is achieved.

15. A range of control methods are employed in fulfilling these functions. These include inspections of feed and food premises, inspections of feed and food itself, and sampling and chemical analysis/microbiological/examination. Inspection frequencies are determined by reference to the inspection rating scheme in the relevant Code of Practice (see paras 19 to 21). Businesses presenting a higher risk will attract more frequent inspection. It also, where necessary, includes follow-up action to ensure that issues of concern have been addressed. Authorities are involved in investigating complaints, control and investigation of outbreaks and food related infectious disease, and in providing advice to businesses.
16. With regard to imported feed and food of non-animal origin, controls at points of entry include documentary checks on consignment manifests, identity checks on consignments/containers and physical checks, such as the taking of samples for analysis and/or examination. The level, focus and frequency of these controls is risk based and informed by various factors, such as emergency safeguard measures, RASFF notifications and local intelligence and priorities. Enforcement of imported feed and food controls by inland local authorities is carried out as part of their range of regulatory responsibilities. This includes examination of feed/food during the course of feed/food premises inspections, routine and programmed sampling and analyses, and responding to complaints or concerns.
17. For the period 2004/05, local authorities in the UK carried out approximately 634,000 food hygiene and food standards inspections, including follow-up, advisory and sampling visits. This resulted in around 164,000 food establishments being subject to enforcement action, including written warnings, formal cautions, improvement notices, prohibition orders and the seizure of food. During 2005, a total of 7000 inspections were carried out by local authorities at UK feed business establishments. This provides an indication of the level of control activity that is undertaken. This is monitored by the Food Standards Agency and reported on a regular basis
18. At BIPs, control activities on imported POAO are carried out in accordance with Directive 97/78/EC⁴⁶ and Regulation 136/2004/EC.⁴⁷ This includes the

⁴⁵ Regulation (EC) No 1831/2003 of the European Parliament and of the Council laying down requirements for feed hygiene. Official Journal L35, 8.2.2003, 1-22.

⁴⁶ Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries. Official Journal L 024 , 30.1.1998, 9-30.

⁴⁷ Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries. Official Journal L21, 28.1.2004, 11-23.

checking of manifests to confirm that consignments have been correctly notified; documentary checks, including the examination of veterinary certificates accompanying a product; identity checks by visual inspection to ensure that documents provided for veterinary inspection tally with the product; and, physical checks on products, including sampling and laboratory testing. Information regarding non-compliant products and the onward movement of third country products from BIPs is passed to the competent authorities in other Member States using the TRACES computer system.⁴⁸

Compliance with requirements in Regulation 882/2004

Control procedures

Food Law Codes of Practice and Food Law Practice Guidance

19. All local and port health authorities with responsibilities for monitoring and verifying compliance with (official controls), and enforcement of food law must have regard to the instructions and criteria set out in the relevant Food Law Code of Practice - there are separate but parallel codes in each of the four countries of the UK. Additional guidance is given in the associated Practice Guidance - again, there is separate but parallel guidance in each of the four UK countries. The Codes and Practice Guidance documents were revised and updated following the introduction of Regulation 882/2004 (and associated domestic legislation) to reflect the requirements set out there for competent authorities. They will continue to be reviewed regularly to take account of, for example, developments in enforcement policy. All proposed amendments are subject to extensive consultation with appropriate stakeholders. The current versions of the Codes/Practice Guidance are available by following the links at:

<http://www.food.gov.uk/enforcement/foodlaw/>

20. Local and port health authorities must follow and implement the provisions of the Codes that apply to them. The Codes describe the tasks, responsibilities and duties of local authorities and port health authorities and document the procedures that should be followed when undertaking official controls, for risk rating of premises, for recording and reporting their outcome, and for action in cases where non-compliance with legal requirements is found.

Code of Practice on Feed Law Enforcement and Feed Law Practice Guidance

21. With regard to feed, the FSA is currently developing a Feed Law Code (and (and in due course will develop Practice Guidance) to which relevant local authorities (i.e. those in Great Britain) will be required to have regard in carrying out their duties. The Code is currently subject to consultation with stakeholders (see para 21 of Appendix C). For consistency, in Northern Ireland, Practice Guidance will be developed for use by DARD (which carries

⁴⁸ Traces - Trade Control and Expert System is an internet based service providing information on intra-Community movements and imports of live animals, animal products and germplasm for Competent Authorities, Official veterinary surgeons and traders.

out feed law enforcement in Northern Ireland) and which will incorporate the content of the Code for Great Britain. Similarly, the Veterinary Medicines Directorate, which also has feed law enforcement responsibilities, is developing new Standard Operating Procedures for its inspectors which will take account of the content of the Code for local authorities.

Framework Agreement on Local Authority Food Law Enforcement

22. This covers food law enforcement services in local authorities throughout the UK and feed law enforcement services in Great Britain. As well as requiring authorities to have Service Delivery Plans in place outlining their planned control activities, this requires that authorities maintain and implement documented policies and procedures for each of the enforcement activities that they undertake. This includes, for example, procedures for the authorisation of officers, procedures for ensuring that equipment is properly maintained, inspection procedures, procedures for dealing with complaints, procedures for sampling of feed and food, procedures for the control and investigation of outbreaks of food related infectious disease, and procedures for initiating and responding to food alerts. Authorities must keep these procedures under review and update them as necessary.
23. In addition, the Agreement requires that all authorities have a documented enforcement policy which has been agreed by the relevant local authority member forum. This, or a summary of it, should be available to the public and to relevant businesses within their area.

Border Inspection Post (BIP) Manual

24. The BIP Manual provides guidance on the implementation of legislation concerning checks on products of animal origin imported from third countries. It covers both EU legislation and national rules applicable at BIPs and sets out the division of responsibilities and the procedures for the enforcement authorities carrying out veterinary checks. This includes, for example, the level of checks, procedures for the disposal and transhipment of products, operation of the TRACES system and the issuing of official notices. In addition the manual sets out guidance for the structural and equipment requirements for BIPs.
25. In addition to regular updates of the BIP manual, any major changes in guidance and instructions are provided as official veterinary surgeon (OVS) notes and sent to BIPs. The BIP manual and OVS notes are available at the following links:

<http://www.defra.gov.uk/animalh/int-trde/imports/bips/pdf/bipmanual.pdf>
<http://www.defra.gov.uk/animalh/int-trde/imports/ovsnotes/index.htm>

Staff performing official controls

26. **Freedom from conflict of interest** - Local authority officers responsible for feed and food law enforcement must have regard to the guidance in the Food Law Codes of Practice (and that for feed, once it is in place) for ensuring that

they and their officers are impartial and free from conflict of interest in carrying out their duties.

27. **Qualifications** - The pre-requisite qualifications and experience for food enforcement officers are set out in detail in the *Food Law Codes of Practice*. For feed enforcement officers, these will be included in the Feed Law Code which is currently being developed.
28. **Training** - The Food Law Codes also require that local authorities ensure that their officers receive relevant and structured training within their area of responsibility on an on-going basis covering new legislation and procedural and technological development. The minimum training should be ten hours per year based on the principles of Continuing Professional Development. A similar requirement is being included in the Feed Law Code. The Framework Agreement requires that each authority sets up, maintains and implements a documented training programme for all authorised officers and support staff recording details of training provided and evaluations made. In addition, to training provided at the local level, the FSA provides training (see Chapter 4).

Internal monitoring and audit arrangements

29. Local authorities with feed and food law enforcement responsibilities are required by the Framework Agreement to undertake a performance review at least once a year against their Service Delivery Plan (see paragraph 10 above). This should be submitted for appropriate member approval. The Framework Agreement also requires authorities to carry out regular monitoring of both the quantitative and qualitative aspects of their officers' work to ensure consistent and effective enforcement is taking place. In addition, it requires that authorities participate in third party or peer review schemes.
30. Many local authorities carry out reciprocal inter-authority auditing (IAA) programmes to assess and monitor enforcement standards and to ensure consistency of enforcement across authorities within their region. These audits are typically carried out within their local Liaison Groups as full or rolling programmes of audits against the Standard set out in the Framework Agreement, and therefore in parallel with the Agency's central audit arrangements.

Appendix F

Meat Hygiene Service

Roles and responsibilities

1. The Meat Hygiene Service (MHS) is responsible in Great Britain for official controls in licensed/approved meat premises, including meat hygiene requirements and regulations relating to the welfare of animals at slaughter. It aims to protect public health and animal health and welfare in licensed/approved meat premises in Great Britain, through proportionate enforcement of relevant legislation. Detailed information is available at:
<http://www.food.gov.uk/enforcement/meathyg/mhservice/>

Organisation, management and resources

2. The MHS is an Executive Agency of the FSA and operates within Great Britain. It is headed by a Chief Executive who is responsible and accountable for the day-to-day management and operation in accordance with the MHS Framework Document. This is available at:
<http://www.food.gov.uk/multimedia/pdfs/mhsframework.pdf>.

The current organisational chart is available in the latest MHS Annual Report & Accounts at:

www.food.gov.uk/enforcement/meathyg/mhservice/

3. The MHS Board was established in November 2004 as a sub-committee of the FSA Board to provide strategic direction, set targets and hold the MHS to account for its performance. The Terms of Reference of the MHS Board are:
 - (i) to give strategic direction to the MHS within the overall strategy agreed by the FSA Board, the relevant legal requirements, and any other relevant constraints or targets which may be set by the Treasury or the appropriate Ministers
 - (ii) subject to (i), to set appropriate targets for the MHS and to monitor its performance, and thence and otherwise to hold the MHS to account on behalf of the FSA Board.

Further information on the MHS Board is available at:

www.food.gov.uk/enforcement/meathyg/mhservice/mhsboard/

4. The MHS has its administrative headquarters in York and five regional offices - North (also based in York); Central (based in Wolverhampton); South & West (based in Taunton); Wales (based in Cardiff), and Scotland (based in Edinburgh). A map of the regional structure is available in the MHS Annual Report & Accounts (see link at para 2).

5. The MHS operational workforce consists of around 1,800 directly-employed, casual and contracted staff in hygiene inspection teams located in around 1,500 licensed/approved fresh meat premises throughout Great Britain. There are around 300 full-time equivalent veterinary surgeons (the majority of which are supplied to the MHS by veterinary contractors); 1,200 meat hygiene inspectors, and 170 meat technicians. In addition, the MHS employs around 200 administrative and managerial staff.
6. The MHS is financed through the charges it levies on food business operators and Government customers for services provided, and through funding provided by the FSA.

Control activities

Note for consultation

This section describes the official control activities routinely undertaken by the Meat Hygiene Service.

- **Are these described adequately?**

7. The MHS applies official controls in relation to the meat hygiene rules and animal health and welfare at slaughter legislation in all licensed/approved fresh meat premises in Great Britain. This includes abattoirs, meat cutting establishments and co-located cold stores. Lists of these premises are maintained on the FSA website at:
<http://www.food.gov.uk/foodindustry/meat/meatplantsprems/meatplants>
8. The MHS has a statutory duty to provide meat inspection services 24 hours a day and 365 days a year if the plant operator has given the requisite period of notice of requirements. It carries out its principal functions on behalf of the FSA and on behalf of the Agriculture/Rural Affairs Departments in England, Scotland and Wales under the terms of Service Level Agreements. The principal functions are as follows:

For the FSA:

- application of official controls in relation to the hygiene regulations in respect of fresh meat, poultry meat, farmed game bird meat, rabbit meat, and wild game meat;
- application of official controls in relation to meat products, mince meat and meat preparations (in premises co-located with a slaughterhouse);
- application of official controls in relation to rules on Specified Risk Material (SRM);
- application of official controls in relation to the Over Thirty Months (OTM) rule;
- identification of animal by-products;
- licensing of slaughterers; and,

- Official Veterinarian designation.

For Defra and the Devolved Administrations in Scotland and Wales:

- enforcement of animal welfare at slaughter legislation in licensed/approved abattoirs;
 - collection and dispatch of samples for statutory veterinary medicines residue testing on behalf of the Veterinary Medicines Directorate;
 - collection and dispatch of samples for TSE (transmissible spongiform encephalopathy) examination and testing;
 - enforcement, in licensed premises, of emergency controls related to animal disease outbreaks;
 - supervision of the Older Cattle Disposal Scheme for the Rural Payments Agency;
 - checking cattle passports and ear tags on behalf of the British Cattle Movement Services.
9. Details of the control activities carried out in support of these functions are available at the link below. These include inspections, verification and audit, sampling procedures etc.

<http://www.food.gov.uk/enforcement/meathyg/mhservice/mhsapprovedpremises>

Compliance with requirements in Regulation 882/2004

Control procedures

10. The *MHS Manual for Official Controls* provides details of the tasks, responsibilities and duties MHS staff and veterinary contractors undertake in approved establishments. This manual was reviewed following the introduction of Regulation 882/2004 and reflects the requirements set out there for competent authorities. It documents the procedures that should be followed when undertaking official controls, for recording and reporting their outcome, and for action in cases where non-compliance with legal requirements is found. A copy of the manual is available at:
- <http://www.food.gov.uk/enforcement/meathyg/mhservice/mhsmanual2006/>
11. With regard to standards that the industry should be achieving, the MHS Inspection Teams refer to the *Guide to Food Hygiene and other Regulations for the Meat Industry* which is available at:
- <http://www.food.gov.uk/foodindustry/guidancenotes/meatregsguid/>
12. The Inspection Teams also have regard to the MHS Enforcement Policy which sets out the principles of enforcement that it has agreed to adopt and the standards that will be applied when carrying out enforcement work. This is available at:
- <http://www.food.gov.uk/multimedia/pdfs/mhsenforcementpolicy.pdf>

Staff performing official controls

13. **Freedom from conflict of interest** - The MHS has a policy on managing conflicts of interest which requires MHS employees and contract staff to declare any interests that conflict - or may be perceived by others to conflict - directly or indirectly with their ability to discharge their duties in an honest and impartial manner.
14. **Qualifications** - With regard to qualifications, all Official Veterinarians (OVs) are qualified veterinary surgeons and are members of the Royal College of Veterinary Surgeons⁴⁹, whilst all Meat Hygiene Inspectors must have experience in the meat industry and attain a Qualification in Meat Hygiene and Inspection from the Royal Society for the Promotion of Health⁵⁰.
15. **Training** - A programme of continuing professional development ensures that MHS staff undertaking official controls continue to receive appropriate training and expertise. Other training needs are identified through individual performance appraisals, business plans, results from audits and in response to the introduction of new legislation or control systems. All training courses are recorded on an internal database and evaluated after each training course.

Monitoring and audit arrangements

16. In line with Cabinet Office requirements for Executive Agencies, the MHS Framework Document requires the setting of annual performance targets for the MHS. Such targets or aims must be linked to the objectives of the MHS and should cover quality and delivery of service, financial performance, and efficiency. Responsibility for setting such aims for the MHS, and assessing performance against them, rests with the MHS Board, on behalf of the FSA Board.
17. For 2006/07, the MHS Board has agreed the following six corporate objectives for the MHS:
 - To deliver customer requirements, as set out in our Service Level Agreements.
 - To improve consumer, government and industry knowledge and understanding of our work, and satisfaction with our service delivery.
 - To embed legislative changes, in particular the EU Food Hygiene Regulations.
 - To equip all our staff with the necessary skills, knowledge and information to enable them to deliver our services effectively.
 - To operate within the delegated resource budget and delegated cash budget for 2006/07.

⁴⁹ More information on the Royal College of Veterinary Surgeons is available at: <http://www.rcvs.org.uk/>

⁵⁰ More information on the Royal Society for the Promotion of Health is available at: <http://www.rcvs.org.uk/>

- To improve efficiency.

A balanced scorecard comprising performance indicators and targets demonstrates whether the corporate objectives have been met.

18. Following receipt of a report from the MHS at the end of the financial year, the MHS Board will assess whether the corporate objectives have been met. This approach meets the requirement for the MHS to be set annual performance targets.
19. In addition, the performance of the MHS is subject to monitoring and audit by the FSA and to internal audit. Details are provided in Chapter 5.

Appendix G

Dairy Hygiene Inspectorate

Roles and responsibilities

1. The Dairy Hygiene Inspectorate (DHI) aims to protect the milk supply in the UK by ensuring a satisfactory standard of hygiene is maintained on farms in England and Wales (in Northern Ireland, the DHI's equivalent is part of the Quality Assurance Branch of DARD and, in Scotland, local authorities are responsible for inspecting milk production holdings). The DHI acts on behalf of the FSA by monitoring and verifying compliance with, and enforcing food hygiene legislation at milk production holdings. It is also responsible for supervising the statutory programme for sampling and testing of raw cows' milk in England and Wales.

Organisation, management and resources

2. The DHI is currently part of Defra's Rural Development Service (RDS). It is to become a part of the State Veterinary Service in October 2006. The Inspectorate is headed by the RDS's Head of Dairy Hygiene and operates in four regions - Southern, Central, Northern, and Wales and Borders - each area being managed by a Senior Dairy Hygiene Inspector. With regard to resources, the DHI has 29.5 full time equivalent inspection staff, supported by 10.9 full time equivalent administrators.
3. The DHI carries out its functions on behalf of the FSA under the terms of a Service Level Agreement. This Agreement is functionally managed by the Head of the FSA's Primary Production Division which is part of its Food Safety Policy Group.
4. Further details of the structure, organisation and responsibilities of the DHI can be found at: <http://www.defra.gov.uk/rds/dhi.htm>

Control activities

Note for consultation

This section describes the official control activities routinely undertaken by the Dairy Hygiene Inspectorate.

- **Are these described adequately?**

5. The principal control activities relate to official controls in respect of Regulations (EC) Nos 852/2004, 853/2004, 854/2004 and the Food Hygiene (England) Regulations 2006 and Food Hygiene (Wales) Regulations 2006.⁵¹ This involves the registration of approved production premises (dairy farms), inspection of milking premises, equipment and milk-producing animals, and enforcing satisfactory standards. The DHI also provides guidance and advice to businesses on compliance with the legislation. Details of risk categorisation of premises and prioritisation of control activities are provided in the DHI's Operating Procedures (see para 8 below).
6. The DHI also supervises a statutory programme of sampling and testing of raw cows' drinking milk that is carried out in accordance with national food hygiene legislation⁵² on behalf of FSA by Eclipse Scientific Group in England⁵³ and by Eurofins Scientific in Wales.⁵⁴ This requires that raw cows' milk for drinking is sampled at every registered raw cows' drinking milk holding every three months. The two laboratories constitute 'control bodies' for the purposes of Regulation 882/2004 and are contracted by the Food Standards Agency (see [Appendix P](#)) to undertake the statutory testing work. This sampling and analysis is managed and monitored by the DHI who are kept informed of visits made and results obtained.
7. In order to facilitate its activities, the DHI uses an in-house specialist database known as the *Milk and Dairies Scheduling System* (MDS). This contains details of all the registered milk production holdings (dairy farms) in England and Wales, including records of inspections and risk allocation.

Compliance with requirements in Regulation 882/2004

Control procedures

8. All DHI inspectors work in accordance with the *Guide to Farm Inspections - Operating Procedures*. This Guide provides written instructions for inspectors and sets out the responsibilities, tasks and procedures to be followed for carrying out their official control duties. The instructions also detail the system employed for risk categorisation and prioritisation of controls, the documents and equipment to be used and the procedures to be followed in the case of non-compliance. Following the introduction of Regulation 882/2004, this Guide was revised to reflect the requirements for competent authorities. A copy of the Guide is available at:

<http://www.defra.gov.uk/rds/docs/DHIProcedures.pdf>.

⁵¹ Detailed information on these legalisation is available at: www.food.gov.uk/foodindustry/hygiene/

⁵² Food Hygiene (England) Regulations 2006 (SI 2006/14) and the Food Hygiene (Wales) 2006 (SI 2006/31 (WS))

⁵³ More information on Eclipse Scientific Group is available at: www.eclipsescientific.co.uk/

⁵⁴ More information on Eurofins Scientific is available at: www.eurofins.co.uk/index.asp

Staff performing official controls

9. **Freedom from conflict of interest** - The DHI operates a policy that if an inspector is related to or is known to a producer he/she will not inspect that holding.
10. **Qualifications** - All DHI inspectors must hold a degree in agriculture, animal science or a related subject and have two years experience of on-farm milk production and preferably also some knowledge of milk processing. Once employed, each inspector must have a minimum of six weeks on-the-job training and must complete successfully an Intermediate Food Hygiene course.
11. **Training** - With regard to on-going training, DHI inspectors attend three days of technical conferences each year and also undergo one-to-one development training with senior inspectors. In addition, individual training and development needs for all staff are identified as part of a standard annual appraisal and development management programme.

Monitoring and audit arrangements

12. In order to ensure the quality and consistency of the official controls that DHI carries out, it has established quality assessment procedures. These include inspectors carrying out joint inspections with their Senior Inspector and with members of their regional or national teams. Senior Inspectors also have joint scoring days to ensure consistency of interpretation across regions. In addition, inspectors are quality assessed by reviewing random samples of inspection reports and any corresponding enforcement action at least twice a year. Further, the Head of the DHI regularly monitors performance of individual inspectors by assessing average hygiene scores, risk allocation, inspection intervals, numbers of overdue inspections etc. Where variances are detected these are discussed with the appropriate Senior Inspector to take action.
13. The performance of the DHI will also be subject to audit by the FSA. The arrangements for this are in development and an initial audit is scheduled to take place before the end of March 2007.

Appendix H

Egg Marketing Inspectorate and SEERAD Egg & Poultry Unit

Roles and responsibilities

1. The Egg Marketing Inspectorate (EMI) acts on behalf of the FSA in England and Wales in respect of on-farm enforcement of food hygiene regulations at egg production units. In Scotland, this function is fulfilled by SEERAD Egg & Poultry Unit (enforcement of the hygiene regulations at egg packing stations is carried out by local authorities in England, Wales and Scotland and, in Northern Ireland, DARD Quality Assurance Branch - see Appendix I - and district councils fulfil these roles).

Organisation, management and resources

2. The EMI, a Defra inspectorate (it will become part of the State Veterinary Service on 1 April 2007), is organised on a regional basis covering the Midlands and Wales, South and East, Western and Northern regions. It has a staff complement of 27 including five Regional Egg Marketing Inspectors and one Chief Egg Marketing Inspector. Further information on the structure and organisation of the EMI is available at:
<http://www.defra.gov.uk/foodrin/poultry/emi.htm>
3. The Egg and Poultry Unit (EPU) consists of a small dedicated team of egg marketing officers within SEERAD. Further information on the structure and organisation of EPU is available at:
<http://www.scotland.gov.uk/Topics/Agriculture/Agricultural-Policy/LivestockAndLivestockProd/EggsAndPoultry/Enforcement>
4. The EMI carries out its functions on behalf of the FSA under the terms of a Service Level Agreement. The EPU function is set out in a Memorandum of Understanding (MoU) which is reviewed annually. Management of the MoU rests with the Senior Agricultural Officer (Poultry) within EPU and FSA Scotland.

Control activities

Note for consultation

This section describes the official control activities routinely undertaken by the EMI and EPU.

- **Are these described adequately?**

5. The principal control activities relate to monitoring and enforcing Regulations (EC) Nos 852/2004, 853/2004, 854/2004 and the Food Hygiene (England) Regulations 2006 and Food Hygiene (Wales) Regulations 2006. This involves the registration of approved production premises (egg production units), inspection of premises, animals, and enforcing satisfactory standards. The EMI also provides guidance and advice to businesses on compliance with the legislation.
6. The EPU will inspect premises for the enforcement of certain egg hygiene measures included in the new EU hygiene legislation under the direction of FSA Scotland. FSA Scotland appoints SEERAD officers from the EPU to be authorised officers under the relevant domestic legislation for the purpose of enforcing the egg hygiene measures.

Compliance with requirements in Regulation 882/2004

Control procedures

7. The EMI has operational guidance in place that sets out the tasks and procedures to be followed by its inspectors. This includes information on the frequency of controls, use of equipment and the arrangements for reporting the outcome of official controls, and action in the case of non-compliance. A similar system of operational guidance is in place for EPU.

Staff performing official controls

8. **Freedom from conflict of interest** - The EMI operates a policy such that no inspector can have an interest in any producer.
9. **Qualifications** - All EMI inspectors must hold a basic qualification in Food Hygiene. They also receive training in-post and the EMI are developing a course that will lead to a National Vocational Qualification in egg hygiene. In Scotland there is base level entry, qualifications are at least five Scottish Certificate of Education (or equivalent) passes, including English and a science, three of which must be at Higher level coupled with appropriate industry experience). Inspectors are also given elementary Hygiene training before taking up a position.
10. **Training** - With regard to on-going training, EMI inspectors attend a technical conference each year and also undergo one-to-one development training with senior inspectors. In addition, individual training and development needs for

all EMI and EPU staff are identified as part of a standard annual appraisal and performance management programme.

Monitoring and audit arrangements

11. In order to ensure the quality and consistency of the official controls, the EMI have established quality assessment procedures. These include inspectors carrying out joint inspections with their Senior Inspector and with members of their regional or national teams. In addition, inspectors are quality assessed by reviewing random samples of inspection reports and any corresponding enforcement action at least twice per year. Further, the Head of the EMI regularly monitors performance of individual inspectors by assessing average hygiene scores, risk allocation, inspection intervals, numbers of overdue inspections etc. Where variances are detected these are discussed with the appropriate Senior Inspector to take action.
12. In Scotland, a system of formal audit is now being considered to supplement an existing review process outlined in the MoU between the FSA and SEERAD. This review process includes a general statement on the work of EPU in enforcing egg hygiene legislation, including inspection figures, which is provided to FSA Scotland quarterly and annually. Any corrective actions are identified as part of this process. With respect to internal quality assurance, Egg Marketing Officers (Poultry) of the EPU work under the direction and supervision of the Higher Marketing Officer (Poultry). The Higher Officer conducts joint inspections with the other Officers, assesses performance and provides or arranges for training as and when required, conducting an egg handling and candling accuracy test on each Marketing Officer at least annually. Quality assessments are also undertaken on an on-going basis by interrogating the Unit's dedicated computer recording system, where all inspection activity is recorded, and by viewing Official Notebooks. The Senior Agricultural Officer (Poultry) oversees that this is being carried out, conducts joint inspections periodically with all Marketing Officers, monitors the database, and periodically checks and signs Officers' Official Notebooks.

Appendix I

Department of Agriculture and Rural Development for Northern Ireland

Roles and responsibilities

1. The responsibilities of the Department of Agriculture and Rural Development for Northern Ireland (DARD) with regard to official controls of food law mirror those of the Meat Hygiene Service, the Dairy Hygiene Inspectorate and the Egg Marketing Inspectorate in Great Britain. In addition, DARD is responsible for official controls in respect of all feed law in Northern Ireland and in this respect mirrors the activities of local authorities, the State Veterinary Service and Veterinary Medicines Directorate in Great Britain.
2. DARD also mirrors the official control activities of the Plant Health and Seeds Inspectorate in Great Britain. More information on this function is provided in Appendix N which details the make up of the UK's Plant Health Service.

Organisation, management and resources

3. Detailed information on the organisation and management of DARD can be found at: www.dardni.gov.uk.
4. DARD Veterinary Service – Veterinary Public Health Unit (VS-VPHU) provides a similar service in Northern Ireland to that provided by the Meat Hygiene Service in Great Britain under a Service Level Agreement with the Food Standards Agency. The feed and other food enforcement functions for which DARD is responsible are undertaken by its Quality Assurance Branch (QAB).
5. DARD VS-VPHU is headed by a Senior Principal Veterinary Officer (SPVO) who reports to the Deputy Chief Veterinary Officer (Implementation) of DARD. There are 22 meat plant inspection teams within the VS-VPHU. These are managed by Regional Divisional Veterinary Officers and individual teams are led by an Official Veterinarian. The full complement of operational staff in VS-VPHU comprises 30 Official Veterinarians, 12 Senior Meat Inspectors, 124 Meat Inspectors and 16 Poultry Meat Inspectors.
6. QAB has six full-time equivalent staff responsible for carrying out official controls on feed; 12 staff engaged in official controls of milk production and drinking milk processing and handling, and 3.7 staff carrying out statutory egg inspections.

Control activities

Note for consultation

This section describes the official control activities routinely undertaken by DARD.

- **Are these described adequately?**

Feed

7. With regard to feed, DARD carries out those controls undertaken by local authorities, the State Veterinary Service and the Veterinary Medicines Directorate in Great Britain. The QAB is responsible for approving and registering feed businesses and for checks to ensure that they comply with the requirements of feed legislation, including the new feed hygiene legislation and that for medicated feeds, TSEs, and genetically modified organisms. A database of premises is maintained and enables inspection and sampling plans to be drawn up. Feeds produced by all manufacturers are subject to sampling and analysis determined on a risk basis taking into account various factors such as levels of production, previous history and nature of the product. The majority of samples of feed are analysed by the Agri Food Biosciences Institute (AFBI) in line with a Sampling and Analysis Agreement drawn up between QAB and AFBI.

Food

8. QAB Milk Section enforces food hygiene legislation⁵⁵ on behalf of the FSA in milk production units and approved liquid milk premises.
9. QAB Egg Marketing Inspectorate (EMI) acts on behalf of the FSA in respect of enforcement of food hygiene legislation at egg production units and packing stations in Northern Ireland.
10. VS-VPHU enforces food hygiene legislation on behalf of the FSA in approved meat premises in Northern Ireland, except meat product and stand alone meat preparation premises where enforcement is carried out by district councils.
11. With regard to imported feed and food, controls include documentary checks on consignment manifests, identity checks on consignments/containers and physical checks, such as the taking of samples for analysis and/or examination. The level, focus and frequency of these controls is risk based and informed by various factors, such as EU safeguard measures, RASFF notifications and local intelligence and priorities. Enforcement of imported food controls by inland district councils is carried out as part of their range of food law enforcement responsibilities. This will include examination of foodstuffs during the course of food premises inspections, routine and

⁵⁵ Detailed information on these legalisation is available at: www.food.gov.uk/foodindustry/hygiene/

programmed sampling and analyses, and responding to food complaints or concerns.

12. At Border Inspection Posts (BIPs), control activities on imported feed and food of animal origin are carried out in accordance with Directive 97/78/EC⁵⁶ and Regulation 136/2004/EC.⁵⁷ This includes the checking of manifests to confirm that products of animal origin have been correctly notified; documentary checks, including the examination of veterinary certificates accompanying a product; identity checks by visual inspection to ensure that documents provided for veterinary inspection tally with the product and physical checks on products, including sampling and laboratory testing. Information regarding non-compliant products and the onward movement of third country products from BIPs is passed to control authorities in other Member States using the TRACES computer system.

Compliance with requirements in Regulation 882/2004

Control procedures

13. DARD QAB feed enforcement staff have a Procedural Manual which is currently being reviewed to reflect the introduction of Regulation 882/2004 and Regulation 183/2005⁵⁸ which will be closely aligned with the Feed Law Code of Practice that will be issued in due course in Great Britain (see Appendix E, paragraph 19).
14. QAB Milk Section works in accordance with the principles of the Food Law Code of Practice (Northern Ireland) and associated Practice Guidance⁵⁹ in relation to enforcement in milk processing establishments. It also has documented Operating Instructions (similar to those used by DHI) which are electronically available to all staff involved in official controls. These instructions cover the enforcement of food hygiene legislation on dairy farms and in milk processing plants. Operating instructions for sampling are also documented. These are reviewed and updated regularly using a controlled document issue procedure. They are published on the DARD intranet.
15. The QAB EMI has Operational Guidance, that sets out the tasks and procedures to be followed by its inspectors. This includes information on the frequency of controls, use of equipment and the arrangements for reporting the outcome of official controls, and action in the case of non-compliance. A comprehensive reporting system is also in place, covering all inspections from production, packing and retail establishments.

⁵⁶ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries. OJ L 024, 30/01/1998, 9 – 30

⁵⁷ Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries. Official Journal L21, 28/01/2004, 11-23.

⁵⁸ Regulation (EC) No. 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene. Official Journal. L35, 8.2.2005, 1-22.

⁵⁹ Copies of the Code and Guidance are available at: www.food.gov.uk/multimedia/pdfs/nicop.pdf and www.food.gov.uk/multimedia/pdfs/nicoppg.pdf

16. The VS-VPHU has in place a manual of official controls similar to that of MHS (see Appendix F).

Staff performing official controls

17. **Freedom from conflict of interest** - All DARD staff are required to declare any conflict of interest.
18. **Qualifications** - QAB feed enforcement staff are qualified to degree, diploma or certificate level in agriculture or food science and receive specific training in HACCP auditing and enforcement. QAB Milk Section staff have a degree or diploma in Agriculture, Food Science or Food Technology and receive specific training in auditing, enforcement and technical matters. QAB EMI have a degree or certificate in agriculture and training in HACCP, auditing, enforcement and technical matters.
19. **Training** – The training of DARD staff responsible for carrying out official controls is reviewed annually and a training programme is produced. Training needs are identified at both organisational and individual levels, and Training Plans integrated with relevant Business Plans. All training is recorded centrally and evaluated. Within the Veterinary Service, there is an Education and Training Unit which manages the administration and provision of training.

Monitoring and audit arrangements

20. The QAB (milk, eggs, plant health and feed) Business Plan specifies performance levels through targets for inspection, audit and sampling. Performance will also be audited against a Service Level Agreement with the FSA in relation to the enforcement of food hygiene regulations in relevant milk and egg premises. Plans are being developed for a process of external auditing in relation to controls on animal feed, which will involve reciprocal audits between DARD and FSA. Key DARD Staff are trained to ISO 9000:2000 Lead Auditor level.
21. Parallel systems to those in place for Meat Hygiene Service exist for the VS-VPHU and the service is also audited by the FSA (see Chapter 5).

Appendix J

Veterinary Medicines Directorate

Roles and responsibilities

1. The Veterinary Medicines Directorate (VMD) aims to protect public health, animal health, the environment and promote animal welfare by assuring the safety, quality and efficacy of all aspects of veterinary medicines in the UK. In particular, it is responsible for development and implementation of legislation on specified feed additives and medicated feedingstuffs and the enforcement of this legislation in Great Britain through its Animal Medicines Inspectorate (AMI). It is also responsible for post-authorisation surveillance of veterinary medicines under Directive 96/23/EC.

Organisation, management and resources

2. The VMD is an Executive Agency of Defra, and acts on behalf of the Secretary of State in performing its functions. Its day-to-day management and performance against key objectives, is the responsibility of its Chief Executive Officer. VMD's policy, legal and resources framework is set out in a Framework Document.⁶⁰ The VMD operates through its headquarters in Surrey and reports to Defra's Chief Veterinary Officer. Further information on the VMD is available on their website at:

www.vmd.gov.uk/home.htm.

VMD's strategy for delivering an effective regulatory service is set out in its current Business Plan 2004/2005 - 2006/2007 which is available at:

www.vmd.gov.uk/About/busplan0405-0607.pdf.

3. VMD has about 128 permanent staff, both full and part-time. This includes veterinarians, pharmacists, chemists, toxicologists, biologists, IT specialists, administrative and support staff. With regard to official controls of medicated feedingstuffs and specified feed additive in Great Britain, there are five regional inspectors involved in this work and along with two administrative staff they form the Animal Medicines Inspectorate (AMI). There are 3.5 full time equivalent posts involved in the operation of the statutory surveillance programme. Further details of the organisation of the VMD are available at:

www.vmd.gov.uk/Contacts.htm

Facilities and services

4. The VMD's resources for supporting its control activities in the medicated feedingstuffs and specified feed additive sector include operating an exclusive database, covering the work of the AMI which is supported by the VMD's in-

⁶⁰ Copies of the Framework Document are available free of charge from VMD (telephone +44 (0)1932 338337).

house IT unit. The database contains all contact details for all approved premises. It also has activities codes, fee details and notes. The Feed Additives, Research and Enforcement (FARE) policy team provides policy support and takes legislative responsibility. FARE also carries out legal investigations and prosecutions on behalf of the AMI and enforcement duties for the promotion and sale of unauthorised veterinary medicines.

5. For the veterinary residues surveillance programme, VMD maintains a database for monitoring progress on completing the plan for Great Britain across the year. Reports are produced from the system, which update the 'control bodies' involved on their performance on a monthly basis. Results from the control body laboratory are downloaded nightly. Weekly downloads are received from Central Science Laboratory (CSL) in respect of the analysis of honey samples. The VMD's IT unit supports the database and provides training as appropriate. The VMD commissions the development of new analytical methods for new or existing activities through its R&D programme.⁶¹

Control activities

Note for consultation

This section describes the official control activities routinely undertaken by the VMD.

- **Are these described adequately?**

Medicated feed and specified feed additives

6. The AMI inspectors are specifically authorised under the Veterinary Medicines Regulations 2005 for this purpose. They currently inspect and approve manufacturers and distributors of specified feed additives, medicated animal feedingstuffs and retailers of certain restricted veterinary medicines. The AMI also carry out routine audits of feedingstuffs manufacturers and distributors, follow up visits, and monitoring of premises covered by the National Control Plan and in accordance with feed law and as part of those audits take samples of feed for quantitative analysis. The VMD delegates to accredited laboratories the task of analysing samples taken as part of routine inspections for the control of medicated feedingstuffs and specified feed additives (see Chapter 3, paragraph 31).
7. The VMD considers priorities from the Commission Co-ordinated Inspection Programme in the Field of Animal Nutrition, which recommends the specified feed additives which require monitoring. The feed manufacturers are classified according to the complexity of their operations which in turn determines the audit frequency.
8. In addition the State Veterinary Service (SVS) who carry out official duties of health monitoring in establishments, have an agreement with the VMD to report irregularities. This is in accordance with Article 16a of Council Directive

⁶¹ More information on this is available at: www.vmd.gov.uk/General/RandD/RandD.htm

2001/46/EC, implemented by SI 2003/2264, the regulation requires that persons carrying out health monitoring on a holding have a duty to report to the Competent Authority any evidence they encounter of irregularities relating to feeding stuffs containing a specified feed additive. Banned antibiotic growth promoters have been highlighted for special attention, for example.

Veterinary residue surveillance

9. The VMD is responsible for the operation of the residue surveillance programme in Great Britain required by Council Directive 96/23/EC (DARD fulfils this role in Northern Ireland). It drafts the UK National Residues Control Plan each year and submits it together with the previous year's surveillance results to the Commission by 31 March. Sample numbers are split on the basis of production between Great Britain and Northern Ireland. The operation of the programme involves sample collection, sample analysis and follow-up action on positive results. Control priorities for veterinary residue surveillance are set by EU legislation and these are followed in setting the national plan. Sampling is targeted according to criteria set out in Commission Decision 98/179/EC.
10. Samples are collected by the following bodies under terms (including key performance indicators) set out in Service Level Agreements (SLAs) or Memoranda of Understanding (MOUs): the State Veterinary Service (SVS), Meat Hygiene Service (MHS), Centre for Environment Fisheries and Aquaculture Science (CEFAS), Fisheries Research Services (FRS), Egg Marketing Inspectorate (EMI), and the National Bee Unit. Council Directive 96/23/EC and Commission Decision 97/747/EC require that samples of red meat, poultry, farmed fish, milk, eggs, honey and wild and farmed game are collected on farms and at initial points of processing. The number of samples taken is based on throughput in accordance with the levels set out in legislation. Samples are analysed for residues of veterinary medicines and contaminants in line with the minimum requirements laid down in the legislation. Follow-up investigations are undertaken at farms where residue positive animals/animal products have been produced in accordance with the requirements of Council Directive 96/23. Checks on the farmer's records of veterinary medicine usage are carried out on 1,500 farms a year. Sampling of suspect animals and carcasses, and intensified checks are also provided for in the legislation and used when appropriate.
11. Analytical work for the National Surveillance scheme is tendered under EU Regulations. Laboratories responding to the tender must complete a detailed Specification of Requirements questionnaire, covering a wide range of aspects of the surveillance programme. The VMD has a 5-year contract, with a private laboratory, LGC Ltd, for the provision of analytical services. LGC is responsible for the analysis of samples and reporting results to the VMD. The laboratory uses analytical methods accredited to ISO 17025 and Commission Decision 2002/657. The LGC is subject to independent audits. Analysis of honey samples is undertaken by CSL.

Compliance with requirements in Regulation 882/2004

Control procedures

Medicated feed and specified feed additives

12. AMI inspectors work in accordance with an Operating Procedure Manual which sets out objectives, and a Code of Conduct and Procedures for undertaking official inspections. In addition, the Inspectorate works to documented Standard Operating Procedures which set out how inspection activities should be conducted and include protocols on sampling, investigations and dealing with infringements. They also cover reporting requirements which provide that all businesses inspected by the AMI receive a report of the findings. New Standing Operating Procedures are being developed and will be based on the Feed Law Code of Practice that is currently being developed by the FSA for use by local authority feed law enforcement services.

Residues surveillance

13. Field instructions/Standard Operating Procedures/operation manuals setting out how controls should be carried out are in place for each of the bodies that undertake work for the VMD as part of the National Surveillance Scheme. The instructions are available on-line, on CD or in hard copy for staff. These are reviewed and updated on an annual basis or more frequently where changes in the processes are required. With regard to reporting procedures, surveillance results are sent out monthly to all operators of processing plants and farmers/producers who have had animals/animal products sampled and include negative results and details of the sample type, date of collection and residue detected where samples test positive. Results of the previous year's surveillance programme are reported to the Commission each year by 31 March of the following year. An Annual Report is also published by an independent committee, which oversees the surveillance work.

Staff performing official controls

14. **Freedom from conflict of interest** - For the AMI, the Code of Conduct for Inspectors prohibits inspectors from undertaking any activities paid or otherwise, that may lead to a conflict of interest with duties. With regard to the residues programme, requirements to ensure impartiality of staff undertaking sampling are included in the relevant Service Level Agreement or Memorandum of Understanding. Similarly, the contracts with laboratories involved in analysis include a clause covering potential conflicts of interest, and the identity of the owner of samples submitted for analysis is not divulged to staff undertaking analysis.
15. **Qualifications** - All AMI inspectors hold a formal qualification in agriculture/science and are required to have spent at least three years at management level in the animal feed/animal health industry prior to

appointment. All inspectors are qualified ISO 9000:2000 auditors and have undertaken a course in HACCP.

16. **Training** - The VMD Training Plan identifies the mandatory training and strategic skills that will be required for VMD staff during the current period. Training and development requirements and activity carried out by VMD staff is recorded and evaluated. Training activities include on-the-job supervision and experience training programmes for veterinarians working in abattoirs and State Veterinary Service (SVS) staff who undertake sampling on farms. Laboratory staff have training records, which are signed off on a modular basis once staff are competent in specific methods. All training procedures are documented according to the requirements of ISO 17025.

Monitoring and audit arrangements

Medicated feed and specified feed additives

17. Annual Inspection returns are made to the Commission via the FSA. The Head of Inspectorate monitors, and supervises the work of the other four inspectors and conducts internal audits on performance. Inspection details and outcomes are entered onto the database (see paragraph 4).
18. On 1 January 2006, management of the AMI passed to the VMD from the Royal Pharmaceutical Society of Great Britain, which audited the AMI. The VMD is currently making new arrangements for audit of the control procedures of the VMD and its inspectorate, the AMI, in accordance with Regulation 882/2004 to be in place for 1 January 2007.

Veterinary Residue Surveillance

19. The Surveillance programme is overseen by an independent Committee. The Veterinary Residues Committee was established in January 2001 as part of the Government's commitment to make all advisory committees more open and independent. Its role is to advise the Chief Executives of the Veterinary Medicines Directorate and the Food Standards Agency on the incidence and concentrations of residues of veterinary medicines in samples collected under the VMD's surveillance programmes and to assess and advise on the scope and operation of the VMD statutory surveillance programme. Further information is available on its website at:
www.vet-residues-committee.gov.uk
20. In Northern Ireland, representatives of the analytical services, Veterinary Service, Food Policy Branch of DARD and Food Standards Agency meet monthly to discuss progress with the plan and residues related issues. Quarterly reports on overall performance against the plan are provided to the VMD's Director of Policy.
21. VMD has a Service Level Agreement with Defra Internal Audit, which requires audits of all work areas, which includes veterinary residue surveillance, to be carried out once every five years. The VMD is audited against EU legislation requirements and audit arrangements are scrutinised by the Audit and Risk

committee who see the final report. Where recommendations for changes are made, follow-up checks are carried out within 12 months of the original audit. The audits also aim to identify good practice. A programme of on-site audits of the agencies involved in sample collection is being drawn up. The VMD already monitors performance via its database, which enables actual performance to be checked against Key Performance Indicators. It is envisaged that the five agencies SVS, MHS, CEFAS, FRS, CSL (National Bee Unit) and EMI will all be visited in the 2006/07 financial year. Depending on the level of compliance found it is anticipated that routine visits will be made every two to three years. Where serious shortcomings are detected an action plan will be required to implement changes and a further audit visit once the plan has been completed is anticipated.

22. Arrangements are currently being considered for the audit of the AMI.

Appendix K

Pesticides Safety Directorate

Roles and responsibilities

1. The aim of the Pesticides Safety Directorate (PSD) is to protect the health of human beings, creatures and plants, safeguard the environment and secure safe, efficient and humane methods of pest control, by controlling the sale, supply, storage, advertisement and use of pesticides. PSD aims to monitor pesticides use and limit illegal use by taking appropriate enforcement action. Additional information on PSD's responsibilities is available at: www.pesticides.gov.uk/corporate.asp?id=46

Organisation, management and resources

2. PSD is an Executive Agency of Defra. It employs around 200 scientific, policy and support staff and is headed by a Chief Executive, who is supported by a Management Board comprising the Directors of Approvals, Policy and Finance and the Deputy Director of Approvals. Its aims, objectives and functions, as well as its accountability, management and structure are set out in the PSD Framework Document which can be found at: <http://www.pesticides.gov.uk/corporate.asp?id=232>
3. Within PSD, pesticide residue control is the responsibility of the Consumer Safety and European Policy Branch. The full time equivalent of 3.9 staff deal with pesticide residue control, including representing the UK in negotiations on EC pesticide residues legislation, transposing EC Directives into National legislation, and planning and implementing the residues monitoring programme. Scientific evaluations and advice, including risk assessments, are provided by Human Health Branch involving the full time equivalent of 0.7 staff. Specific residue enforcement campaigns are organised by the Pesticide Registration and Enforcement Policy Branch, with the full time equivalent of 0.1 staff assigned to this work. In addition, 56 analysts are involved in work carried by various laboratories, with a further 27.6 full time equivalent staff from the Rural Development Service, Horticultural Marketing Inspectorate and the Plant Health and Seeds Inspectorate (PHSI), and private practitioners involved in sample collection for monitoring and enforcement purposes. A PSD organisation chart can be found at: http://www.pesticides.gov.uk/uploadedfiles/Web_Assets/PSD/Staff_Chart.ppt
4. With regard to other resources, PSD has access to the following facilities and services:

- IT systems/database - access to UK and European registration data for pesticide authorisation which informs the PSD analytical and sampling programme.
- Pesticide Usage Surveys Team (CSL) - PSD funds the collection and collation of annual surveys of pesticide usage in the UK. These data provide useful intelligence information about the pesticides to be looked for in the monitoring programme.
- Laboratory facilities - PSD has official arrangements with CSL for resources in support of the pesticide monitoring programme. Four other laboratories are also used giving a breadth of experience and resource. Further information on CSL can be found at: <http://www.csl.gov.uk/>
- CSL research and training facility - PSD funds several large analytical projects in support of the pesticide monitoring programme. To improve the robustness, range and speed of the analytical programme. It can also make use of CSL facilities for training events. Various training days for stakeholders have been arranged on issues relating to pesticide residues in food.

Control activities

Note for consultation

This section describes the official control activities routinely undertaken by PSD.

- **Are these described adequately?**

Pesticide residue monitoring

5. PSD is the competent authority responsible for the monitoring of pesticide residues in food and drink in the UK and any consequential enforcement action. It drafts the UK national pesticide residues monitoring plan each year and is responsible for the submission of the results of both the annual European harmonised residues monitoring programme and the national programme to the Commission in the following year, in line with the Commission's prescribed timetable.
6. The regulation of the approval and use of pesticides in the UK is tightly controlled. This regulatory framework is backed up by a substantial programme of residues testing, which is overseen in the UK by an independent committee, the Pesticide Residues Committee (PRC) (see para 8 for more details)
7. The PRC is comprised of a range of public and independent experts who act in an advisory role to the government departments responsible for administering the monitoring programme. Members include experts on the effects of chemicals on people, people with knowledge of food production techniques and people who have a general interest in food safety issues.

8. The PRC's remit is to advise UK government Ministers and the Chief Executives of the Pesticides Safety Directorate (PSD) and the Food Standards Agency (FSA) on:

- the planning of surveillance programmes for pesticide residues in the UK food supply and the evaluation of the results; and
- procedures for sampling, sample processing and new methods of analysis.

The Committee is also required to make its findings and recommendations available to Government, consumers and the food and farming industries in a way which aims to be comprehensive, understandable and timely. More information about the PRC can be found at:

<http://www.pesticides.gov.uk/approvals.asp?id=831>

9. Monitoring provides information to check that the residue levels found are within those expected from normal use of the pesticide and checks that legal trading levels (maximum residue levels) are not breached for both imported and home-produced commodities. The operation of the programme involves sample collection from all points in the supply chain and sample analysis. Follow-up action is also taken based on any infringements identified in the monitoring programme, including Maximum Residue Level (MRL) exceedances, non approved uses and unexpected residues.

Control priorities

10. PSD carries out monitoring of both home produced and imported food for pesticide residues. Monitoring control priorities are
- to check that residues do not exceed the statutory Maximum Residue Level (MRL);
 - to back up the statutory approvals process for pesticides by checking that no unexpected residues are occurring in crops; and
 - to check that human dietary intakes of residues in foods are within acceptable levels.

Priority categorisation

Monitoring

11. Currently the priority is risk based on the evidence of incidence of pesticide residue problems and dietary importance but a high importance is also attached to compliance with European harmonised obligations for pesticide residue monitoring in food and drink.

Priority level	Type of survey
<u>Low</u> <ul style="list-style-type: none">• no evidence of MRL exceedances or non approved pesticide problems on this commodity (from RASSF's , other Member States' monitoring data, UK monitoring or industry data)• low incidence of residues expected on the commodity• commodity is not a major component of the diet for any population consumption group	Routine part of the rolling dietary survey to check regulatory compliance and provide further intelligence information. Commodity may be examined only every five or more years.
Medium <ul style="list-style-type: none">• some evidence of non compliance• residues expected on the commodity• and/or the commodity is consumed regularly by consumer populations• or rapid popularity has promoted influx of commodity from a range of new sources	Routine rolling surveys for mainly fresh commodities examined every 2-3 years. Targeted surveys to follow up on previous results.
High <ul style="list-style-type: none">• recent evidence of non compliance• evidence of exceedance of the Acute Reference Dose• residues expected on this commodity and/or commodity is of significant dietary importance by some consumer groups e.g. milk and infants• and/or a requirement to comply with European harmonised pesticide monitoring recommendation in fruit, vegetables and cereals including recommendations relating to infant food and infant formulae	Annual survey for commodity of dietary significance or targeted monitoring survey for specific identified problem. UK participation in EU harmonised programmes.

Enforcement

12. UK pesticide enforcement campaigns are intelligence led programmes primarily based on following up findings from the national monitoring programme or from other reliable sources. Enforcement is targeted, proportionate and risk-based. The overall aim is always to protect the health

of consumers by following up repeated adverse findings or evidence of misuse of pesticides. The results of enforcement action are fed into cross-compliance checks.

13. Local and port health authorities and Border Inspection Posts (BIPs) may conduct their own surveillance of pesticide residues, referring to PSD, in consultation with the FSA, for consumer risk assessments. Where a food safety concern has been identified, these authorities are empowered to take enforcement action under general food safety legislation. Local authorities have an obligation to send returns on such food related incidents to FSA.

Compliance with requirements in Regulation 882/2004

Control procedures

14. For PSD staff involved in the surveillance programme, Standard Operating Procedures are not currently centrally collated for the competent authority but this will be developed. For sample collection agencies and laboratories, all procedures are formalised in a contract or service level agreement which includes an annual work plan. This may be supplemented by written exchanges which detail changes to the specification. All contracts are reviewed annually but can be subject to amendment in-year with the agreement of both parties. All official laboratories are required to work in accordance with the current European Analytical Quality Control Guidelines (currently SANCO 10232/2006). These guidelines are supplemented with additional guidance on procedures which PSD reviews quarterly with the official laboratories.

Reporting arrangements

15. PSD publishes full details of the results of all monitoring activities on a quarterly basis. The results of certain higher risk surveys are published monthly. An annual report collating the main findings is produced. Suppliers who fail to comply with MRLs receive direct notification of the full results. Results are available on the Pesticide Residues Committee PRC web site (see para 8 for details). The UK also provides a return to the European Commission with regard to the results of national participation in the co-ordinated pesticide residue monitoring recommendation and the overall results of the UK's national monitoring programme. The Commission publishes collated results for all Member States. The results of specific enforcement programmes are published via the PSD website.

Staff performing official controls

16. The majority of those involved in the monitoring and surveillance programmes are trained to degree or degree equivalent level. The continuous professional development of staff is met through a combination of on the job training and

specific training courses. Training matrices cover core training elements, e.g. in standard operating procedures and for other in house training.

Monitoring and audit arrangements

17. The annual monitoring programme is split into four report periods. All contracts and service level agreements have milestones relating to the control plan timetable for the year. Performance of sample collection bodies is monitored every two weeks. Analytical progress is monitored quarterly when analytical results are peer reviewed.
18. The competent authority assigns project managers to monitor performance with controls bodies. Specific personnel are identified as project managers in the control bodies. Delivery success against the published timetable of reports is only possible with close co-operation between the competent authority and the control bodies.
19. PSD has an established Auditing and Risk Committee, made up of an independent non-executive Director and representatives from PSD, Defra internal audit services, the National Audit Office and Pannell Kerr and Foster (PKF) auditors. This Committee makes recommendations, in the form of advice and directions, for audits of PSD's various regulatory and financial functions. PSD puts the Committee's recommendations into effect, commissioning appropriate auditing services.
20. Action is in hand to obtain the Committee's recommendations for the auditing arrangements needed under Regulation 882/2004, including the auditors required to carry out the audits, the conduct of the audits, and audit frequency. Compliance with Commission guidelines for audits under this Regulation will be a fundamental requirement. When audits are completed, the Committee acts as independent scrutineer, checking the quality of the audit and ensuring that any recommendations made are properly implemented.

Appendix L

State Veterinary Service

Roles and responsibilities

1. The State Veterinary Service (SVS) has responsibility for maintaining and improving animal health and welfare and minimising the impact of animal health issues on public health. The SVS controls and manages outbreaks of animal disease by providing advice on disease prevention and maintaining a state of readiness to deal with animal health emergencies. In addition to this, the SVS implements national and EU legislation in all of the areas detailed above. The SVS also provides advice on requirements for importing and exporting animals and facilitates this trade.
2. In fulfilling its responsibilities the SVS works closely with its delivery partners and stakeholders (farmers, local authorities, private veterinary surgeons, market operators, transporters, slaughterhouses and many other groups, as well as the general public) to maximise the effectiveness of Government Animal Health & Welfare Policy.

Organisation, management and resources

3. The SVS was created as an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra) on 1st April 2005. The SVS provides public health and animal health and welfare services on behalf of the Scottish Executive and the Welsh Assembly Government (the Devolved Administrations).
4. The SVS has a Chief Executive appointed by the Secretary of State, who is responsible for overall performance. Directors have individual responsibility for operational matters, contingency planning, finance, human resources, business change and strategic planning and they form the collective Corporate Management Team. The Corporate headquarters is based in Worcester.
5. Operational matters in the field are dealt with by the 24 Animal Health Divisional Offices and other outstations throughout Great Britain. A Divisional Veterinary Manager (DVM), some of whom also have 'lead' responsibilities in terms of co-ordination of SVS activities, manages each office. In Wales, the Lead DVM role is also to establish effective working relationships with the Welsh Assembly Government.
6. Within the SVS there are, as at 1st July 2006, 1358 full time equivalent posts made up of 329 veterinary staff, 279 technical staff and 1031 administration staff. Further there are some 6000 Local Veterinary Inspectors who undertake

a variety of work on behalf of the Agency such as tuberculosis testing. For further information on the SVS, go to: www.svs.gov.uk The SVS April 2006 – March 2007 Business Plan and the Corporate Plan are also on the SVS Internet site.

Control activities

Note for consultation

This section describes the official feed control activities routinely undertaken by the SVS.

- **Are these described adequately?**

7. Detailed information on the control activities of the SVS are provided at the following link:
http://www.svs.gov.uk/about/what_we_do.htm#by-products
8. With regard to feed, the SVS is responsible for ensuring compliance with the prohibition on the use of animal protein in animal feed under legislation on Transmissible Spongiform Encephalopathies (TSEs). Meat and bonemeal and most other materials of animal origin are prohibited from use in farm livestock feeds as part of a range of measures to guard against TSEs.
9. The SVS carries out inspections and takes samples of feed ingredients and manufactured feeds at feed mills, farms, stores and hauliers of feed. The samples are analysed for the presence of banned processed animal proteins including meat and bonemeal and fishmeal. Fishmeal is only allowed in non-ruminant feed.
10. Prosecutions are the responsibility of local authorities, although there is provision in the legislation for Agriculture/Rural Affairs Departments to take on prosecutions in particular cases. However, in the event of an infringement, SVS will usually advise and assist local authorities (normally Trading Standards Departments) and may serve notices to prevent the movement or require the recall or destruction of suspected feed.
11. When contraventions have been reported to local authorities, the outcome of their action must be reported to the DVM, and in the event of a prosecution, to the Operational Manager. If a DVM considers that the local authority is taking too lenient a line, they should discuss the matter with the local authority. If this approach to the local authority fails to achieve an improvement, the DVM should escalate the matter to the Operational Manager.

Compliance with requirements in Regulation 882/2004

Control procedures

12. Detailed guidance regarding tasks to be undertaken, along with roles and responsibilities for SVS staff and veterinary contractors, is provided by means of operating instructions referred to as VIPER (Veterinary Instructions, Procedures and Emergency Responses). The various VIPER Chapters are available to SVS officers via the local intranet facility. This is updated continuously to reflect current policy instruction. This documents all procedures to be undertaken for the recording and reporting of required official controls. Instruction is provided on the necessary action to be undertaken when non-compliance is identified and enforcement is required.

Reporting arrangements

13. All required information is recorded on a number of IT systems developed for the SVS. Reports are regularly extracted from data supplied providing results for both national and local requirements. Operational reports are produced on a monthly basis factoring current performance in regard to key performance indicators. An Annual Report is produced giving details of targets and accounts, which is posted on the SVS web site for general access.

Staff performing official controls

14. Conflict of interest - Staff who are responsible for the welfare of their own livestock, or by association, cannot undertake any inspection or testing of these animals.
15. Qualifications - It is a pre-requisite that all Veterinary Officers and Local Veterinary Inspectors must be qualified as a Veterinary Surgeon and a Member or Fellow of the Royal College of Veterinary Surgeons.
16. Training - A comprehensive programme of learning and development is available to all SVS staff. There is a commitment to provide a high quality, cost effective learning solution at the right time, in a format that suits the needs of the business and the learner. Training needs are continuously identified by individual performance appraisal and as a reaction to the initiation of any new legislation or control systems.

Monitoring of control activities

17. In terms of internal audit, the SVS has an Operations and Performance Unit, based at the Corporate Centre, Worcester, who are responsible for monitoring performance across the SVS. Adherence with Key Performance targets laid down in the Business Plan are monitored on a monthly basis by the Operations and Performance Unit using reporting tools on various IT systems, the most prominently used system being Vetnet.

18. The Operations and Performance Unit also measure performance against the agency's targets and objectives at individual Animal Health Divisional Office (AHDO) level by asking AHDOs to complete a Local Implementation Plan template on a quarterly basis. This template requests AHDOs to provide information on their achievement of set targets, which are tailored to reflect each individual AHDO's work situation in terms of what work areas are most prominent in their Division. This performance is reported to the Delivery Review board of Defra as the parent Department.

Appendix M

Rural Payments Agency

Roles and responsibilities

1. The Rural Payments Agency (RPA) Inspectorate conducts a range of farm, traders and technical inspections to enable the payment of CAP (Common Agricultural Policy) subsidies and ensure full compliance with the relevant UK and Community legislation. This includes cattle identification inspections to validate the UK's cattle tracing database and sheep, goat and pig inspections as part of the Single Payment Scheme cross-compliance arrangements.

Organisation, management and resources

2. The RPA is a major delivery body for Defra, providing a range of services in support of Defra. These services include rural payments, rural inspections and livestock tracing. The work of the RPA Inspectorate underpins the RPA's role as a payment agency. The RPA Inspectorate conducts inspections on over 50 different schemes. A Service Level or Management Agreement for each scheme is agreed with the relevant scheme managers in the RPA or Defra.
3. The RPA Inspectorate currently has 542 staff, including 404 front-line inspectors. The figures include 80 Horticultural Marketing inspection staff that joined on 1 April 2006. There are many specialist officers who work within the Inspectorate; a few of whom work in the Specialist Policy and Advice Unit, covering aspects of crops, meat and dairy issues.

Control activities

4. With regard to beef labelling, the RPA remit is to check if operators have records in place of a comprehensive traceability system, for accreditation purposes to ensure that beef on sale to the customer can be traced back to the animals or group of animals from which it was derived. The RPA inspectors make the following checks:
 - That the operators have a recorded, documented traceability system in place which will enable the beef to be traced back to the animal(s) of origin;
 - Within slaughterhouses and cutting plants, that the carcasses, cuts and boxes are labelled with the appropriate compulsory information as follows:
 - A traceability reference number or code;

- The animals country or birth and country(ies) of rearing; and
 - Country of slaughter and cutting, with the licence numbers of the slaughterhouses and cutting plants(s).
- In mincing plants that plants that all packs are labelled correctly.
5. The inspectors check whether there is non-UK beef on site and if so, whether it is correctly labelled with the appropriate compulsory information. The inspectors will also check whether the premises are on the list of operators approved to make voluntary labelling claims under the Beef Labelling Scheme. They check that the voluntary labelling is covered by a valid certificate of approval and make a note of all voluntary claims being made to check whether additional, non-approved claims are being used. If any non-compliance is found, follow-up checks are made to the premises until the operator is compliant with the labelling requirements.

Risk categorisation

6. The main risk concerns beef of differing origins, not being correctly identified, (substitution) which could adversely affect the businesses of UK producers and upset the balance of payments; sucking-in more imported beef.

Compliance with requirements in Regulation 882/2004

Control procedures

7. The RPA Inspectorate conducts inspections on over 50 different schemes. A service level or management agreement and detailed inspection instructions for each scheme are agreed with the relevant scheme managers in the RPA or Defra and published on internal websites. Details of the inspection instructions for the various livestock schemes the RPA Inspectorate is involved with, can be found on the RPA intranet.

Reporting arrangements

8. The RPA Inspectorate have an arrangement with Defra to inspect and report back to the RPA Scheme Management Unit (SMU) on all beef cutting premises; particularly those not manned by Meat Hygiene Service staff. These inspections are carried out at least once per year, but indeed also require several 'follow-up' inspections, where non-compliance is found; all inspections are based on being 'unannounced'. The SMU send to Defra biannual reports, giving up to date information on inspection performance and rates of non-compliance.

Staff performing official controls

9. Conflict of interest - If any members of staff have what maybe seen as a conflict of interest, i.e. being a part-time farmer etc, they must declare this on

their Employee Self Service (ESS) or Personal information file. In terms of BLS inspections; there are no conflicts of interest here.

10. Qualifications - Many RPA inspectors hold formal agricultural qualifications ranging from National Certificate to degree level, though it is not a prerequisite for the job. Inspectors are also encouraged to develop their skills through the RPA inspectors Vocational Qualification, which focuses on customer service, management and communication skills. A B-Tec Professional Diploma for RPA inspectors is currently being piloted; and arrangements are in hand for inspector's technical skills to be accredited via livestock and land-based inspection qualifications under auspices of the National Proficiency Test Council (the largest provider of vocational awards in the agricultural sector).
11. Training - Before an inspector is allowed to conduct a solo inspection on any scheme, he or she must have completed a programme of formal and informal training (including a period of working with a mentor) and have been signed off as proficient by his or her team manager. Thereafter, he or she will be subject to regular quality controls checks and ongoing developmental support from his or her manager. Individual training needs are identified and addressed through the appraisal system.

Monitoring of control activities

12. There is a standard Quality Control procedure involving all schemes, this scheme will have a minimum of 1% checks in terms of 'accompanied visits' by a senior inspector, alongside the inspector, who is carrying out the Beef Labelling Scheme inspection and separately there will be 'Desk-Checks' where Beef Labelling Scheme inspection report forms, taken at random, will be checked for content and accuracy.

Appendix N

UK Plant Health Service

Roles and responsibilities

1. The UK Plant Health Service is responsible for official controls in respect of measures to protect plant health that are set out in Council Directive 2000/29.⁶² Information about the Service is available at:

<http://www.defra.gov.uk/planth/phnews/service.htm>

Organisation, management and resources

Organisation and management of the Plant Health Service

2. The Service comprises a number of units which co-operate together to provide plant quarantine and plant certification services in England, Scotland, Wales and Northern Ireland. Details of the individual units are given in the following paragraphs.

Defra's Plant Health Division

3. The Division has policy responsibility for plant quarantine and plant certification in England and Wales except in relation to pests of forest trees and wood (for which the Forestry Commission is responsible - see below). It leads for the UK in international fora and is the 'Single Central Authority' for plant health under EC legislation. It issues scientific licences for work on prohibited pests and plants, and phytosanitary certificates for some plant products. Plant Health Division is based at York.
4. The Head of the National Plant Protection Organisation for the UK is head of Plant Health Division and reports to the Department's Secretary of State on plant health matters.

Plant Health and Seeds Inspectorate

5. The Plant Health and Seeds Inspectorate (PHSI) also a part of Defra, executes plant health policy in England and Wales. PHSI carry out import, export, monitoring and survey inspections, issue phytosanitary certificates, and oversee import controls, plant passporting arrangements and eradication campaigns. PHSI inspect and certify crops in relation to statutory and voluntary schemes. PHSI also carry out work on seed certification and

⁶² Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community. Official Journal L169, 10.7.2000, 1-112.

enforcement for Defra's Plant Variety and Seeds Division. The Chief Plant Health and Seeds Inspector works directly to the head of Plant Health Division. There are about 40 local PHSI offices around the country and a headquarters at York. A list of these is available at:

<http://www.defra.gov.uk/planth/senior.htm>

Central Science Laboratory

6. The Plant Health Group of the Central Science Laboratory (CSL) provides scientific support to Defra's Plant Health division in the formulation of policy and to PHSI in its execution. Its scientists assist UK representatives in international fora, carry out assessments of risks from particular pests and commodities, identify pests on samples submitted by PHSI, and provide advice on interceptions and outbreaks. CSL carries out a number of research and development projects linked to the needs of the UK Plant Health Service. CSL is an Executive Agency of Defra and is located at Sand Hutton, near York. More detailed information on CSL is available at:

www.csl.gov.uk

Scottish Executive Environment and Rural Affairs Department

7. The Scottish Executive Environment and Rural Affairs Department (SEERAD) is responsible for plant health policy and plant and seed certification within Scotland. SEERAD co-ordinates UK representation on matters relating to seed potato certification. Scientific support is provided by the Scottish Agricultural Science Agency (SASA). SASA carries out laboratory testing and pest identification as well as providing advice on monitoring, interceptions and outbreaks. SASA issues licences for scientific work on prohibited pests and plants in Scotland and operates the Potato Quarantine Unit for the UK. The SEERAD HQ is in Edinburgh. More detailed information is available at:

www.scotland.gov.uk and www.sasa.gov.uk

Department of Agriculture and Rural Development (Northern Ireland)

8. The Department of Agriculture and Rural Development (Northern Ireland) (DARD) is responsible for policy, technical and scientific matters relating to plant health and plant certification within Northern Ireland, including forestry matters. DARD is based in Belfast. More detailed information is available at:

www.dardni.gov.uk

Welsh Assembly Government Environment, Planning and Countryside Department

9. The Welsh Assembly Government is responsible for policy on the implementation of plant health measures in Wales. The Environment, Planning and Countryside Department is in Cardiff. Detailed information is available at:

www.wales.gov.uk/index.htm

Forestry Commission

10. The Forestry Commission Plant Health Service is responsible within Great Britain (England, Scotland and Wales) for all matters related to forestry pests, including inspections of imported forest products, surveys and eradication and containment programmes. It issues licences for scientific work on prohibited forest tree pests and plants and phytosanitary certificates for wood products. Its Forest Research Agency, provides scientific advice on the control of pests and diseases, represents forestry interests in certain international fora, carries out pest risk assessments and provides an identification service for pests and diseases intercepted at points of entry or at forest survey sites. The Forest Research Agency is also the official forest tree testing station for Great Britain. The Forestry Commission HQ is in Edinburgh. More information is available on its website at:

www.forestry.gov.uk/planthealth

Resources

11. In England and Wales, there are 134 staff engaged in inspection and support for inspection. In Scotland there are 77 staff engaged in inspection and support for inspection. In Northern Ireland there are 18 staff engaged in inspection and support for inspections.
12. The Plant Health Services utilise dedicated IT systems and have training programmes to ensure that inspectors and other staff develop their skill levels. The Plant Health and Seeds Inspectorate has a policy of continued technical training and refresher courses and workshops in order to maintain proficiency and consistency of application and to assimilate new technology.

Control activities

Activities

13. Plant Health and Seeds Inspectors (in England and Wales) and their equivalents in Scotland and Northern Ireland carry out inspection of imports and exports, as well as general surveillance and monitoring of growing crops and other articles moving in trade. Inspections are structured according to the risk presented by any given commodity being imported or plant being grown. Community legislation requires the carrying out of specific surveys for a large number of pests and diseases. This work is arranged according to the timetable required for submission of results. Some of this survey work is specified by legislation creating Protected Zones, for example Northern Ireland has protected zone status for Rhizomania and Fireblight and therefore DARD is required to undertake surveys for such pests and diseases.

Priorities

14. In the Plant Health sector control priorities are determined according to the risk posed by pests and diseases and resources allocated accordingly. The disease caused by the fungal pathogen *Phytophthora ramorum* has been a high priority within the UK for several years but this does not prevent the allocation of resources to other pests and diseases deemed to be important for the UK or the European Community.
15. In respect of new and evolving threats, interceptions of pests and diseases moving in trade trigger the preparation of pest risk analyses. These are considered through a process of consultation involving all parts of the Plant Health Service and then by inviting views from industry and the public. The outcome of this consultation process leads to decisions about action to be taken in respect of each pest and disease.

Monitoring control activities

16. The Plant Health Service prepares a Business Plan, usually on an annual basis, which includes targets for numbers of inspection and a range of other activities. Progress against these targets is monitored by senior managers every quarter and decisions taken about adjustment of targets or re-allocation of resources as appropriate.
17. SEERAD and DARD each have business plans which are regularly monitored by managers. Inspectorate work outputs are recorded on a Time Recording System and on specific plant health databases.

Co-ordination and co-operation

18. As the Single Authority, Defra's Plant Health Division keeps in close touch with the other services in the UK. There are co-ordination meetings every six months and frequent meetings on specific issues which involve representatives from all authorities as appropriate.

Plant Health Inspectors

Legal powers

19. In England, Inspectors' legal powers are defined in the Plant Health (England) Order 2005 (this also covers Wales). Powers for DARD Inspectors are defined in the Plant Health Order (Northern Ireland) 2006. In Scotland inspectors' legal powers are contained in the Plant Health (Scotland) Order 2005.

Documented procedures

20. Plant Health and Seeds Inspectors all use a handbook which contains detailed advice on the full range of their activities. Where appropriate the Community vade-mecum on inspection of plants and plant products is reflected in the handbook (this is guidelines for EC and National Inspectorates drawn up by the EC Plant Health Inspectorate which is established by Directive 2000/29/EC).
21. DARD Inspectors have operating instructions for potato plant health and horticulture plant health. These are reviewed regularly and modified as the need arises.
22. SEERAD inspectors have access to an on-line guidance in addition to the usual operational manuals. All guidance is reviewed regularly to ensure that it remains correct.

Reporting official control results

23. Plant Health and Seeds Inspectors in England and Wales report the outcome of their inspections using the Domero database. This communicates the results to their senior officers and to the laboratory, who between them decide on what further action is necessary.
24. In Northern Ireland DARD inspectors complete written inspection reports which are then transferred to a database, which is held centrally and is available to managers. Separate databases are used to record results of Potato Cyst Nematode (PCN) and Wart disease test results. Databases are currently being updated and linked with a Geographic Information System which is used to provide maps of disease locations.
25. Similar arrangements apply in Scotland.

Training

26. Plant Health and Seeds Inspectors and their equivalents in the other territories follow a mixed training programme consisting of formal training courses and on-the-job training. Training is reviewed annually and a training programme is produced. Each member of staff has a Personal Development Plan. Periodic refresher courses are held as well as courses specific to their areas of work, such as seed potato inspection.

Appendix O

National Reference Laboratories (NRLs)

Feed and Food

Details of the NRLs appointed by the competent authorities in the UK are set out in the table below.

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Milk and milk products	Food Standards Agency	For England and Wales - Central Science Laboratory (CSL), Sand Hutton, York YO41 1LZ For Scotland and Northern Ireland - Agri-Food & Biosciences Institute (AFBI), Agriculture, Food & Environmental Science Division, Newforge Lane, Belfast BT9 5PX	CSL - provide their services to the Food Standards Agency under a Memorandum of Understanding. It supplies FSA with reports of meetings of the Community Reference Laboratory on Milk and Milk Products. AFBI provides its services to DARD QAB through a Service Level Agreement funded by the Agency.	CSL are in the process of seeking certification to ISO 9001:2000 which will cover management systems. CSL is accredited to ISO/IEC 17025:1999 for foods and animal feeding stuffs. AFBI has UKAS accreditation to ISO/EC 17025:1999, testing number 1279. This covers management systems and quality control of testing.	CSL are registered with the Health Protection Agency Standard Proficiency Scheme. ⁶³ The tests covered in the proficiency scheme are: <ul style="list-style-type: none"> • Campylobacter detection • <i>L. monocytogenes</i> detection & enumeration • Salmonella detection • <i>E. coli</i> O157 detection • Aerobic colony count • Enterobacteriaceae enumeration • <i>E. coli</i> enumeration • <i>B. cereus</i> enumeration • <i>C. perfringens</i> enumeration • coagulase positive staphylococci enumeration • coliform enumeration AFBI UKAS accreditation requires participation in both internal and external proficiency testing. Currently there are no plans to initiate ring testing for the enforcement laboratories for which AFBI are responsible.

⁶³ More information on the HPA Proficiency Testing Scheme is available at: <http://www.hpa.org.uk/cfi/quality/eqa/default.htm>

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Analysis and testing of zoonoses (Salmonella)	Department for Environment, Food and Rural Affairs (Defra)	Veterinary Laboratories Agency (VLA), New Haw, Addlestone, Weybridge, Surrey, KT15 3NB	Contractual arrangement.	VLA activities are accredited to ISO 9001:2000, a formal Management system. The laboratory facilities are UKAS accredited to ISO/EC 17025:2000 (Lab nos. 0941, 1769 & 2112) for an extensive range of tests. VLA is certified to BS EN ISO 9001:2000 for the provision of a range of specialist veterinary scientific services to the Government and other interested parties world-wide (Certificate Nos. LRQ 4000436, 4001071, 0962413 & 4001392).	VLA participates in proficiency tests as required including those arranged by the Community Reference Laboratory.

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Monitoring of marine biotoxins	Food Standards Agency	Fisheries Research Services Laboratory Aberdeen (FRS), PO Box 101, Victoria Road, Aberdeen, AB11 9DB	FRS provides its service under contract with the Agency. This covers the requirements for NRLs. FSA meets regularly with FRS to assess how they are meeting these requirements while the contract requires monthly detailed costs set out against the contract requirements.	FRS is accredited for laboratory testing activities under ISO/IEC 17025:2000. All methods of testing for the specified marine biotoxins are accredited by UKAS and include the AOAC Test for PSP, Yasamoto 1984 Test for DSP and LC-MS for ASP	FRS is UKAS accredited and participates in laboratory performance studies as part of its role in global, European and UK marine sciences. In testing for the specified marine biotoxins, the proficiency testing is: ASP methods: FRS participates in the QUASIMEME Proficiency Scheme ⁶⁴ twice per year. DSP/PSP methods, there are currently no formal proficiency schemes for these toxins however comparative trials are operated by FRS. FRS also operates a quality control scheme for each type of analysis which includes the use of Certified and Laboratory Reference Material cultures or standard solutions where available. The data are monitored using Shewart control charts where applicable.
Viral and bacteriological examination of bivalve molluscs	Food Standards Agency	CEFAS, Weymouth Laboratory, Barrack Road, The Nothe, Weymouth, Dorset, DT4 8UB	Service Level Agreement between FSA and CEFAS takes account of requirements in Regulation 882/2004. The FSA meets regularly with CEFAS to discuss how they are meeting the requirements of the Regulation/contract.	CEFAS operates to ISO/EC 17025. All methods are UKAS accredited. Representatives attend the relevant annual workshop of NRLs and training courses organised by the CRL.	CEFAS take part in a shellfish-specific European Quality Assurance Scheme ⁶⁵ and CRL-organised ring trials. No trials are currently planned but work is ongoing on virological methods and the NRL would take part in these under the current contract arrangements.

⁶⁴ More information on the QUASIMEME Proficiency Testing Scheme is available at: <http://www.quasimeme.org/index.htm>

⁶⁵ More information on the European Quality Assurance Scheme is available at: <http://www.quality-register.co.uk/bodies/body74.htm>

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Residues listed in Annex I, Group A 1, 2, 3, 4, Group B 2 (d) and Group B 3 (d) to Council Directive 96/23/EC	Veterinary Medicines Directorate (VMD)	For A1, A2, A3, A4: AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD For B2(d), B3(d) LGC Ltd, Queens Road, Teddington, Middlesex, TW11 0LY	VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004. Contract with LGC.	Laboratories operate to ISO/EC 17025. They also attend the relevant CRL briefing and training courses.	The laboratories participate in a range of proficiency tests, some of which are co-ordinated by VMD.
Residues listed in Annex I, Group B 1 and B 3 (e) to Council Directive 96/23/EC and carbadox and olaquidox	Veterinary Medicines Directorate (VMD)	For B1 Central Science Laboratory (CSL), Sand Hutton, York, YO41 1LZ For B3(e): LGC Ltd, Queens Road, Teddington, Middlesex, TW11 0LY For Carbadox and olaquidox - AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD	VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004. There is a Service level Agreement between VMD and CSL and a contract between VMD and LGC	Laboratories operate to ISO17025. They also attend the relevant CRL briefing and training courses.	Laboratories participate in a range of proficiency tests, some of which are co-ordinated VMD. For 2006/7 there is FAPAS round planned for B3(e) malachite green which is mandatory for the NRLs. In addition rounds of the Food Analysis Performance Assessment Scheme (FAPAS) ⁶⁶ tests run each year and the total number of rounds for 2006/7 is 18.

⁶⁶ FAPAS is part of the Central Science Laboratory and is an international proficiency testing service. More information is available at: <http://www.fapas.com/>

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Residues listed in Annex I, Group A 5, A6 and Group B 2 (a), (b), (e) to Council Directive 96/23/EC	Veterinary Medicines Directorate (VMD)	<p>For A5, A6 (Nitrofurans and nitroimidazoles), B2(b) nicarbazin: AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD</p> <p>For A6 (Chloramphenicol and A6 substances in honey), B2(a), B2(b) ionophores: Central Science laboratory (CSL), Sand Hutton, York, YO41 1LZ</p> <p>For B2(e) - still to be appointed</p>	<p>VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004.</p> <p>Service Level Agreement between VMD and CSL</p>	<p>Laboratories operate to ISO17025.</p> <p>They also attend the relevant CRL briefing and training courses.</p>	<p>Laboratories participate in a range of proficiency tests, some of which are co-ordinated by the Competent Authority.</p> <p>For 2006/7 there is one FAPAS round planned for A6 (chloramphenicol).</p> <p>FAPAS tests run each year and the total number of rounds for 2006/7 is 18.</p>
Residues listed in Annex I, Group B 2 (c) and Group B 3 (a), (b), (c) to Council Directive 96/23/EC	Veterinary Medicines Directorate (VMD)	LGC Ltd, Queens Road, Teddington, Middlesex, TW11 0LY	<p>VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004.</p> <p>Contract between VMD and LGC</p>	LGC operates to ISO17025. It also attends the relevant CRL briefing and training courses.	<p>LGC participate in a range of proficiency tests, some of which are co-ordinated by VMD.</p> <p>FAPAS tests run each year and the total number of rounds for 2006/7 is 18.</p>

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Transmissible spongiform encephalopathies (TSEs)	Department for Environment, Food and Rural Affairs	Veterinary Laboratories Agency (VLA), New Haw, Addlestone, Surrey KT 15 3NB	Contractual agreement. To be revised as part of review of Departmental Service Level Agreements.	VLA activities are accredited. ISO 9001:2000 is a formal Management system. The laboratory facilities are UKAS accredited to ISO/EC 17025:2000 (Lab nos. 0941, 1769 & 2112) for an extensive range of tests. VLA is certified to BS EN ISO 9001:2000 for the provision of a range of specialist veterinary scientific services to the Government and other interested parties world-wide (Certificate Nos. LRQ 4000436, 4001071, 0962413 & 4001392.)	VLA is the Community Reference Laboratory for TSEs. Proficiency testing is carried out as necessary.
Genetically Modified Organisms	Food Standards Agency	The Food Standards Agency is currently putting in place arrangements to designate a corresponding NRL.			

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Chemical migration from food contact materials	Food Standards Agency	Central Science Laboratory (CSL), Sand Hutton, York YO41 1LZ	None as yet. The CRL is still defining the workplan and there has been just one CRL-NRL meeting to set the scene.	<p>CSL has in place systems that have been examined by the National Audit Office to ensure projects are managed in a clear and traceable manner, which includes the provision of timely delivery of project milestones. CSL is currently working towards certification under ISO 9001.</p> <p>CSL currently has over 90 procedures accredited to the BS EN ISO/IEC 17025 standard by UKAS. Specifically, CSL has two accredited methods for overall migration, into fatty and non-fatty simulants.</p> <p>CSL ensures that projects are carried out in compliance with the DEFRA/FSA Joint Code of Practice for Research.</p>	As part of the requirements for accreditation, CSL participates in FAPAS Series 11 (overall migration) and 12 (specific migration). The FAPAS programme for these Series in 2006/7 can be found on the FAPAS website.
Additives for use in animal nutrition	Food Standards Agency	LGC, Queens Road, Teddington, Middlesex, TW11 0LY	<p>For Article 33 (2) only part (a) applies in this case. We are content with the laboratory's assurance that they will collaborate with the CRL as required.</p> <p>For (3) it is difficult to see how accreditation can be given for a paper exercise.</p>	Given that the work is not of a practical nature, this does not apply.	Given that the work is not of a practical nature, this does not apply.
<i>Listeria monocytogenes</i>	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			
Coagulase positive <i>Staphylococci</i> including <i>Staphylococci aureus</i>	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
<i>Escherichia coli</i> , including Verotoxigenic <i>E. coli</i> (VTEC)	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			
<i>Campylobacter</i>	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			
Parasites - <i>Trichinella</i> and <i>Echinococcus</i>	Food Standards Agency	The The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			
Parasites - <i>Anisakis</i>	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			
Antimicrobial resistance	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role			
Animal proteins in feedingstuffs	Department for Environment, Food and Rural Affairs (Defra)	Veterinary Laboratories Agency (VLA), Luddington, Stratford-upon-Avon, Warwickshire, United Kingdom, CV37 9SJ	A contractual agreement for the surveillance for animal species specific proteins and structures in animal feedingstuffs is in place. Quarterly reports are made to Defra outlining how NRL responsibilities are being discharged. In addition regular meetings are held with Defra to discuss and resolve any issues arising from these reports.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 (Lab Nos. 1769) for tests carried out. The laboratory is also Lloyds Register of Quality Assurance certificated to BS EN ISO 9001:2000 for 'the provision of a range of specialist veterinary scientific services to the Government and other interested parties worldwide (Certificate Nos. LRQ 4000436, 4001071, 0962413 and 4001392).	The laboratory takes part in External Quality Assurance/ Proficiency testing (quarterly) provided by the Quality Assurance Unit (based at VLA Sutton Bonington) which operates External Quality Assessment and proficiency testing schemes and is accredited to ISO9001:2000 and ISO/IEC Guide 43-1. The laboratory is also accredited by UKAS for Proficiency Testing Providers for this activity. Participation in European ring trials is undertaken as appropriate.
Mycotoxins	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Heavy metals in feed and food; polycyclic aromatic hydrocarbons; and dioxins and PCB's	Food Standards Agency	The CRL was appointed by the European Commission in May 2006. The Agency is in the process of making arrangements to fulfil the NRL role.			
Pesticides residues	Defra, Pesticide Safety Directorate	The CRL was appointed by the European Commission in May 2006. The Pesticide Safety Directorate is currently putting in place arrangements to designate a corresponding NRL.			

Appendix P

UK 'control bodies'

Feed and Food

Details of the control bodies involved with official feed and food control activities in the UK are listed in the table below.

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Food Standards Agency	Official feed and food control laboratories (Public Analyst and Agricultural Analyst laboratories), including laboratories for marine biotoxin monitoring See list at: http://www.food.gov.uk/enforcement/public_analysts/foodcontrollabs	Microbiological examination and chemical analysis of official feed and food samples.	<ul style="list-style-type: none"> All official laboratories are accredited in accordance with appropriate standards. A description of the tasks to be undertaken is provided Arrangements are in place for the independent inspection and audit of official laboratories and the withdrawal of delegation if agreed standards of performance are not met. Arrangements are in place for the reporting the outcome of official controls.
Food Standards Agency – Primary Production Division	Eclipse Scientific Group Eurofins Laboratories Ltd	Collection of samples and testing of raw cows milk for drinking.	<ul style="list-style-type: none"> Service Level Agreement set out performance targets, arrangements for supervision and monitoring (by the DHI) and reporting of results by Eclipse Laboratories in England and Eurofins in Wales (no raw milk is sold in Scotland or Northern Ireland).
Pesticide Safety Directorate (PSD)	Mintel International Group Ltd	Sample collection for pesticide residues surveillance.	<ul style="list-style-type: none"> A contract is in place specifying work plans, review dates and reporting arrangements. PSD is currently exploring the options for independent audit of Mintel.
Pesticide Safety Directorate (PSD)	LGC Ltd AFBI Eurofins SASA	Official laboratories used in the residue monitoring process.	<ul style="list-style-type: none"> Contracts, Service Level Agreements are in place specifying work plans, review dates and reporting arrangements for analysis and results.

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Veterinary Medicines Directorate (VMD)	LGC Ltd	Analysis of statutory veterinary residue surveillance samples	<ul style="list-style-type: none"> LGC works to a Specification of Requirements laid down in its contract with the VMD. As part of the contract it undertakes to have appropriately qualified staff and equipment to carry out the analytical work. There is a nightly results download. LGC is accredited to ISO17025 Inspectors of UKAS, the FVO, the USDA and the VMD independent audit team audit LGC.
Department for the Environment, Food and Rural Affairs (Defra) - Livestock Products Division	Government recognised independent verifiers. ⁶⁷	Verifying claims under the Beef Labelling Scheme (as required by EC Regulation 1760/2000). ⁶⁸	<ul style="list-style-type: none"> The control bodies are accredited and audited for the purposes of carrying out beef labelling inspections by the United Kingdom Accreditation Service (UKAS). They must comply with European Standard EN 45011 as required specifically by Regulation EC 1760/2000, and requirements for beef labelling certification are laid down in an explanatory guide (not available on-line). The control bodies report their findings, including any non-compliance, to Defra.
Department for the Environment, Food and Rural Affairs (Defra) - Food Chain Competitiveness & Organic Division	Private certification bodies. ⁶⁹	Control and certification of organic production (as required by Council Regulation 2092/91). ⁷⁰	<ul style="list-style-type: none"> Certification bodies are independently accredited and audited by UKAS against European Standard EN45011. A description of delegated tasks is provided to the control bodies. They report their findings to Defra. Further details of the arrangements for control bodies are provided in the Organic Certification and Inspection Approval Programme control manual, which can be found at: http://www.defra.gov.uk/farm/organic/legislation-standards/inspector-controlmanual.pdf

⁶⁷ A list of these bodies is available at: <http://defraweb.defra.gsi.gov.uk/foodrin/beeflab/verifiers.htm>

⁶⁸ Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 Official Journal L 204 , 11.8.2000, 1-10.

⁶⁹ A list of these bodies is available at: <http://www.defra.gov.uk/farm/organic/certbodies/approved.htm>

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Department for the Environment, Food and Rural Affairs (Defra) - Food Chain Competitiveness & Organic Division	Private and public inspection bodies. (public inspection bodies in the form of Trading Standards Officers) ⁷¹	Ensuring that producers of registered protected food names are complying with the registered specification for those products (as required by Council Regulations 509/2006 and 510/2006). ^{72, 73}	<ul style="list-style-type: none"> Private inspection bodies are independently accredited and audited by UKAS against European Standard EN45011. Public inspection bodies must be able to demonstrate that, as far as possible, they are able to comply with the principles of the EN 45011 Standard. Arrangements are in place to report the outcome of official controls to Defra.

⁷⁰ Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs Official Journal L 198 , 22..7.1991, 1-15.

⁷¹ Defra is currently carrying out a major revamp of its website with the aim of including more information about the inspection process, role of control bodies and its own role. Included in this will be a list of the UK control bodies and their contact details. At the moment information about those bodies and those in other Member States can be found in the Official Journal of 13.12.2005 which is available at http://ec.europa.eu/agriculture/foodqual/quali1_en.htm

⁷² Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialties guaranteed. Official Journal L 93, 31.3.06, 3.

⁷³ Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Official Journal L93, 31.3.06, 12.

Appendix Q

Auditing and monitoring of the competent authorities

Local authority feed and food law enforcement services

Introduction

1. UK local and port health authorities have responsibility for monitoring and verifying compliance with, and enforcement of the majority of food law, and in Great Britain, for monitoring and enforcing most feed law. These regulatory services are audited externally by the FSA across the full range of their functions and using powers included in the Food Standards Act 1999 and in the Official Feed and Food Controls Regulations (details of this legislation is included in Appendix A). This Audit Scheme was launched in April 2001 and is implemented on a UK basis, with the FSA in England, Scotland, Wales and Northern Ireland each co-ordinating their own audit programme. Full details of the audit scheme are published on the Enforcement Portal of the FSA website at:

<http://www.food.gov.uk/enforcement/>

2. The Scheme aims to help protect public health by promoting effective local enforcement of feed and food law, and to help maintain and improve consumer confidence. It also assists in the identification and dissemination of good practice, which in future aids consistency between authorities. In addition, it helps provide information to aid the formulation of Agency policy and promote conformance with the standards for these services by the Food Standards Agency, and with any relevant central guidance or Codes of Practice. In addition, it provides a means to identify under performance in local authority feed and food regulatory services and also to identify continuous improvement.

Audit scheme

3. Full details of the Audit Scheme are included in the Framework Agreement on Local Authority Food Law Enforcement which is available at:

<http://www.food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf>

This includes the 'the Standard' that authorities are audited against (which reflects the requirements of European feed and food legislation, and also refers to national legislation, Codes of Practice and guidance, and which requires authorities to develop Service Plans setting out their arrangements for delivering their feed and food law enforcement service). It also sets out the follow-up and reporting arrangements, whereby final reports (which are published) include recommendations arising from audit and an action plan prepared by the authority to address these.

4. The scheme is closely linked to the FSA's local authority monitoring scheme which is also described in the Framework Agreement. Each authority provides the FSA with an annual return. Currently, these returns provide data on the number of inspections planned, number of planned inspections achieved, total number of inspections carried out, number of enforcement actions taken, number of samples taken, and details of their analyses, and number of complaints handled.⁷⁴ These returns are used at the national level to enable the FSA to monitor overall trends, and to assess the performance of individual authorities. This helps inform the development of the audit programme (see below).

Independent scrutiny

5. The operation of the Audit Scheme, as part of the *Framework Agreement*, is subject to scrutiny by the FSA's Enforcement Liaison Group. Further, the Audit Programmes are subject to agreement from the FSA's Board to which results and trends identified by audit are reported.

Audit programme

6. A yearly audit programme is developed. This is operated and organised on a quarterly basis by Audit Teams in each of the FSA's offices, and these are published in advance on the Agency's website. The programme involves a combination of full audits across all areas of feed and food law enforcement activity and focussed audits (or partial audits) looking in greater detail at specific aspects of enforcement activity.

Audit procedures

7. A standard set of audit documentation has been developed on a UK basis to ensure consistency between audits. These are published on the FSA website at www.food.gov.uk/enforcement/auditscheme/. The documentation is tailored, as appropriate, for each of the focused audit programmes.

Dissemination of good practice

8. Since the audit scheme was launched in April 2001, the FSA has been working with the Local Authority Co-ordinators of Regulatory Services (LACORS) to arrange for good practice documents to be published on the LACORS website. More recently, examples of good practice, identified during focused audit programmes, have also been published on the FSA website. In addition, the findings from the focused audit programmes have informed the development of national initiatives aimed at sharing best practice, such as the development of guidance documents and a food sampling training video. More generally, a wide range of good practice is disseminated through newsletters, regional food and feed group meetings and specific business initiatives.

⁷⁴ The Monitoring Scheme is currently being reviewed. Key stakeholders, including representatives of local authorities and of the professions, will be consulted on this review, through established consultation procedures, such as the Enforcement Liaison Group.

Review of the Audit Scheme

9. Following its first five years of operation, the Framework Agreement and Audit Scheme (and monitoring scheme) are being reviewed to ensure the arrangements continue to meet the FSA's strategic aims and that the audit scheme accords with the Commission guidance on conduct of audits.

Note for consultation

Key stakeholders, including representatives of local authorities and of the professions, will be consulted on this review, through established consultation procedures, such as the Enforcement Liaison Group.

Meat Hygiene Service and DARD Veterinary Service - Veterinary Public Health Unit

Introduction

10. The FSA operates a system of audit of MHS activities in licensed/approved premises. Audits are undertaken on behalf of a number of audit clients i.e. different policy divisions within the FSA, Defra and the Agriculture/Rural Affairs Departments in Scotland and Wales. The audits determine whether MHS operations, practices and activities comply with the requirements specified in the MHS Manual for Official Controls, including relevant legislation and codes of practice. FSA Northern Ireland operates a parallel system of audit of DARD (VS-VPHU) in relation to the work undertaken on behalf of the FSA.
11. The MHS itself also has an internal audit system in place which audits MHS operational teams in GB approved meat plants. Similarly, the VS-VPHU has an internal audit system of the delivery of official controls by operational teams in approved establishments for which it has enforcement responsibility.

FSA audit of the MHS and VS-VPHU

12. These audit schemes have been developed to provide assurances as regards the official controls undertaken by the MHS and VS-VPHU and as regards the internal audit process that MHS and VS-VPHU operate. The MHS Scheme is operated by the Audit Branch of the FSA's Enforcement Division and that of the VS-VPHU by the Audit Unit in FSA Northern Ireland. Auditors are professionally qualified auditors, and/or Environmental Health Officers (EHOs) with specialist feed and food law enforcement experience or qualified veterinarians.
13. A systems based approach is employed. Controls are audited, as appropriate, against the requirements of the MHS or VS-VPHU Manual for Official Controls (see links below), and other guidelines or legislative requirements relevant to the delivery of official controls in approved meat establishments.

: www.food.gov.uk/enforcement/meathyg/mhservice/mhsmanual2006/

14. The audit programmes are developed with reference to Service Level Agreements between the FSA and the MHS and between the FSA and DARD (VS-VPHU) and areas of enforcement carried out on behalf of Defra and Agriculture/Rural Affairs Departments in the Devolved Administrations (such as animal welfare at slaughter, and collection of samples etc), and prioritised areas of risk are identified. The programmes are drawn up annually and are subject to on-going review. They cover MHS and VS-VPHU operational teams responsible for delivery of official controls in approved establishments. Future programmes are to include audit of headquarters and regional systems and structures for delivery of official controls.
15. The Branch responsible for audit of the MHS is directly accountable to the FSA's Director of Enforcement and provides reports to the FSA and MHS Audit and Risk Committees, and FSA Board. It is also subject to the wider cross-Government audit process which provides independent scrutiny. With regard to VS-VPHU audit, the Audit Team is accountable to the Director of FSA Northern Ireland.
16. New documented audit protocols and procedures are currently being developed to provide an agreed framework for the audit process. Similarly, reporting arrangements are also being developed that are likely to include identification of good practice and which will subsequently be appropriately disseminated.
17. A number of elements are being considered to provide transparency to the audit process and these include: access to audit checklists; consultation on the audit plan; wide distribution of the final report and reporting of a summary of the audit reports. A section of the FSA website may be made available to publish the provisions for audit planning and the reporting of outcomes.

MHS and VS-VPHU Internal Audit

Management of internal audit

18. The internal audit of the delivery of official controls by operational teams in approved establishments is carried out by the Verification & Audit Unit (VAU) for the MHS and by a specialised Audit Team within the VS-VPHU in Northern Ireland. The auditors are trained in systems based audit and comprise a mixture of veterinarians and other technical experts. Other experts may also supplement the Teams on occasion and where appropriate.

Accountability

19. The VAU Team is accountable to the Veterinary and Technical Director of the MHS. Where necessary, The Team Manager has direct access to the MHS Chief Executive and Chair of the Audit and Risk Committee. Currently for VS-VPHU, the Audit Team reports directly to the VS-VPHU Senior Principal Veterinary Officer. In relation to the audit of VS-VPHU operations carried out on behalf of FSA in approved premises, the service specification will be in

accordance with the Service Level Agreement as defined by relevant instructions in VS-VPHU Manual of Official Controls. The VS-VPHU Audit Team also carries out other Verification and Audit visits in support of DARD animal health and welfare work programmes.

Independent scrutiny

20. Independent scrutiny of the audit programme is provided by the MHS Audit and Risk Committee, the members of which are external to the MHS. The programme is also scrutinised by the FSA Audit Unit who review the audit plan. They also carry out independent audit of delivery of official controls by MHS teams and some re-performance of audit work carried out by the MHS audit team (see above). The FSA Audit Unit in Northern Ireland will scrutinise the audits carried out by VS-VPHU Internal Audit Team.

Audit Programme

21. Audit programmes are drawn up annually and are subject to on-going review. The VAU programme is developed with reference to the MHS's long term audit Strategy which covers a five year period and which covers the role and objective of internal audit, the approach taken and priorities. The VS-VPHU internal audit programme is developed in reference to the Service Level Agreement with the FSA and priorities for checks in other VS-VPHU work areas.
22. For the MHS internal audit, selection of establishments where audits take place is risk-based. It depends on the type of operation and the past post-audit rating for the MHS team delivering the controls. Frequency of audit is also undertaken according to a risk rating system.

Audit process

23. As with the FSA audit, a systems based approach is employed and operational teams are audited against the requirements of the appropriate Manual for Official Controls, and other guidelines or legislative requirements relevant to the delivery of official controls in approved meat establishments.
24. In addition, local MHS systems that support delivery of official controls are assessed.
25. Auditors use comprehensive audit checklists for the area under assessment. Audit work includes advance review work, on-site audit at the establishment, and also post-audit work. During on-site audit, the approach involves a high degree of reality checking through structured interviews with the Official Veterinarian and Inspection Team, supplemented with informal discussion with the food business operator and staff. There is also assessment of the effectiveness of the control systems in place within the establishment and examination of samples of operator and MHS or VS-VPHU records.

Reporting arrangements and follow-up, and dissemination of good practice

26. Reports are produced following each audit and provided to the auditee and operational managers. These identify areas for improvement (which are graded relative to the risk involved) and corrective actions that are considered necessary are identified. In addition, these reports will highlight any good practice that has been identified and disseminated as appropriate.
27. VAU audit findings for MHS operational teams are summarised in quarterly and annual reports where recommendations for improvement in MHS wide-systems are made as necessary. These reports are presented to the FSA, MHS Director of Operations, MHS Management Board and MHS Audit & Risk Committee. The MHS Operations Directorate is then responsible for implementation of corrective and preventive action following audit. These arrangements are currently under review.
28. Similarly, quarterly and annual reports to the FSA summarise the audit findings of the VS-VPHU Audit Team. The Regional Divisional Veterinary Officers within VS-VPHU are then responsible for implementation of corrective and preventive action following audit.

Transparency

29. A number of elements are already in place to ensure transparency of the audit process for relevant stakeholders. These include access to audit checklists, consultation on the audit plans, wide distribution of final audit reports and summary reports.

Border Inspection Posts

30. A review by the Cabinet Office in 2002 recommended that the Food Standards Agency and Defra must make a “step change” in their supervision of Border Inspection Posts (BIPs). As part of this “step change”, State Veterinary Service (SVS) staff must maintain an increased level of contact with local BIPs within Great Britain.⁷⁵ As a result, arrangements and guidance on procedures for carrying out inspections at BIPs, reporting deficiencies and for implementing enforcement procedures has been provided to Senior Animal Health Officers (SAHOs), lead BIP Veterinary Officers and, where only fishery products are imported and no Veterinary Officer is needed, the Official Fish Inspector.
31. The SVS is responsible for evaluation of BIP facilities, documentation and procedures. SVS officers carry out regular visits to BIPs to check that they comply with EU requirements for the structure and operations of the BIP. When deficiencies are found these are discussed with BIP staff and a timetabled plan for corrective action agreed. The SVS monitor progress against the plan and make monthly summary reports to Defra. If the deficiencies found represent a serious risk to animal or public health or there

⁷⁵ In Northern Ireland, BIPs are operated by DARD not at local Government level.

is persistent failure to progress the plan for correction of deficiencies the SVS makes a recommendation to Defra (or the appropriate Devolved Administration) for the partial or complete suspension of the BIP's approval, as appropriate. Details of this monitoring system are included in SVS operational instructions included in VIPER - Veterinary Instructions, Procedures, and Emergency Routines - which is available to all veterinary, technical and administrative staff.

32. DARD Veterinary Service undertake inspection of BIP's in Northern Ireland.

Rural Payments Agency

33. The Internal Audit Unit within the Rural Payments Agency (RPA) is independent of the business and reports directly to the Accounting Officer. Internal Audit evaluate and give their opinion on RPA's systems of risk management, control and governance to the Accounting Officer with a view to supporting the preparation of the statement of internal control. Internal Audit have a robust process in place, which includes agreeing action plans to implement any recommendations for improvement that is made with the audit sponsor (senior management), and following up all recommendations made to ascertain whether they have been implemented. Internal Audit also reports to the RPA Audit Committee who review workplans, audit reports and recommendations.
34. A guideline to EU Regulation 885/06 specifies that an internal audit service should plan to cover all significant systems at least once within a five-year timescale. Internal Audit apply this principle in developing their annual assurance plans. In their planning they also look to give coverage to significant business risks. They would generally cover new systems (such as sheep and goat identification) early in their implementation because it could be argued that a new regime is of higher risk than an established one, and it is in the business interest to be notified of any issues of concern sooner rather than later. The Internal Audit Unit also currently have audit responsibility for British Cattle Movement Scheme which includes the Beef Labelling Scheme.