



Single integrated national control plan for the United Kingdom

January 2007 to March 2012

Note

Whilst care has been taken to ensure that the web links contained in the UK National Control Plan are correct at the time of publication, changes may occur. The Plan will be kept under review and the links updated on a regular basis.

Content of plan

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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 (EC) Regulation 882/2004 on official controls.¹ This Regulation sets down the principles and approach to be taken by the authorities in European Union (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 aim of the Regulation is to improve the consistency and effectiveness of official controls across the EU, and to provide safeguards for 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 882/2004 do not apply to plant health controls, the Regulation requires that arrangements for these are included in the NCP. Further information on the provisions of the Regulation, including those on NCPs, as they relate to monitoring and enforcing feed and food law requirements and animal health and animal welfare rules are available at:
- food.gov.uk/multimedia/pdfs/offcgaaguidancenotes.pdf
 - <http://archive.defra.gov.uk/foodfarm/policy/animalhealth/deliver/ncp/>
- 1.2 The NCP has been prepared jointly by the Food Standards Agency (FSA), the Department for Environment, Food and Rural Affairs (Defra), the Health and Safety Executive (HSE), the Scottish Government Rural and Environment Directorate (SG RED), the Welsh Government Department for Rural Affairs (WG RA), and the Department of Agriculture and Rural Development for Northern Ireland (DARD).

Scope of the NCP

- 1.3 The NCP covers the official control systems in respect of 'feed law' and 'food law' (as defined for the purposes of EU Regulation 882/2004^{2, 3}), and 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 animal 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

respect of animal health (including aquatic animal and bee health) and animal welfare rules.⁴ The scope extends to plant health controls in respect of the rules included in Council Directive 2000/29/EC.⁵

Content of the NCP

- 1.4 The NCP outlines what the FSA, Defra (and its agencies), HSE, the SG RED, WG RA and DARD are aiming to achieve i.e. the strategic objectives (Chapter 2). 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 describes the roles and responsibilities of the different authorities (the competent authorities) and associated bodies and gives an overview of how they meet the requirements of 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 to help improve the consistency and effectiveness of official controls across all sectors, and for sharing of good practice by enforcement practitioners (Chapter 5). The planned official control activities of the competent authorities (and the priorities) during the period of the NCP, are set out (Chapter 6). Finally, the procedures for monitoring and reporting progress in implementing the NCP are described (Chapter 7).

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.

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, and also of feed produced for, or fed to food-producing animals - Article 3(1) of Regulation (EC) No 178/2002 of the European Parliament and of the Council 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 animal 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 Commission Decision 2007/363/EC on guidelines to assist Member States in preparing the single integrated multi-annual national control plan provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council. Official Journal L138, 30.5.2007, 24-49.

Planning cycle

- 1.5 The UK Government's Spending Review (this applies primarily in England; spending review cycles may vary in other parts of the UK) covers the period 2010-15. Spending reviews set Departmental expenditure limits and support the Government's priorities. The NCP originally covered the period January 2007- March 2011 and has now been extended to March 2012. A further control plan, to be produced in 2012, will cover the period 2012-2015.

Implementation of the NCP

- 1.6 The NCP was implemented in the UK from 1 January 2007. Since then, delivery of the objectives has been monitored and the NCP updated as necessary on several occasions. Three annual reports on progress towards implementation, as is required by Regulation 882/2004) have been provided to the European Commission.
- 1.7 The NCP and annual reports, provide the basis for assessment of the effectiveness of performance of UK control systems by the the Food and Veterinary Office (FVO) of the European Commission.

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

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;
 - 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;
 - ensure that the UK has an effective system of official controls for monitoring and verifying compliance with animal health and welfare rules; and,
 - 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 objective is to deliver these objectives by adopting a flexible and proportionate, risk-based approach that protects public, animal and plant health, and consumer interests without imposing unnecessary burdens on the competent authorities, or on those subject to the controls. This is done by working across central Government, and in partnership with enforcement stakeholders, such as Government agencies, local and port health authorities and their representative and professional bodies. It is also important for the competent authorities to work in partnership with industry and consumer representative bodies.
- 2.3 In meeting these objectives, we follow the principles of proportionality, accountability, consistency, transparency and targeting in line with the Better Regulation Executive's *Principles of Good Regulation*⁷. We take account of the Government's regulatory reform agenda⁸ and, in particular, the Hampton principles of inspection and enforcement, which are set out in the Hampton Report,⁹ and the work of the Local Better Regulation Office¹⁰ where this does not run contrary to our obligations under EU legislation. We also take account

⁷ For further information see the Better Regulation Executive's *Principles of Good Regulation* at: bis.gov.uk/bre

⁸ Further information at: bis.gov.uk/bre

⁹ Reducing administrative burdens: effective inspection and enforcement. March 2005. Philip Hampton - this is available at: bis.gov.uk/files/file22988.pdf

¹⁰ Information on the Local Better Regulation Office is available on their website at: lbro.org.uk/

of the Regulators' Compliance Code and better regulation initiatives of Government Departments as reported in their Simplification Plans - in particular, those measures which relate to reducing the burden of regulation on the enforcement community and which aim to free up time and resources by adopting innovative means of securing regulatory compliance.¹¹

- 2.4 We also take account of related activities and initiatives aimed at improving regulation and enforcement in Wales, Scotland and Northern Ireland.
- 2.5 In delivering these objectives, we aim to contribute to Government-wide policy by taking sustainability into account in all our activities.

Specific objectives

Feed and food sectors

- 2.6 Ensuring that there is a comprehensive and integrated system of official controls from 'farm to fork' contributes to protecting public and animal health, and safeguarding the consumer interest. During the period of the NCP, the aim is to
- Reduce foodborne illness;
 - Limit and monitor the risks to consumers from chemical and radiological contamination;
 - Make it easier for consumers to make informed choices; and,
 - Protect consumers from food fraud and illegal practices.
- 2.7 These objectives link closely with achieving specific key targets in the FSA's current Strategic Plan. The Agency's Strategy for 2010–2015 has recently been published (see link below) and the five outcomes that the Agency aims to deliver are also closely linked to the objectives above.

food.gov.uk/multimedia/pdfs/strategy20102015.pdf

- 2.8 They also link closely with objectives set out in the strategic or business plans for Defra, the SG RED, the WG RA and DARD, and in annual business plans for the Veterinary Medicines Directorate (VMD), the Food and Environment Research Agency (which are executive agencies of Defra) and the Chemicals Regulation Directorate (CRD, a Directorate of HSE). These plans are available at:
- defra.gov.uk/corporate/about/what/business-planning/new.wales.gov.uk/topics/environmentcountryside/?lang=en
 - scotland.gov.uk/About/scotPerforms/objectives
 - scotland.gov.uk/Publications/2011/09/08102006/13
 - dardni.gov.uk/dard-strategic-plan-2006-2011.pdf

¹¹ More information on simplifications plans at: bis.gov.uk/policies/better-regulation-at-bis/better-regulation-simplification-plan

- dardni.gov.uk/09.10.199_dard_business_plan_english_amended_final.pdf
- fera.defra.gov.uk/aboutUs/documents/feraBusinessPlan11-12.pdf
- pesticides.gov.uk/corporate.asp?id=1984
- vmd.defra.gov.uk/

2.9 The FSA has responsibility at central Government level for the main body of feed and food safety law in the UK. Other Government agencies and local authorities have responsibility for monitoring and verifying compliance and for enforcing the requirements. Partnership working by the Agency and these agencies and local authorities is key to meeting the objectives outlined above. Partnership working with the feed and food industries and with consumers is also critical to success. 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.

Animal health and animal welfare

2.10 The objectives of an effective system of official controls in the animal health and animal welfare sectors is to protect public and animal health, promote the welfare of animals, and protect the interests of the wider economy by preventing, controlling and eradicating disease. These objectives are set out in the strategic plans of Defra, the SG RED, WG RA and DARD (see links at para. 2.8 above).

2.11 These objectives also link closely with the Animal Health and Welfare Strategy that has been developed for Britain (England, Scotland and Wales). The strategy provides a set of principles for promoting animal health and welfare, particularly through working in partnership and minimising the risk of disease outbreaks. The Strategy is implemented in each country according to its own priorities and assessment of needs but arrangements are in place to ensure effective co-ordination across Britain. An Animal Health and Welfare Strategy has been developed in Northern Ireland which complements the strategy for Britain and aims to ensure a consistent approach across the UK. Further details are available at the following links:

- archive.defra.gov.uk/foodfarm/policy/animalhealth/
- scotland.gov.uk/Topics/farmingrural/Agriculture/animal-welfare/AHWStrategy
- [The Welsh Government Health & Welfare Strategy](http://www.welsh.gov.uk/health-welfare/strategy)
- [DARD: Animal Health & Welfare Strategy](http://www.dardni.gov.uk/animal-health-welfare/strategy)

2.12 An independent Farming Regulation Task Force¹² was set up in July 2010 to review the regulations and their implementation, including inspections: the Task Force reported in May 2011. In October 2010 the Government committed to reducing welfare inspections where there is a low risk of non

¹² defra.gov.uk/food-farm/farm-manage/farm-regulation/

compliance, whilst targeting those farms which were at higher risk. In June 2011 a consultation on reform of the animal welfare inspection regime was carried out (see defra.gov.uk/consult/2011/06/15/animal-welfare). The Government response will be published in 2011.

Plant health

2.13 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.

2.14 These objectives also link to the strategic plans for Defra and Agriculture/Rural Affairs Departments in the Devolved Administrations (see links at para 2.8 above) and to Defra's Plant Health Strategy for England which is available at:

- fera.defra.gov.uk/plants/publications/documents/strategy05.pdf

Chapter 3 - The regulatory landscape: who does what

Background

- 3.1 Responsibility within the UK for official controls for the areas covered by the NCP - feed and food law, animal health and animal welfare rules, and plant health law - is divided.
- 3.2 For feed law and food law controls, this responsibility is held centrally but, in practice, day to day responsibility for official control functions is divided between central and local Government. The central authorities are the FSA, Defra (and its agencies), and the Agriculture/Rural Affairs Departments in the Devolved Administrations (the SG RED, the WG RA and DARD). At local level, the monitoring and enforcement of feed and food law is carried out by local authorities (as well as DARD in Northern Ireland) and Defra agencies.
- 3.3 The situation is similar with regard to animal health and animal welfare controls. Responsibility is held centrally by Defra and the equivalent Departments in the Devolved Administrations, with day-to-day monitoring and enforcement being carried out both by the central Departments (or their agencies) and also local authorities.
- 3.4 With regard to plant health, responsibility lies with the UK Plant Health Service which comprises a number of units from within the Food and Environment Research Agency, the Agriculture/Rural Affairs Departments in the Devolved Administrations and the Forestry Commission.
- 3.5 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 (NRLs) and by official laboratories, and also by a number of independent third parties to which specific control tasks have been delegated (these 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

Designation of the competent authorities

- 3.6 The competent authorities responsible for official controls in respect of feed and food law, and animal health and animal welfare rules 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', or specific animal health or animal welfare rules, these are set out in the relevant domestic legal measures.
- 3.7 With regard to plant health, Directive 2000/29/EC¹³ 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, the Food and Environment Research Agency (Fera), a Defra agency, has this function.

Feed and food law

- 3.8 '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, traceability, veterinary medicine and pesticide residues in feed, and imported feed. It also includes rules on animal feed related to animal disease, including the animal protein in feed ban in relation to controls for TSEs. 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, additives and contaminants, food labelling, traceability, food produced from genetically modified (GM) organisms, TSEs, veterinary medicine and pesticide residues, imported foods, standards for organic foods and use of protected names.
- 3.9 The primary overarching feed and food safety legislation is Regulation (EC) 178/2002¹⁴, for which enforcement provisions were made by the General Food Regulations 2004¹⁵ in Britain and the General Food Regulations (Northern Ireland) 2004¹⁶. This also includes provisions on traceability and withdrawal, recall and notification to competent authorities of unsafe food. In Britain there are also important food safety provisions in the Food Safety Act 1990,¹⁷ and in Northern Ireland in the Food Safety (Northern Ireland) Order 1991. Secondary legislation is also made under the European Communities Act

¹³ 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.

¹⁴ Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, Official Journal L31, 1.2.2002, 1-24 .

¹⁵ SI 2004/3279

¹⁶ SI 2004/505

¹⁷ Food Safety Act 1990, c 16.

1972,¹⁸ the Consumer Protection Act 1987,¹⁹ and directly under EU Regulations. Following devolution, most feed and food legislation is now made separately in England, Scotland, Wales and Northern Ireland.

- 3.10 The adoption in 2004 of consolidated EU food hygiene legislation in the form of Regulations of the Council and of the European Parliament now means that a considerable body of food hygiene law exists as directly applicable EU legislation. The measures to give effect to this in the UK are contained in secondary legislation made under the European Communities Act 1972. This follows closely the provisions contained within the Food Safety Act 1990 and means that all the measures necessary to apply the hygiene requirements are now covered either in the EU legislation or in the dedicated national legislation.
- 3.11 The 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, for ordering re-despatch or destruction of imported feed and food, 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.

Animal health and animal welfare rules

- 3.12 In relation to animal health and animal welfare rules, Regulation 882/2004 applies in respect of both EU legislation and domestic legislation that gives effect to EU obligations.
- 3.13 As regards animal health, the principal domestic legislation in Britain is the Animal Health Act 1981²⁰ (as amended), and in Northern Ireland is the Diseases of Animals Order (Northern Ireland) 1981²¹ (as amended), and Orders made under these. It also includes various Regulations made under the European Communities Act 1972. This legislation provides measures for the prevention and eradication of animal diseases, including the control and monitoring of imports and trade within the Community, the identification, movement and tracing of animals, controls on and monitoring of farms and other places where animals are found, and businesses in allied fields such as animal by-products.

¹⁸ European Communities Act 1972 c 68.

¹⁹ Consumer Protection Act 1987, c 51.

²⁰ Animal Health Act 1981, c 22.

²¹ Diseases of Animals Order (Northern Ireland) 1981, SI 1981/1115 (NI) as amended.

- 3.14 In England and Wales, Community obligations in relation to animal welfare are given effect under the Animal Health Act 1981, the European Communities Act 1972 and The Animal Welfare Act 2006. It provides a basis for future legislation to implement Community obligations in this area. Further information about the Animal Welfare Act is available at:
- www.defra.gov.uk/food-farm/animals/welfare
- 3.15 Community obligations in relation to animal welfare in Northern Ireland are given effect in secondary legislation made under the European Communities Act 1972, the Welfare of Animals Act (Northern Ireland) 1972²² and the Diseases of Animals Order (Northern Ireland) 1981. A new Welfare of Animal Act will be introduced in 2012²³
- 3.16 In Scotland, the primary purpose of the Animal Health & Welfare Act is to provide additional powers to prevent the spread of disease, to make provision for the establishment of a breeding programme to breed resistance to TSEs in livestock, and to reinforce provisions of the Animal Health Act 1981. For welfare, the Act consolidates and modernises animal welfare legislation and introduces a duty of care on keeping animals and relieving suffering. The Act is available at:
- opsi.gov.uk/legislation/scotland/acts2006/20060011.htm
- 3.17 For aquatic animal health the principle legislative instruments are the 2009 Aquatic Animal Health Regulations.²⁴ These provide powers to inspect and designate appropriate areas for disease control purposes. There are also provisions relating to placing on the market, authorisation and registration and powers of enforcement. These Regulations implement Council Directive 2006/88/EC²⁵ on aquatic animal health.
- 3.18 National legislation made under the Bees Act 1980²⁶ (i.e. the Bee Diseases and Pests Control (England) Order 2006²⁷ and equivalent legislation in Scotland and Wales) underpins the control of notifiable pests and diseases of bees in Britain and implements post import controls of bees from the countries

²² Welfare of Animals Act (Northern Ireland) 1972, c.7.

²³ legislation.gov.uk/nia/2011/16/notes; northernireland.gov.uk/index/media-centre/news-departments/news-dard/news-dard-june-archive-2011/news-dard-290611-new-welfare-of.htm

²⁴ The Aquatic Animal Health (England and Wales) Regulations 2009 (SI 2009/463); The Aquatic Animal Health (Scotland) Regulations 2009 (SI 2009/85) and The Aquatic Animal Health (Northern Ireland) Regulations 2009 (SI 2009/129)

²⁵ Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. Official Journal L 238, 24.11.2006, 14

²⁶ Bees Act 1980, c 12.

²⁷ SI 2006/342.

required by Commission Decision 2003/881/EC.²⁸ In Northern Ireland, the legislation is made under the Bees (Northern Ireland) Order 1980.²⁹

- 3.19 As in the feed and food sectors, the domestic legislation on animal health and welfare provides the legal powers for the competent authorities to carry out official controls and to enforce rules where necessary. Different legislation may include different powers, but these generally include powers of entry to certain premises, to inspect records, take samples and carry out any other necessary investigations, and often powers to detain vehicles, including aircraft. Enforcement powers are also available to require or effect remedial action, and to deal with a public or animal health risk, including the destruction of material and of animals which pose such a risk.
- 3.20 The Secretary of State (in England), the SG RED, WG RA and DARD and their inspectors have important statutory functions in animal health and animal welfare legislation. Local authorities in Britain have primary enforcement responsibility. Their inspectors (usually known as Diseases of Animal Inspectors or Local Authority Animal Health Inspectors) also have powers under the Animal Health Act 1981. The Police also have certain powers under this Act to stop and detain anyone found to be committing, or reasonably suspected of committing an offence.

Plant health law

- 3.21 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 national level by the Plant Health (England) Order 2005³⁰ and separate but parallel legislation in Scotland, Wales and Northern Ireland.³¹ Fera's plant health and seeds inspectors implement the Order in England and implement the Order in Wales on behalf of the Welsh Government. Plant health inspectors from the Scottish Government Rural Payments and Inspections Directorate (SG RPID) and DARD implement the legislation in Scotland and Northern Ireland respectively. The Plant Health (Forestry) Order 2005³² implements the Directive in relation to forestry materials in Britain, while in Northern Ireland the related legislation is the Plant Health (Wood and Bark) Order (Northern Ireland) 2006.³³

²⁸ Commission Decision 2003/881/EC concerning the animal health and certification conditions for imports of bees (*Apis mellifera* and *Bombus* spp.) from certain third countries and repealing Decision 2000/462/EC. Official Journal L 328, 17.12.2003, 26-31.

²⁹ SR1980/869 (NI7).

³⁰ Plant Health (England) Order 2005, SI 2005/2530.

³¹ Plant Health (Scotland) Order 2005 (SSI 2005/613), Plant Health (Wales) Order 2006 (2006/1643) and Plant Health Order (Northern Ireland) 2006 (SR 2006/82).

³² Plant Health (Forestry) Order 2005, SI 2005/2517.

³³ SR 2006/66.

- 3.22 The domestic legislation imposes restrictions on and requirements for material imported from third countries, and provides internal Community controls on the movement of material from other Member States. 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 an Order has been contravened, they may serve a notice prohibiting the landing of any plant pest or material. This may result in treatment, destruction or re-exportation.

Division of responsibility

Developing and implementing feed and food law

- 3.23 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 Figures 1 and 2, (below) and explained in the following paragraphs.
- 3.24 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 in Scotland, Wales and Northern Ireland and safety labelling in England, public health issues relating to Transmissible Spongiform Encephalopathy (TSE) rules, genetically modified (GM) feed and food, and food contact materials. 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 EU. Details of the legislation are available at:
- - food.gov.uk/foodindustry/farmingfood/animalfeed/animalfeedlegislation
 - food.gov.uk/multimedia/pdfs/enforcement/foodlawguide.pdf
- 3.25 Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations share responsibility for feed and food legislation that falls outside the FSA remit. Details are given at Appendix B. In summary, this includes general labelling in England where this does not relate to safety, beef labelling, standards for organic products, protected food names; animal by-products (in relation to feed); animal health and animal feed aspects of TSE rules; imports from third countries of animals and products of animal origin (POAO) as regards the animal health requirements; medicated feed³⁴ and specified feed additives;³⁵ and veterinary drugs.

³⁴ 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.

³⁵ A specified feed additive is a substance which is added to animal feedingstuffs routinely, without prescription, for the prevention of coccidiosis or histomoniasis, or to favourably affect the growth of animals.

- 3.26 Defra Ministers have overall responsibility for pesticide policy in the UK; however policy is implemented by CRD³⁶. The role, responsibilities, organisation and activities of CRD with regard to the monitoring and enforcement of pesticide residues in food and feed are described in Appendix J.
- 3.27 In relation to the development and negotiation of EU legislation, where the FSA or Defra represents the interests of the UK, it will do so on the basis of a co-ordinated negotiating line that reflects the interests and responsibilities of other central Departments. Where the issues warrant it, this co-ordination will be undertaken through formal machinery of Government routes established by the Cabinet Office.
- 3.28 The Department of Health has policy responsibility for nutrition labelling and health claims.

Developing and implementing animal health and animal welfare rules

- 3.29 Responsibility for developing and implementing animal health and welfare rules in the United Kingdom is divided between Defra (and its Executive Agencies), the WG RA, the SG RED and DARD.

Monitoring compliance with, and enforcement of feed and food law

- 3.30 There are approximately 200,000 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, cutting plants, 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 469 local authorities). Port health authorities (PHAs) are local authorities which inspect food at points of import. Similarly for feed law monitoring and enforcement within Britain, this is delegated to local authorities (208 authorities are involved). DARD is responsible for all food enforcement in Northern Ireland.

³⁶ More information is available at: hse.gov.uk/

Figure 1 - Division of responsibility for official food controls - chart

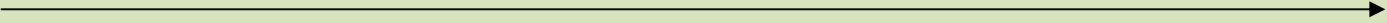
Developing & Implementing food law	FSA	Defra, SG RED, WG RA and DARD	Department of Health
	<p>General - traceability, hygiene, rapid alert system (RASFF), official controls Import controls - public health aspects, fish/fishery products and POAO</p> <p>Labelling – food safety aspects (all general labelling in Scotland, Wales and Northern Ireland) and nutrition and health labelling in Scotland and Northern Ireland</p> <p>Composition and standards except for organic produce (Scotland, Wales and Northern Ireland only)</p> <p>Biological safety - e.g. food hygiene, TSEs.</p> <p>Chemical safety - e.g. food additives, contaminants, food contact materials, Biotechnology - GM food</p>	<p>Imports controls - animal health aspects for POAO</p> <p>Labelling – general where does not relate to food safety or nutrition (Defra in England only)</p> <p>Labelling – Nutrition and health claims (WG RA only)</p> <p>Beef labelling and protected food names (FSA had policy responsibility for all general labelling until September 2010)</p> <p>Composition and standards except for food for particular nutritional uses (Defra in England only)</p> <p>Biological safety - certain rules relating to TSEs</p> <p>Veterinary Medicines Directorate Residues of veterinary products</p>	<p>Labelling – nutritional, health claims, Composition and standards – foods for particular nutritional uses</p> <p>Health and Safety Executive's Chemicals Regulation Directorate</p> <p>Pesticide residues</p>

Ensuring that food satisfies the requirements of food law	<p style="text-align: center;">Farm Fork</p> <p style="text-align: center;">All stages of production, processing and distribution</p> <p style="text-align: center;">Food business operators (Approximately 600,000 establishments, plus approximately 195,000 holdings at primary production level.)</p>					
Official controls in respect of food law	Central level		Local level			
	FSA	Defra (on UK-wide basis)	DARD (on behalf of FSA)	SG RED	Local and port health authorities in England, Wales and Northern Ireland	Local and port health authorities in Scotland
	<p>Inspection and approval of food irradiation facilities</p> <p>Approval of fresh meat establishments</p> <p>Classification & monitoring of shellfish harvesting areas</p> <p>Hygiene controls - fresh meat (Meat Hygiene Service (MHS) until April 2010)</p>	<p>Organisation of protected food names scheme</p> <p>Overseeing system for certification of organic produce</p> <p>Policy on beef labelling system</p> <p>Recognition in England of natural mineral waters from non-EEA countries (FSA policy responsibility)</p>	<p>Hygiene controls primary production</p> <p>Hygiene controls of fresh meat, milk production holdings/liquid milk establishments, egg production units/packing stations</p> <p>Approval of liquid milk establishments and egg packers</p>	<p>Beef labelling</p> <p>Primary production inspections</p>	<p>Official controls and enforcement of the main body of food law, including imported food controls (all food law except that enforced by the central Departments and their Agencies)</p>	<p>Official controls and enforcement of the main body of food law, including imported food controls (all food law except that enforced by the central Departments and their Agencies)</p> <p>AHVLA role - Hygiene controls at milk production holdings</p>

	<p>Specified Risk Material (SRM) and other TSE controls in approved slaughterhouses and cutting plants (MHS until April 2010)</p> <p>BSE testing (on behalf of Defra) (MHS until April 2010)</p> <p>Recognition of natural mineral waters from non-EEA countries in Scotland, Wales and Northern Ireland</p> <p>AHVLA (on behalf of the FSA) Hygiene controls - milk production holdings (England &</p>	<p>until April 2011)</p> <p>VMD Veterinary medicine drug residue surveillance</p> <p>HSE (CRD) Pesticide residue monitoring and enforcement</p> <p>Rural Payments Agency (RPA) Beef labelling for England & Wales</p>	<p>DARD SRM controls</p> <p>Overseeing system for certification of organic produce Beef labelling</p>			
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	Wales only) AHVLA/SGRPID (on behalf of the FSA) Hygiene controls - egg production units					
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Figure 2 - Division of responsibility for official feed controls - at a glance

Developing and Implementing feed law	FSA				Defra (and its agencies), the SG RED, WG RA and DARD	
	General - traceability, RASFF, official controls Import controls Labelling Composition and standards Biological safety - e.g. feed hygiene Chemical safety - prohibited and undesirable substances Biotechnology - GM feed				Animal by-products - feed ban, <i>Salmonellas</i> etc. Medicated feed Chemical safety - specified feed additives	
Ensuring that food satisfies the requirements of food law	<p style="text-align: center;">Farm All stages of production, processing and distribution Feed trough</p> <p style="text-align: center;">  </p> <p style="text-align: center;">Food business operators (Approximately 200,000 businesses in the UK - this includes farms.)</p>					
Official controls in respect of food law	Central level				Local level	
	VMD	CRD	AHVLA	DARD	Local and port health authorities in England, Wales and Northern Ireland	Local and port health authorities in Scotland
	Medicated feed Specified feed additives Veterinary medicine drug residue surveillance	Pesticide residue monitoring and enforcement	Animal protein in feed ban	All feed law controls in Northern Ireland	Official controls and enforcement of the main body of feed law, including imported feed (all feed law not enforced by Defra and its Agencies)	Official controls and enforcement of the main body of feed law, including imported feed (all feed law not enforced by Defra and its Agencies)

						SGRPID – primary production feed official controls
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3.31 Responsibility for the areas which 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 is responsible in Britain for meat hygiene and TSE controls in approved meat plants subject to veterinary audit. 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, AHVLA enforces relevant provisions of food hygiene legislation at milk production holdings in England and Wales. In Northern Ireland this function is provided by DARD Quality Assurance Branch (DARD QAB) and in Scotland, milk production holdings are inspected by local authority food law enforcement services. AHVLA also acts on behalf of the FSA in England and Wales in respect of on-farm enforcement of the hygiene regulations at egg production units. In Scotland, this function is fulfilled by SG RPID and, in Northern Ireland, by DARD QAB. DARD QAB also is responsible for enforcement at liquid milk and egg packing establishments and all farm holdings (primary production hygiene)
- The HSE is responsible for enforcement of certain food related provisions in the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995³⁷ within territorial waters.
- The competent authority in the UK for recognition of non-EEA natural mineral water sources is Defra for England (this was the FSA until April 2011 when the work transferred), and the FSA for Scotland, Wales and Northern Ireland.
- Defra is directly responsible for organising schemes that permit the use of protected food names, and for the implementation of the control system for organic produce.
- Defra is also responsible for beef labelling policy in the UK though implementation in England is by the Rural Payments Agency (RPA) and, in other UK countries, by the relevant Agriculture Department. Responsibility for enforcement is shared: in England and Wales between local authorities and the RPA; in Scotland, between the SG RED and local authorities; and in Northern Ireland, between DARD and district councils; for imported beef between PHAs in Britain and DARD Veterinary Service (VS) in Northern Ireland.
- CRD is responsible for the national monitoring and surveillance programmes for pesticide residues in food and drink, and the VMD for the veterinary drug residue surveillance programmes.
- The VMD is also responsible for monitoring and enforcing feed law as it relates to medicated feed and specified feed additives (i.e. coccidiostats, histomonostats and non-antibiotic growth promoters). This function

³⁷ SI 1995/738.

extends to Britain only. DARD provides the same service in Northern Ireland.

- AHVLA is responsible for ensuring compliance with the prohibition on the use of animal protein in animal feed in Britain under legislation on TSEs, though prosecutions are normally taken by local authorities.

In Northern Ireland, DARD has responsibility for monitoring and verifying compliance with, and enforcement of all feed law.

- 3.32 More detailed information on the particular activities of the various competent authorities is provided at Appendices C to L, 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.

Monitoring compliance with, and enforcement of animal health and animal welfare rules

- 3.33 Responsibility for conducting official controls in Britain is divided between AHVLA, the RPA (both Executive Agencies of Defra), FSA Operations and local authorities (149 in England, 22 in Wales, and 32 in Scotland). In addition, agricultural staff of the SG RED and inspectors of Rural Payments Wales (RPW) carry out controls in relation to animal identification and traceability on farms in Scotland and Wales respectively. In Northern Ireland, all official controls are carried out by the DARD Veterinary Service and Grants and Subsidies Division. The delivery landscape is illustrated at Figure 3.

- 3.34 More detailed information on the activities of the various competent authorities is provided at Appendices C to E, H and K to O. This includes information about their organisation, structure, resources, and how they meet the requirements set out in Regulation 882/2004.

- 3.35 With regard to monitoring of zoonosis and zoonotic agents, Defra, the Devolved Administrations' Agriculture/Rural Affairs Departments, the Department of Health, their supporting agencies, and the equivalents in the Devolved Administrations, collaborate in collecting information on the trends and sources of zoonotic agents in animals, feed, and food and the analysis of the significance to public and animal health. Data from control and surveillance programmes are used together with that obtained from clinical diagnostic specimens and samples submitted to government veterinary laboratories for testing. In addition, the FSA conducts specific surveys on food and food products. The results of the analyses of this data is collated and published in a UK annual report which is submitted to the European Commission. Details are available at:

- efsa.europa.eu/en/reportingonzoonoses/zoonosescomsumrep.htm

Figure 3 - Division of responsibility for official animal health and welfare controls

Policy and Development and implementation of animal health and animal welfare legislation	Defra, ,SG RED , WG RA, DARD					
Official controls (Delivery landscape)	Defra Executive Agencies	Devolved administrations	Other Government Departments	Local Government	Non-departmental Public Bodies	Other bodies
	AHVLA (inc. local veterinary inspectors and Veterinary Laboratories) RPA (inc. the British Cattle Movement Service) VMD Fera– National Bee Unit (NBU) Centre for Environment, Fisheries and Aquaculture	SG RED (Scottish Government Field Officers and Marine Scotland Science) RA (Rural Payments Wales) DARD (Veterinary Service Grants and Subsidies)	FSA Her Majesty's Revenue and Customs (HMRC)/United Kingdom Border Agency (UKBA)	Local authorities in Britain Port health authorities	Environment Agency (EA) Meat and Livestock Commission	Royal Society for the Prevention of Cruelty to Animals

	Science (Cefas) - Fish Health Inspectorate (FHI)	Division and Fish Health Inspectorate)				
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Plant health controls

3.36 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:

- Fera
- Scottish Government (SG RED and SG RPID)
- Welsh Government
- DARD QAB
- Forestry Commission

Further information on the Service is provided at [Appendix P](#) and at the following links:

- fera.defra.gov.uk/plants/plantHealth/
- scotland.gov.uk/Topics/farmingrural/Agriculture/plant/PlantHealth
- wales.gov.uk/topics/environmentcountryside/farmingandcountryside/plantsseed/sbiotechnology/plantshealth/?lang=en
- dardni.gov.uk/index/fisheries-farming-and-food/plant-health-for-northern-ireland-title-page.htm
- forestry.gov.uk/forestry/hcou-4u4j4j

National Reference Laboratories (NRLs)

3.37 In order to provide technical and scientific support for the official control framework, the European Commission has created a network of NRLs co-ordinated by European Union Reference Laboratories (EURLs – originally known as Community Reference Laboratories). 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 TSEs, marine biotoxins, analysis of residues of veterinary medicines and pesticides, and for animal health issues such as avian influenza and classical swine fever and aquatic animal health issues such as infectious salmon anaemia (the network does not extend to plant health issues). The legal basis for the network is Regulation 882/2004.

3.38 EURLs are appointed by the Commission.³⁸ They provide the Commission with scientific and technical assistance. They are responsible for providing NRLs with details of analytical or diagnostic 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

³⁸ The EURLs are listed in Commission Regulation (EC) 776/2006 amending Annex VII to Regulation (EC) 882/2004 of the European Parliament and of the Council as regards Community reference laboratories. Official Journal L 136, 24.5.2006, 3-8.

field of expertise, as well as co-ordinating practical arrangements needed to apply new analytical/diagnostic methods.

- 3.39 To complete the framework, each Member State must designate an NRL to correspond to each EURL although the NRL does not have to be in the designating Member State. These laboratories must collaborate with the EURLs in their particular area of expertise and disseminate nationally information provided by the EURL. NRLs 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.
- 3.40 Details of the NRLs that have been designated in the UK are provided at Appendix Q, together with information on how the relevant central competent authority ensures that they meet the requirements for NRLs set out in Regulation 882/2004. In May 2006 the Commission appointed a number of EURLs covering a number of new areas. These include pesticide residues, mycotoxins, dioxins and Polychlorinated Biphenyls (PCBs), PAHs, heavy metals, and also a number of microbiological contaminants in food. For these areas, the UK central authorities have appointed the appropriate NRLs.

Official laboratories

Introduction

- 3.41 Official laboratories are designated by the central competent authorities for the purposes of chemical analysis or microbiological examination of feed or food samples taken by enforcement practitioners (staff of the competent authorities carrying out official controls) during the course of their duties. Official laboratories are also involved in diagnostic analysis in relation to animal health rules.
- 3.42 Designation may only be granted if the laboratory meets certain standards (i.e. is accredited to the European Standards specified in Regulation 882/2004). In the UK, accreditation is undertaken by the United Kingdom Accreditation Service (UKAS). Detailed information on UKAS is available at: ukas.com/.

Plant Health

- 3.43 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 P).

Official feed and food laboratories

3.44 In the UK, official feed and food laboratories include Public and Agricultural Analyst Laboratories, the Health Protection Agency (HPA)³⁹ and other microbiological 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 must be formally appointed by a local authority. Laboratories that undertake work for the central competent authorities and their agencies or Directorates, such as the CRD and the VMD, are also designated official laboratories.

Laboratories designated by the Food Standards Agency (FSA)

3.45 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 Analysts (APA),⁴⁰ the representative body for most food and feed control laboratories in the UK, with the HPA 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).

3.46 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 accreditation inspections to be reported to the Agency by UKAS.

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

- food.gov.uk/enforcement/monitoring/foodlabs/foodcontrollabs

Most of these laboratories fall under local authority control but can undertake private work for other authorities. Some privately-owned laboratories also undertake work for local authorities. In effect, all 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 R](#). 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 are separately identified in the list of control laboratories.

³⁹ More information on the Health Protection Agency is available at: hpa.org.uk/

⁴⁰ Detailed information on the Association of Public Analysts is available at: publicanalyst.com/

3.48 In England and Wales the Centre for Environment, Fisheries and Aquaculture Science (Cefas)⁴¹ is contracted for the management of the classification programmes for its shellfish harvesting areas. Samples are submitted by local food authority officers for microbiological testing at HPA laboratories. In Scotland, classification is undertaken directly by the Agency and laboratory testing is undertaken by Neogen and Shetland Seafood Quality Control. 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.

Laboratories designated for pesticide residue analysis

3.49 Five laboratories are employed by CRD for Maximum Residue Level (MRL) analysis. These are:

- LGC Ltd;⁴²
- Fera;⁴³
- Agri-Food Biosciences Institute for Northern Ireland (AFBI);⁴⁴
- Science and Advice for Scottish Agriculture (SASA);⁴⁵ and
- Eurofins Ltd.⁴⁶
-

These are 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 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

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

- Fera
- AFBI.

These laboratories also 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

⁴¹ More information on Cefas is available at cefas.defra.gov.uk/

⁴² More information on LGC Ltd is available at: lgc.co.uk/

⁴³ More information on Fera (an executive agency of Defra) is available at: fera.defra.gov.uk/

⁴⁴ AFBI is a Government laboratory. More information is available at: afbini.gov.uk/

⁴⁵ More information on SASA is available at: sasa.gov.uk/

⁴⁶ More information on Eurofins Ltd is available at: eurofins.co.uk/

residues programme. The analytical methods employed also meet the requirements of Commission Decision 2002/657.⁴⁷ All laboratories are subject to audits by UKAS.

Laboratories designated for analysis of medicated feedingstuffs and specified feed additives

3.51 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 Sciantec Analytical Services Ltd, Cawood, North Yorkshire⁴⁸ 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 (MoU) (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.

Official laboratories for animal health controls

3.52 The official laboratories designated for the testing of samples from mammals and birds for notifiable diseases taken as part of an investigation are:

- AHVLA (an Executive Agency of Defra that comprises 15 regional laboratories, including two in Scotland, one in Wales, and surveillance centres at the Liverpool and London Veterinary Schools). For some diseases, the AHVLA sub-contracts the laboratory work/testing to other appropriate laboratories which meet certain specified standards and which are imposed and monitored by the AHVLA.⁴⁹
- The AHVLA also approves on behalf of DEFRA, the Welsh and Scottish Governments, private laboratories carrying out BSE testing of cattle slaughtered for human consumption (vla.defra.gov.uk/services/ser_bse_lab_approvals.htm).
- Institute for Animal Health, Pirbright (IAH).⁵⁰

Official laboratories for bee health controls

3.53 Three laboratories are approved for the testing and control of infectious diseases in bees:

- Fera;
- SASA; and
- AFBI.

⁴⁷ 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.

⁴⁸ More information is available at: applegate.co.uk/company/11/91/492.htm

⁴⁹ More information on the AHVLA is available at: vla.defra.gov.uk

⁵⁰ More information on the IAH is available at: iah.bbsrc.ac.uk/

Fera's laboratory and fieldwork is carried out in accordance with the Principles of Good Laboratory Practice and is subject to periodic spot checks both by Fera's Quality Assurance Team, and externally by the UK Good Laboratory Practice Monitoring Authority (GLPMA).⁵¹ Fera is also accredited to ISO 17025 and ISO 9001. SASA (part of the SG RPID) is accredited to ISO 9001. AFBI has successfully achieved ISO 9001:2000 quality assurance certification for its research in some areas and is working towards extending ISO 9001 to all of its research areas.

Official laboratories for aquatic animal health controls

3.54 Three laboratories are approved for testing samples from fish and shellfish for notifiable diseases as follows:

- Cefas Weymouth Laboratory;
- Marine Scotland Science (MSS) Aberdeen Laboratory;⁵²
- AFBI Belfast Laboratory.

The work undertaken at the three laboratories is either already accredited under ISO 17025 standards by UKAS, or work is underway to seek approval. AFBI has successfully achieved ISO 9001:2000 quality assurance certification for its research in some areas and is working towards extending ISO 9001 to all of its research areas.

Control Bodies

Introduction

3.55 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.^{53,54,55}

⁵¹ GLPMA is a body consisting of the Secretary of State for Health, the National Assembly for Wales, the Scottish Ministers and the Department of Health and Social Services for Northern Ireland. More information is available at: mhra.gov.uk/home/idcplg?IdcService=SS_GET_PAGE&nodeld=614

⁵² More information on Marine Scotland is available at: scotland.gov.uk/topics/marine
⁵³ Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91. Official Journal L189, 20.7.2007, 1-23.

⁵⁴ Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed. Official Journal L 93, 31.3.2006, 1-11.

⁵⁵ Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Official Journal L93, 31.3.2006, 12-25.

- 3.56 The tasks that may be delegated to these bodies relate to monitoring and verifying compliance of businesses with feed and food law or with animal health and welfare rules, 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.
- 3.57 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.
- 3.58 With regard to the plant health sector, Council Directive 2000/29/EC also permits the use of independent private bodies authorised by the National Plant Protection Organisation (NPPO) to undertake control tasks. In the UK most tasks are undertaken by the Plant Health Services but certain functions in the forestry sector are carried out under contract, under official authorisation.

Control bodies employed by the UK authorities

- 3.59 In the UK the majority of control bodies employed by the competent authorities are the laboratories undertaking chemical analysis or microbiological examination of feed and food samples, or diagnostic analysis in relation to animal health controls, 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 RPA's 'Approved Beef Labelling Scheme' also constitute control bodies. As regards animal health, various commercial carrier companies are approved by AHVLA to act as control bodies by undertaking the basic checks required to ensure that animals entering the UK under the Pet Travel Scheme (PETS) comply with the law.
- 3.60 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 R](#).

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

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. Similarly, in order to prevent the spread of animal disease and to ensure the welfare of animals, there must be an effective system of official controls in these sectors. 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, to protect consumers and promote animal welfare.
- 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 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 EU, other European countries and trading partners around the world 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 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 main more formal mechanisms are outlined in the following paragraphs.

Local Government Group, Regulatory Support Unit (RSU)

- 4.5 The Local Government Association established a new Regulatory Support Unit (RSU) in May 2011, to undertake the core activities previously delivered by Local Government Regulation (LGR) and before that the Local Authorities Co-ordinators of Regulatory Services (LACORS). LGR and LACORS were local government central bodies created by the UK Local Authority Associations i.e. the Local Government Association,⁵⁶ Welsh Local Government Association,⁵⁷ Convention of Scottish Local Authorities (COSLA)⁵⁸ and Northern Ireland Local Government Association (NILGA).⁵⁹
- 4.6 LACORS and LGR played key roles in facilitating effective communication and co-ordination across local authorities in the UK. They aimed to generate best practice and guidance to support local authorities in the enforcement of feed and food law, as well as other regulatory areas (including animal health and welfare - see paras. 4.35 to 4.38). They also represented local authorities to the FSA, Defra and other relevant central Government Departments and Agencies. The FSA is developing a Service Level Agreement (SLA) with the RSU. Information on the RSU and its activities may be found at: lacors.gov.uk/

Regional and National 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 FSA Operations, AHVLA, the VMD, analytical experts and other specialists (for example from the HPA and Health Protection Scotland⁶⁰). These Regional Groups and Local Groups are consulted by the RSU and the FSA on various issues including changes to legislation and national sampling plans. In

⁵⁶ More information on the Local Government Association is available at: lga.gov.uk/

⁵⁷ More information on the Welsh Local Government Association is available at: wlga.gov.uk/

⁵⁸ More information on the Convention of Scottish Local Authorities (Cosla) is available at: cosla.gov.uk/

⁵⁹ More information on NILGA is available at: nilga.org/

⁶⁰ More information on Health Protection Scotland may be found at: hps.scot.nhs.uk/

turn, the regional groups will raise problems with the interpretation of legislation or enforcement matters with the RSU.

- 4.9 In Scotland, there are four Regional Food Liaison Groups whose memberships comprise Environmental Health Officers (EHOs), Public Analysts and representatives of FSA in Scotland (the groups exist under the auspices of the Society of Chief Environmental Health Officers in Scotland). These groups discuss enforcement issues but also co-ordinate sampling for both chemical and microbiological samples. The four liaison groups are represented in the Scottish Food Enforcement Liaison Committee (SFELC) (see para 4.16). 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 located in their area, and FSA in Scotland).
- 4.10 LACORS also established UK-wide National 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. The National Focus Groups contribute to the development of guidance for local authorities, and the outcomes of any discussions at a national level are proactively communicated to local authorities. They include the Food Hygiene Focus Group, Food Standards Focus Group, Food Labelling Focus Group, Food Sampling Focus Group and Agricultural Focus Group. All focus group members play a broader part in broader Communities of Practice.

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 co-ordinated trading standards and food enforcement services.
- 4.12 The Home Authority Principle is endorsed by the FSA. This is reflected in the statutory Food Law and Feed law Codes of Practice which the Agency has established and to which local authorities must have regard. Details are provided at [Appendix C](#).

Primary Authority Scheme

- 4.13 An alternative to the Home Authority principle is for an authority and a business to establish a Primary Authority partnership, under the terms of the Regulatory Enforcement and Sanctions (RES) Act 2008, and any Orders under that Act.⁶¹ Again, the business will build up a relationship with, and receive advice and information from, that particular local authority. Additionally, other enforcement authorities are required to consult and seek the agreement of the Primary Authority before commencing any formal enforcement action against that business. Further information is available at: lbro.org.uk/lbro-projects-primary-authority.html.

Memoranda of understanding on feed law enforcement

- 4.14 With regard to feed law enforcement, LACORS established separate Memoranda of Understanding between local authorities and VMD, and local authorities and the AHVLA.

FSA support mechanisms

- 4.15 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 Enforcement Code of Practice which was published in December 2006. Further details of the Codes are provided at [Appendix C](#).
- 4.16 The FSA has also set up a number of groups for facilitating co-ordination and co-operation.

Animal Feed Law Enforcement Liaison Group (AFLELG) – This Group was established on the recommendation of the Advisory Committee on Animal Feedingstuffs⁶² 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 local authority representatives. Detailed information on the Group is available at

- food.gov.uk/enforcement/enfcomm/aflelg/

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 the protection of consumer interests

⁶¹ The Primary Authority Scheme applies voluntarily in Northern Ireland.

⁶² More information on the Advisory Committee on Animal Feedingstuffs is available at acaf.food.gov.uk/

in food related matters. Membership comprises stakeholders with particular interest in food law enforcement in Scotland, including enforcement representatives, consumers, industry and professional bodies. The Scottish Food Advisory Committee (see [Appendix C](#), para. 4) is also now represented.

In Northern Ireland a group has been set up to ensure collaboration between enforcement authorities across areas relating to milk and eggs, fish and shellfish and meat. Membership comprises representatives from the enforcement authorities in Northern Ireland, including district councils, VS-VPHU and DARD QAB.

FSA in Wales/Food Safety Management Steering Group - The Group provides a forum for discussion of all aspects of food safety management. The membership includes two representatives from each of the Welsh Food Liaison groups and FSA in Wales staff.

Local Authority Partner Forum - The FSA has established a UK-wide group for engagement with local authorities to strengthen and develop links between the FSA and local authority food law enforcement services.. The Forum has had several meetings.

4.17 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:

- food.gov.uk/enforcement/enforcetrainfund/officertraining/

Training for on-farm hygiene enforcement - A training package to cover the additional requirements for on-farm enforcement of the hygiene legislation was developed, together with other support material. As this was a new requirement, the FSA funded the development of this material and participated in the delivery of the training. The training was delivered for the first time in 2006 and the first quarter of 2007. In Scotland, on-farm hygiene enforcement training has been delivered annually.

Training for feed law enforcers - This has also been provided by the FSA's Standards Branch to local authorities and DARD QAB for the last four 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:

- food.gov.uk/foodindustry/guidancenotes/
- 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 Hazard Analysis Critical Control Point (HACCP) principles. An example relates to the enforcement of food hygiene legislation on-farm in England where the FSA makes direct payments to local authorities for primary production food inspections undertaken.

UK Food Surveillance System (UKFSS) - This database stores food and feed control sampling data as part of enforcement activities undertaken by local authorities, and DARD in Northern Ireland for feed across the UK. The system is in use across Scotland and Northern Ireland and is currently being rolled out to local authorities in England and Wales. It allows electronic transfer of standardised sampling data (both chemical and microbiological for food and animal feed) between local authorities and official control laboratories. Data stored on the system can be used by enforcement authorities and the FSA to provide evidence to inform risk-based sampling, to allow early identification of trends in food hazards and to provide a mechanism for reporting local authority data to the FSA and the EU. It also provides the FSA and enforcement authorities with a means of co-ordinating sampling across authorities.

FSA presence in the Regions - As part of the FSA's work to strengthen links with local and regional organisations, the Agency has a Regional Unit working across nine English regions. The Unit is split into 5 teams of 2 officers covering the regions as follows:

- East of England and South East
- East Midlands and Yorkshire & The Humber
- London
- North East and North West
- South West and West Midlands.

The regional officers are able to work closely with local authority food law enforcement officers and other relevant organisations on local initiatives to help deliver key Agency targets in food and feed safety, and consumer protection. An independent evaluation of the work of the Regional Unit was published in 2008:

- food.gov.uk/multimedia/pdfs/regionalunitreport.pdf.

Food Alerts

4.18 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. More information on the Food Alert system is available at:

- food.gov.uk/enforcement/alerts/

Statutory regional groups in Northern Ireland

4.19 In Northern Ireland, there is a statutory system whereby the 25 smaller district councils are arranged into four regional groups (the largest district council, Belfast City Council, is not part of this system). This system was set up, following local government re-organisation in Northern Ireland in 1973, to support the smaller councils. The role of the groups includes qualitative monitoring of the performance of constituent councils and providing technical advice and support across the range of environmental health functions.

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

4.20 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) and the United Kingdom Border Agency (UKBA).^{63, 64} There is regular liaison between these authorities at the twice yearly formal meetings between the FSA, Defra, HMRC/UKBA and AHVLA. 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 (see para 4.16).

4.21 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 Health Authorities (APHA),⁶⁵ for example via its Imported Food and Feed, and Border Inspection Post (BIP) Technical Committees, and the RSU, and through routine meetings with representatives from the major ports where food and feed is entering into the UK.

4.22 In addition to the above, the FSA has developed or participated with partners to deliver the following initiatives:

Inland enforcement of Imported Food and Feed Controls Resource Pack - This provides practical guidance and advice on the approach to be taken to enforcement and is intended to be a training aid for inland enforcement practitioners. More information is available at:

- food.gov.uk/foodindustry/imports/enforce_authorities/resourcepack

⁶³ HMRC do not currently have a role in Northern Ireland in relation to illegal imports of food. DARD performs the equivalent role.

⁶⁴ More information about UKBA is available at: ukba.homeoffice.gov.uk/

⁶⁵ More information on APHA is available at: apha.org.uk/

Imported food training courses - A range of imported food training courses for inland and port health authorities was provided, covering sampling and analysis of imported food (including 'high risk'), formal enforcement and 'inland' imported food controls finishing on 31 March 2012. In addition, four on-line training courses were provided.

E.coli O157 – A butchers' guide to staying safe- Production of a DVD as part of the Agency's response to addressing the report of the Public Inquiry into the outbreak of E. coli O157 in Wales in 2005. This has been produced specifically for food business operators, managers and food handlers working in butchers establishments and is intended to focus on

- the threat that E. coli O157 poses to such businesses and their customers,
- the importance of separation in controlling cross contamination and
- the role of documented food safety management procedures in the production of safe food.
- Imported feed training courses – this includes courses for local authority officers run during 2010/11.

Training on bottled water legislation – for enforcement officers and producers, covering legal requirements for exploitation and sale.

Training of BIP staff – This is organised by AHVLA.

Guidance and Regulatory Advice on Import Legislation (GRAIL) - This is an electronic database of all legislation, import conditions and guidance relating to imported foods of non-animal origin, fishery products and bivalve molluscs. It enables enforcement practitioners at UK ports to search for legislative requirements on a number of different criteria such as product name and country of origin.

Dedicated website section on imported food - This is a comprehensive source of information on imported food controls. It includes details of a dedicated Helpline which provides a first point of contact for advice on imported food control issues. The link to the dedicated website section is:

- food.gov.uk/foodindustry/imports/

National Animal Feed Ports Panel – This is a sub-group of AFLELG (referred to in paragraph 4.16 above). The membership comprises those enforcement agencies with particular responsibility for official controls at points of entry. The Panel's remit includes discussion of practical issues relating to import controls on feeding stuffs from third countries.

Shellfish hygiene training seminar for sampling officers – This provides specific training to authorised officers involved in sampling shellfish from classified production areas for biotoxin and microbiological monitoring purposes.

Food hygiene controls from farm to fork

4.23 New food hygiene legislation, applying horizontally from 'farm to fork' came into force across the UK (and the rest of the EU) on 1 January 2006. Its enforcement is

the responsibility of a number of different authorities and agencies - local authorities, the FSA, DARD QAB and VS-VPHU, AHVLA and SG RPID. 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 RSU and its Food Liaison Committees (see paras 4.5 to 4.10).

- 4.24 For much of the primary production sector (which comprises some 195,000 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 were maintained but for remaining primary production sectors, the FSA has responsibility for establishing 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, are responsible for this work. In Scotland, enforcement is carried out by a combination of local authority officers and SG RPID, authorised by the FSA. The agreed UK regime for food hygiene enforcement on farm by local authorities is a risk rating based on local intelligence and membership of an assurance scheme. An establishment will either fall into a low risk (2%) or high risk (25%) category.
- 4.25 The current arrangement for primary production food hygiene enforcement in Scotland is through coordination of both SG RPID staff (whilst undertaking cross-compliance inspections at a level of 1%) and local authority (LA) enforcement staff by FSAS. The aim of this regime is to reduce unnecessary additional hygiene visits to farms in line with specific aims of Scottish Government "Scotland's Environmental and Rural Services" (SEARS) project.⁶⁶ Membership of an accredited farm assurance scheme is also being used as positive evidence of effective food hygiene controls, resulting in less frequent inspections (unless other evidence suggests that this is not appropriate).
- 4.26 The Food Law Code of Practice in Scotland was drafted to allow local authorities to inspect farms within the scope of the respective requirements of Annex I of Regulation (EC) No. 852/2004 (food hygiene) and Regulation (EC) No. 1831/2003 (feed hygiene) within a single regime of integrated food and feed hygiene inspections carried out according to the current regime for primary production food law. A Primary Production Enforcement Working Group has been established in Scotland and members include local authorities, SG RPID, National Farmers Union Scotland and FSA in Scotland. The Agency is running a pilot in Scotland to integrate food and feed hygiene inspections under a single risk-rating regime for primary production food law. The pilot will inform future development of food and feed hygiene enforcement at primary production level in the rest of the UK.

⁶⁶ SEARS: Scotland's Environmental and Rural Service which aims to reduce the number of on-farm visits by different regulatory bodies by providing a single delivery service.

TSE (Transmissible Spongiform Encephalopathy) controls

4.27 Responsibility for TSE controls is divided between the FSA, AHVLA and local authorities in Britain, and DARD in Northern Ireland. Regular and *ad hoc* meetings take place between these bodies and with the FSA and the Agriculture/Rural Affairs Departments to discuss relevant issues and develop best practice in respect of TSE controls. A system has also been put in place to enhance communication between the local authorities, AHVLA and the British Cattle Movement Service (BCMS)⁶⁷ on animal identification issues, which includes established procedures for the exchange of information and scheduled meetings.

Monitoring of zoonosis and zoonotic agents

4.28 This monitoring involves collaboration between the FSA, Defra and the Department of Health (and their supporting agencies) and the equivalent Departments in the devolved administrations. This collaboration is facilitated through the UK Zoonoses Animal Diseases and Infections Group. The Group is intended to help develop a more cohesive, comprehensive and joint approach to the understanding and control of zoonotic diseases in the UK. Detailed information about this Group is available at:

- archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/zoonoses/ukzadi/index.htm

4.29 EC Regulation No 2160/2003 requires Member States to take effective measures to detect and control Salmonellas of public health significance in specified animal species at all relevant stages of production. These measures are implemented in GB via the following Programmes:

- The National Control Programme of Salmonella in Breeders⁶⁸
- The National Control Programme of Salmonella in Layers⁶⁹
- The National Control Programme of Salmonella in Broilers⁷⁰
- The National Control Programme of Salmonella in Turkeys⁷¹

Veterinary medicines residues monitoring

4.30 To ensure the smooth running of this programme, the VMD holds a planning meeting every September to consider the scope of the residues surveillance programme for the coming year, using intelligence from various sources. This involves officials from the FSA, AHVLA, the NRLs and representatives of the

⁶⁷ More information on the British Cattle Movement Service (BCMS) is available at: defra.gov.uk/wps/portal/ctso

⁶⁸ archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/zoonoses/documents/salmonella-breeders.pdf

⁶⁹ archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/zoonoses/documents/salmonella-layers.pdf

⁷⁰ archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/zoonoses/documents/salmonella-broilers.pdf

⁷¹ archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/zoonoses/documents/salmonella-turkeys.pdf

independent Veterinary Residues Committee (VRC)⁷² 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 the NRLs and the FSA four times a year when the VRC considers the overall progress on the plan.

Pesticide residues monitoring

- 4.31 For pesticide residues, bilateral exchange of information takes place within regular meetings of a Liaison Group which includes representatives of CRD, the Health and Safety Executive, the FSA, the RPA, the Environment Agency (EA)⁷³ and local authorities.
- 4.32 In addition, CRD organises quarterly meetings of the Expert Committee on Pesticides Residues in food⁷⁴ which is made up of independent experts and oversees the UK monitoring programme. Officials nominated by DARD and the SG RED, together with officials from the CRD and the FSA, also attend these meetings.
- 4.33 The draft proposals for the forward plan are published on the CRD website to enable comments from stakeholders to be considered as part of this process. Each year PRiF, CRD and the FSA consider the programme for the following years taking into account stakeholder comments.

Co-ordination and co-operation in the animal health and welfare sectors

- 4.34 Following the establishment of the RSU, discussions are being held with the Local Government group as to whether the RSU can undertake a co-ordination role for animal health and welfare services.

Animal Health and Welfare Framework

- 4.35 Most local authorities with responsibility for animal health and welfare in England and Wales are participating in an Animal Health and Welfare Framework for the delivery of animal health services. This Framework is intended to provide the basis of working partnership between LAs and AHVLA to ensure effective, accountable, consistent and coordinated delivery of animal health and welfare services throughout England and Wales. It is designed to support a risk based approach to enforcement with agreed priorities in order to target resources effectively. The AHVLA provides veterinary input in the Framework and, where appropriate, comments on the LA Service Delivery Plan⁷⁵ for the animal health and welfare

⁷² More information on the VRC is available at vmd.defra.gov.uk/vrc/

⁷³ More information on the Environment Agency is available at: environment-agency.gov.uk/

⁷⁴ More information on the PRiF is available at pesticides.gov.uk/prc_home.asp

⁷⁵ Priority Action Plan in Wales

functions. The AHVLA Regional Operational Directors (RODS) hold liaison meetings with representatives of LAs to agree local priorities based on LA knowledge and intelligence. The Welsh Government will use the Framework as a best practice guide and will consider each Priority Action Plan with input from AHVLA. The Framework is available at:

- lacors.gov.uk/lacors/ContentDetails.aspx?id=24753
- wales.gov.uk/topics/environmentcountryside/ahw/laframeworkfunding11-12/?lang=en.

- 4.36 During 2010, Defra, the Welsh Government, Animal Health (now part of AHVLA) and LGR reviewed the Framework to ensure it allows councils the freedom to decide the best approach for local service delivery and how to meet spending reduction targets. Annual Service Delivery Plans produced by local authorities are discussed with AHVLA to reflect their work in relation to the Framework. The Framework helps LAs to understand key national priorities, but also provide the essential flexibility for them to respond to the unique needs of their individual farming communities. Priorities at a national level are focused on contingency planning, risk assessment, intelligence sharing and changing the behaviour of non-compliant businesses.
- 4.37 In Scotland an Animal Health and Welfare Framework for the delivery of animal health services has been developed and trialled. Currently all Local Authorities are being encouraged to sign up to it. The Framework is available at scotland.gov.uk/Topics/farmingrural/Agriculture/animal-welfare/policies/Frame

Regional meetings and National Animal Health and Welfare Panel

- 4.38 Local authorities with responsibility for animal health and welfare controls attend quarterly regional meetings to discuss common concerns, emerging trends, and national requirements. Each region is structured to encourage regular communications. Each regional group is represented on a National Animal Health and Welfare Panel. This Panel produces guidance aimed at generating consistent enforcement, discusses strategic issues, and provides technical expertise. Representatives of delivery partners are often invited to participate in both national and regional meetings to promote transparency and partnership working.
- 4.39 In Scotland, there is a Scottish Enforcement Working Group, which includes local authorities, AHVLA, Agricultural Inspectors and Identification and Traceability Policy Representatives. This oversees the development of guidance, integrated inspections and consistency of approach within Scotland and across the UK.

Other mechanisms

Chief Veterinary Officer meetings

- 4.40 Co-ordination meetings on animal health and welfare policy matters are held on a monthly basis involving Defra, the SG RED, the WG RA and DARD Northern

Ireland at Chief Veterinary Officer level. These meetings provide a strategic overview of animal health and welfare issues at the domestic and EU/international level with the aim of:

- exchanging views on current animal health and welfare issues and longer term initiatives across the four administrations.
- gaining a shared understanding of key EU/international negotiations and how they may interrelate.
- identifying and discussing risks that threaten the UK's animal disease control status.
- Liaison between AHVLA and local authorities

4.41 Local authorities work closely with AHVLA. AHVLA Regional Offices exchange information with their local authorities about issues as they arise, such as infringements of cattle identification rules. The practice by many Divisional Veterinary Managers (DVMs) (Scotland) and RODS – England and Wales) of regular and formal liaison meetings to discuss enforcement of animal health and welfare rules is being encouraged.

Aquatic animal health co-ordination

4.42 A number of mechanisms are in place:

Committee on Aquaculture Health - This provides a forum for discussion of major policy issues (including contingency planning) and liaison between Defra and the other Agriculture/Rural Affairs Departments, the National Reference Laboratories, other interested bodies, and the industry.

NRL meetings - These enable Inspectorate and Diagnostic Services staff to liaise in respect of inspection and control programmes, the development of contingency planning and the consistent application of diagnostic techniques.

Aquatic Animal Health and Movements website⁷⁶ - This website has been developed by Cefas to provide information across the range of fish health matters, from disease control advice to rules on importation of fish from other countries.

Advisory Services - The Inspectorates at Cefas, MSS and DARD provide advice during inspections and by way of monitoring programmes and laboratory advisory services.

BIP workshops - These are organised bi-annually by Cefas and provide a forum for airing Government/industry-wide concerns and facilitate liaison involving industry, BIP staff and the Fish Health Inspectorates (FHIs).

Bee health co-ordination

4.43 Fera co-ordinates bee health policy on behalf of the UK and does this through planned meetings and informal discussions. Fera is also engaging with

⁷⁶ defra.gov.uk/aahm

beekeeping associations in implementing the Healthy Bees Plan. The Plan is aimed at protecting and sustaining bee health over the 2009-18 period and was developed in collaboration with the beekeeping associations and other interested parties. There is a regular review of the Plan's priorities. The Honey Bee Health Strategy is the equivalent plan in Scotland⁷⁷.

- 4.44 In Northern Ireland DARD is engaging with the Ulster Beekeepers Association and the Institute of Northern Ireland Beekeepers in implementing the Strategy for the Sustainability of the Honey Bee⁷⁸.

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

- 4.45 As the 'single authority' for the UK under the Plant Health Directive (2000/29/EC), Fera's Plant Health Policy team 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.
- 4.46 With regard to the European Union 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) 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 EU. This information is copied to the European and Mediterranean Plant Protection Organisation (EPPO) which represents 50 countries in Europe. Reports of new pest outbreaks are added to the International Phytosanitary Portal (IPP) the website of the International Plant Protection Convention, thus ensuring that all trading partners are informed.
- 4.47 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.

Emergency and contingency planning

Feed and food emergencies

- 4.48 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.

⁷⁷ scotland.gov.uk/Resource/Doc/315919/0100471.pdf

⁷⁸ dardni.gov.uk/strategy-for-the-sustainability-of-the-honey-bee.pdf

FSA

4.49 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 May 2011, describes notification procedures, roles and responsibilities during incidents, and the arrangements for the closure and review of incidents. It is published on the FSA website at:

- food.gov.uk/multimedia/pdfs/incidentresponseprotocol.pdf

Training is provided as appropriate.

4.50 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 – 178/2002⁷⁹).

4.51 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 EA, the AHVLA, the RPA and the Scottish Agricultural College (SAC).⁸⁰ Information and instructions are transmitted to local authorities via the Food Alert system (see para 4.18).

4.52 The Agency in conjunction with its Food Incidents Taskforce has developed an advisory document that aims to reduce the possibility of future contamination incidents. This includes 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:

- food.gov.uk/foodindustry/guidancenotes/incidentsguidance/principlesdoc

4.53 FSA in 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 in Scotland staff on how to handle an incident should it occur. It sets out the key responsibilities and duties which must be undertaken by FSA in Scotland staff in the event of a routine incident, major incident or emergency with food safety implications. FSA in Wales holds a Divisional Incident Plan which serves a similar purpose to the Contingency Response Handbook in Scotland.

⁷⁹ Regulation EC 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety. Official Journal L31, 1.2.2002, 1-24.

⁸⁰ More information on the SAC is available at: sac.ac.uk/

- 4.54 FSA Operations Group (responsible in Britain for official controls in approved meat establishments subject to veterinary audit) has in place practiced contingency arrangements for dealing with outbreaks of notifiable diseases such as Foot and Mouth Disease, Avian Influenza and Blue Tongue. These plans, which will be reviewed and tested on a regular basis, form part of the Agency's business continuity plan. The FSA Senior Management Team is the strategic decision making body, and the Group Risk Management Team is the tactical decision making body.

Veterinary Medicines Directorate (VMD)

- 4.55 With regard to medicated feedingstuffs and specified feed additives, contingency planning is included in the VMD Standard Operating Procedures. Inspectors who discover a feed safety incident involving animal feedingstuffs placed on the market, should inform the Head of Investigations and Inspection Team and the Feed Branch of the VMD immediately who will then notify the FSA if necessary. With regard to residues, VMD in conjunction with the FSA and the AHVLA, operates a food safety incident scheme which ensures that animals with excessive residues of veterinary medicines or banned substances do not enter the food chain.

Chemicals Regulation Directorate (CRD)

- 4.56 CRD has drawn up a Pesticide Residues Emergency Plan, 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 CRD 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 the Rapid Alert System for Food and Feed (RASFF) for which FSA takes lead responsibility, but involving CRD in risk assessment and dissemination of information.
- 4.57 Copies of the plan have been distributed to all bodies potentially involved in its implementation. This includes the FSA, Welsh Government RA, DARD, the SG RED, Defra's Rural Development Service, the Health and Safety Executive, the EA, the Drinking Water Inspectorate⁸¹, Fera, LGC Ltd, RSU, APHA, and the Fresh Produce Consortium (a trade association for the fresh fruit, vegetable and flower industries).

DARD

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

Local authorities

⁸¹ More information on the Drinking Water Inspectorate is available at: dwi.gov.uk/

- 4.59 Local authorities are required by the relevant Food Law 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 or agencies such as the HPA and the FSA. 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.

Contingency Plans in the Animal Health Sector

- 4.60 In England, as part of Defra's emergency preparedness for exotic notifiable diseases of animals, the AHVLA prepares and maintains the Defra Contingency Plan for Exotic Notifiable Diseases of Animals⁸². This Plan sets out the operational response that Defra, its Agencies and Partners will put in place to deal with any occurrence of Foot and Mouth Disease, Avian Influenza or Newcastle Disease. The plan is also applicable to all other exotic diseases of animals. In addition the plan highlights the activities and processes that ensure a high level of preparedness for an outbreak of exotic notifiable disease.
- 4.61 Scotland, Wales and Northern Ireland have similar and complementary plans. These plans are subject to ongoing revision based on the latest developments in science and epidemiological modelling, and comments from stakeholders and operational partners. The Scottish Government model has a single generic contingency framework plan. Control concepts and responses to specific exotic disease are appended as separate annexes. The Scottish Government's Exotic Animal Disease Communications Strategy, which complements the framework plan sets out the strategic objectives of all communication aspects in a disease control response.
- 4.62 In accordance with the requirements of relevant EU legislation, the Contingency Plan is tested and validated at least once every two years by means of a major Britain wide exercise. Exercise "Silver Birch" was undertaken in November 2010 which tested the UK's response to the Foot and Mouth Disease outbreak⁸³. The AHVLA also operates a programme of centrally co-ordinated local and regional animal disease exercises in order to rehearse and test AHVLA's emergency preparedness to deal effectively with outbreaks of animal disease. This programme includes cross border exercises and is delivered in liaison with Defra, the Scottish Government, Welsh Government, other Government Departments, operational partners and with key stakeholders. Each Region or Division must take part in at least one local exercise a year and rehearse the plans for one of the eight exotic notifiable diseases that are deemed to be of highest priority for contingency planning.
- 4.63 Local authorities have their own local contingency plans based on a template provided by LGR and closely linked to the Defra, Scottish Government and Welsh Government Plans.

⁸² defra.gov.uk/animal-diseases/controls

⁸³ animalhealth.defra.gov.uk/about/publications/news-documents/silver-birch-evaluation-report.pdf

Aquatic Animal health contingency plans

4.64 Cefas, MSS and DARD have contingency plans in place for England, Wales, Scotland, and Northern Ireland to deal with outbreaks of serious exotic diseases of aquatic animals (e.g. Gyrodactylosis, infectious haematopoietic necrosis and viral haemorrhagic septicaemia). Defra, the SG RED, the Welsh Government RA and DARD are responsible for the maintenance and testing of these plans, together with Cefas, MSS and the EA. Northern Ireland is the only part of the UK which has a land border with another Member State and therefore fish health contingency plans for Northern Ireland must provide for trans-border arrangements with the Republic of Ireland. The Scottish Contingency Plan for *Gyrodactylus salaris* can be viewed at

- scotland.gov.uk/Resource/Doc/1062/0115961.pdf

Bee health contingency plans

4.65 A contingency plan for England and Wales has been developed for incidents involving exotic pests and diseases of bees. In the event of an outbreak, the National Bee Unit (NBU) is responsible for managing the outbreak at operational level. The Unit will involve Fera's Bee Health Policy team and the Welsh Government and, following confirmation, the Scottish Government, DARD and relevant stakeholders. Fera is responsible for notifying the European Commission and the Office International des Epizooties (the world organisation for animal health) within 24 hours of the confirmation of the primary outbreak. Liaison will continue with the Devolved Administrations and the Commission whilst necessary control procedures are put in place. Fera, the Welsh Government and the NBU are responsible for maintaining and testing the plan and disseminating it to stakeholders. A similar contingency plan has been developed and published by SG RED. DARD also has a Bee Health contingency plan for Northern Ireland.

Plant Health Contingency Plans

4.66 In England and Wales, Fera's Plant Health and Seeds Inspectors operate through a series of Standard Operating Procedures analogous to Contingency Plans. These are not available through a public website. Scotland and Northern Ireland have generic plant health contingency plans – these can be accessed at:

- scotland.gov.uk/Topics/farmingrural/Agriculture/plant/PlantHealth/PlantDiseases/ContingencyPlans
- dardni.gov.uk/contingency_plant_health.pdf

4.67 The Forestry Commission has developed a generic contingency plan. It was brought into action for the outbreak of Oak Processionary Moth –

- forestry.gov.uk/website/forestry.nsf/byunique/infd-74ce39

Working across the EU

4.68 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 system⁸⁴ but is rather for dealing with more routine matters.

4.69 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:

- food.gov.uk/enforcement/enforcework/foodlawcop/

For those local authorities in Britain dealing with feed, similar advice is included in the Feed Law Enforcement Code of Practice which was published in December 2006, and for DARD, in the Feed Law Enforcement Guidance in Northern Ireland which was published in January 2008.

4.70 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 89/608,⁸⁵ Defra has regular contact with the FSA on such issues where they have an impact on feed or food safety.

4.71 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, Department of Agriculture, Fisheries and Food and the Sea Fisheries Protection Authority (SFPA).

⁸⁴ More information on RASFF is available at: ec.europa.eu/food/food/rapidalert/index_en.htm

⁸⁵ Council Directive 89/608/EEC 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.

Chapter 5 - Raising standards and sharing good practice

Background

- 5.1 As with any system of legal controls, the effectiveness of feed and food law, and animal health and welfare rules depends on how well the legislative requirements are enforced. The aim of good enforcement in these areas is to safeguard public health and animal health and welfare, and to protect consumers, as well as ensuring fair trading without imposing unnecessary burdens on the businesses involved. As well as monitoring and enforcing compliance, the competent authorities also have a role in providing guidance and advice to businesses to help them meet the legislative requirements. In order to ensure that the competent authorities are providing 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.⁸⁶ 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

Feed and food controls

- 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 VS-VPHU are in place. In addition, DARD VS-VPHU operates its own audit scheme. Further information on these schemes is provided at [Appendix S](#). These audit schemes assess the performance of local and port health authorities and DARD VS-VPHU 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.

⁸⁶ Commission Decision 2006/677 setting out the 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. Official Journal L 278, 10.10.2006, 15-23.

- 5.4 Where the FSA has direct responsibility for 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 - AHVLA and DARD QAB - audit arrangements have been established as outlined in [Appendices F, G and H](#) 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 BIPs by Animal Health and DARD Veterinary Service, and a scheme for audit. Details are also provided at [Appendix S](#).
- 5.6 For Defra's other official control functions, its Internal Audit Unit have developed an audit strategy. When implemented, 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 I and J](#) respectively, the VMD and CRD have drawn up programmes of on-site audits with regard to their official control functions.

Animal health and animal welfare controls

- 5.8 Responsibility for animal health and animal welfare controls is divided between various Defra agencies, the SG RED, the Welsh Government RA, DARD, the FSA Operations Group (on behalf of Defra) and local and port health authorities. Details of audit systems in place or being developed are included in [Appendix S](#).
- 5.9 At the central level, discussions are ongoing between Defra Internal Audit, the Devolved Administrations and other delivery partners, about the assurance and consistency of approach required in their relevant areas of responsibility under Regulation 882/2004. Details of Internal Audit functions are provided at [Appendix S](#).
- 5.10 With regard to local authority animal health and animal welfare services, audits are undertaken for the assessment and arrangement of the controls they carry out. However, some changes in procedures may be required to ensure full compliance with the requirements of Regulation 882/2004 and this is currently under consideration.

Other mechanisms for raising standards and sharing good practice

- 5.11 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 Britain. More information is available on the FSA website at:
- food.gov.uk/enforcement/workwithenforcers/goodpractice/
- 5.12 The FSA also aims to improve standards by building on and learning from past experience. For example, in April 2006, it set up the Food Fraud Task Force to consider a series of actions to help tackle the trade in illegal meat and food fraud more generally. The Task Force reported its findings to the Agency Board in September 2007 and an Agency action plan to address the recommendations made by the Task Force was formally agreed in March 2008. Work to implement the action plan is ongoing and a comprehensive programme of initiatives to tackle food fraud is being put in place. This includes the continued development of the national Food Fraud Database, the creation of the Food Fraud Advisory Unit, continued training opportunities for enforcement officers and work to engage enforcers, consumers and industry in identifying and combating food fraud.
- 5.13 In Wales, the FSA has secured funding from the Welsh Government to assist in the creation of a Food Fraud Coordinating Unit located within a Welsh local authority. It is a specialist unit dedicated to assisting with the resolution of illicit cross border activities and is staffed by experienced officers. It helps to mesh together the enforcement arrangements in Wales and minimise the risk of concerted animal health breaches and food fraud. The FSA is also working closely with counterparts throughout the EU to develop appropriate mechanisms to enable a more coordinated Europe-wide approach to tackling food fraud. More information is available at:
- food.gov.uk/enforcement/workwithenforcers/foodfraud/
- 5.14 Other bodies and organisations also have developed mechanisms for sharing good practice with the aim improving standards within their various sectors in the feed and food chains. This includes, for example, Good Practice guides for imported food controls provided by the Association of Port Health Authorities.
- 5.15 As regards animal health and welfare controls, the internal audit functions of Defra, the SG RED, the Welsh Government RA and RPA meet twice a year, to consider consistency of approach and the migration and promotion of best practice.

Chapter 6 - Planning for the future

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 and animal health and welfare 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 controls

Local and port health authorities

- 6.3 Under the terms of the Framework Agreement on Local Authority Food Law Enforcement (see [Appendix C](#), paras 38 and 39), local and port health authorities must have service delivery plans in place which set out details of the services that 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.

FSA

Implementing the FSA strategic plan - Compliance and Enforcement Strategy

- 6.4 The goal of the FSA's compliance and enforcement strategy is to safeguard UK consumers and improve public health. The aim is improving overall business compliance with feed and food law through:
- Better targeted regulatory activity
 - High impact interventions

Focussing enforcement effort to achieve compliance in high risk areas

6.5 The compliance and enforcement strategy sets out the principles that will drive delivery of all official controls⁸⁷ within the scope of the FSA's central competent authority:

- Target interventions on areas where there is highest risk
- Give greater recognition to businesses' own means of securing compliance
- Increase the transparency of a business's food safety and hygiene standards
- Use wider incentives and penalties that drive compliance (recognising the different drivers in different food sectors and/or businesses)
- Put more emphasis on tackling persistent non-compliance with swift action on serious non-compliance
- Have consistent, risk-based application of controls throughout the food chain and an increased focus on their outcomes

6.6 With regard to feed law enforcement by local authorities in Great Britain, the priority is to support proactively animal feed businesses and to 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. The FSA provides guidance on priorities on an annual basis to assist enforcement authorities in targeting their feed control activities. The priorities are based on RASFF and feed incident alerts, results of feed sample analyses received by the Agency, and changes to animal feed legislation. Guidance for enforcement authorities in England for 2010/2011 (parallel guidance was issued for feed authorities in Scotland and Wales and Northern Ireland) is available at:

- food.gov.uk/multimedia/pdfs/enforcement/enfe10008.pdf.

Implementing FSA strategy

6.7 During the period of the NCP, the FSA will work in partnership with its enforcement, consumer and industry stakeholders to:

- provide direct support to local authorities to enable them to work with businesses to raise standards in food on an on-going basis throughout the period of the NCP;
- continue to provide training support for local authority enforcement officers where appropriate;
- support local authorities dealing with major food fraud investigations;
- publish good practice acquired from Agency audits of local authorities and work with regional Food Liaison groups;

⁸⁷ Enforcement of Wine Standards is outwith the OFFC regime and falls under Single Market Controls; the strategy would apply to this sector.

- develop policy and practice to improve the effectiveness and efficiency of official control interventions in response to outcomes from the Agency's enforcement research programme;
- provide guidance and technical advice on enforcement issues;
- publish information on enforcement performance to inform consumers and encourage better local authority performance, on an annual basis and following presentation to the FSA Board; and,
- play a part in the wider initiatives to streamline enforcement and inspection regimes whilst maintaining excellent public protection outcomes;
- support the implementation of effective food safety management by working with local authorities and other partners to provide guidance, training and support for small retail and catering businesses.

Food hygiene controls

6.8 The FSA Board discussed the future delivery of official controls in meat premises at its July 2007 meeting and decided that controls in Britain would continue to be carried out by the Agency, through a transformed Meat Hygiene Service (MHS), which has now become part of the Agency itself. More information is available at:

- food.gov.uk/multimedia/pdfs/fsa070706.pdf

Food Hygiene Rating Scheme and Food Hygiene Information Scheme

6.9 The FSA will continue to roll-out the Food Hygiene Rating Scheme for England, Wales and Northern Ireland and the Food Hygiene Information Scheme for Scotland.

6.10 The schemes, developed and operated in partnership with local authorities (see Appendix C, paras 42-43), are designed to provide consumers with information about hygiene standards in food premises at the time they are inspected to check compliance with food hygiene legislation. The rating reflects the inspection findings and is made available to the public via web-based systems⁸⁸, and may also be voluntarily displayed (by means of a sticker or certificate) at the business establishment. The scheme's purpose is to allow consumers to make informed choices about the places where they eat out or shop for food. The power of the decisions should encourage businesses to improve their hygiene standards. The overarching aim is to reduce the incidence of food-borne illness.

6.11 The schemes are a key element of the FSA's strategic objective for safer food for the nation and the Agency is committed to encouraging and supporting all UK local authorities to adopt the scheme. Further information about the Food Hygiene Rating Scheme and Food Hygiene Information Scheme is available at: food.gov.uk/safereating/hyg/hygieneratings/.

⁸⁸ www.food.gov.uk/ratings

Liaison activities

- 6.12 The Agency will continue to develop and strengthen its links with local authority feed and food law practitioners, with other relevant authorities and organisations, and with industry and consumer groups, through its enforcement stakeholder groups and committees, and its Regional Teams in England - see para 4.17.

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

- 6.13 Monitoring of the delivery of feed and food law regulatory services by local authorities, will continue under the Framework Agreement.

Performance targets for and audit of FSA Operations, DARD (VS-VPHU and QAB), AHVLA, SG RPID

- 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 standards for the past twelve years. This accreditation follows the normal ISO 17025 Accreditation Standard, including participation in appropriate proficiency testing schemes and annual assessment/audit visits by the appointed Accreditation Agency. The accreditation requirements for food control laboratories now also apply to feed control laboratories. UK feed control laboratories have been 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 APA, which represents official feed laboratories in the UK, will continue to work together to agree and implement this. This will be achieved through an Agreement between the Agency and UKAS.

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. With regard to the approval of fresh meat premises in particular, the FSA undertook to re-approve all slaughterhouses, cutting plants and game handling establishments that were licensed prior to 1 January 2006 under the previous sector specific hygiene legislation. The re-approval programme was completed in Northern Ireland and Scotland in 2009 and in Wales in the first quarter of 2010. In England, the programme was completed for all previously licensed plants at the

end of first quarter of 2010. At the same time, all the previously unlicensed catering butchers that had been identified as requiring approval to operate as cutting plants had either been granted conditional or full approval, refused approval or were operating under criteria which exempted them from approval.

Official controls on-farm

- 6.17 On-farm hygiene requirements for all food-producing farms were introduced in January 2006. In order to be able to ensure the arrangements for enforcement are proportionate and effective, the Agency recognising that rationalisation of on-farm inspection would be in line with the 'better regulation' principles, is currently running a pilot in Scotland to integrate food and feed hygiene inspections under a single risk-rating regime for primary production food law. The pilot will inform future development of food and feed hygiene enforcement at primary production level in the rest of the UK.

Implementation of European legislation and Commission recommendations

- 6.18 During the period of the NCP, the European Commission may review some areas of feed and food law, for example, the operation of the food hygiene legislation, and come forward with further proposals. Appropriate measures will be taken in response to the outcomes of such reviews in terms of any changes necessary to official control arrangements.
- 6.19 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 FVO) 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.

Review of Official Controls Delivery

- 6.20 As part of the FSA's commitment to ensure that regulation is effective, risk-based and proportionate, a review of Official Controls Delivery in the UK is being undertaken. This review aims to evaluate the effectiveness of the current model for delivering official controls and consider the scope for making improvements. It will include all food safety Official Controls for which the FSA is the Central Competent Authority that are not delivered directly by the FSA or for the FSA by other Government Departments under Service Level Agreements. The review will be principle based and objective with no pre-determined outcomes. Ongoing engagement with stakeholders will be required to develop the evidence base and ensure the process is open and transparent.

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

Veterinary medicines residues surveillance and pesticides residues monitoring and enforcement

6.21 During the period of the plan, the VMD will continue to operate its statutory surveillance programme and provide the annual surveillance plans and results to the European Commission. Similarly, CRD will continue its non-statutory monitoring programmes. In addition, a mandatory programme (from 2008) will be required under Community legislation on MRLs.⁸⁹ UK pesticide enforcement programmes will also continue and will take account of adverse findings from the national monitoring programmes.

Import controls for POAO

6.22 During the period of the plan, inspection programmes for BIPs will continue as outlined in Chapter 5.

Other Defra areas

6.23 Defra's control activities in respect of the protected food names schemes, the certification scheme for organic produce and the beef labelling scheme, and as regards feed law will also continue as described in [Appendix D](#).

Implementation of European Commission recommendations

6.24 In common with 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.

Animal health and welfare controls

Defra

Regulatory Compliance and Enforcement

6.25 Following the general election in 2010, the Coalition Government committed to a programme of reforms of regulation, compliance and enforcement. All departments

⁸⁹ 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.

were asked to produce Business Plans⁹⁰ and to outline how they will contribute to the wider Government's reform agenda.

6.26 Defra's Business Plan⁹¹ published in November 2010 describes the way in which it will operate over the four years of the Spending Review (2011 – 2015). Each month, the department publishes its Structural Reform Plan implementation progress reports at

- defra.gov.uk/corporate/about/what/business-planning/.

6.27 In addition, Defra's Farming Regulation Task Force was set up in July 2010 to carry out an independent review of all regulations that affect farmers and food producers, and advise on how best to achieve a risk-based system of regulation in future, whilst maintaining high environmental, welfare and safety standards. The review was informed by an extensive consultation with the industry and other interested parties, which took place from August to October 2010.

6.28 Richard Macdonald, the Chair of the Task Force presented his report on 17 May 2011⁹². The Government will now carefully consider the report's recommendations, and will provide an initial public response and Parliamentary statement in autumn 2011, followed by an updated final response in 2012.

Scottish Government Rural and Environment Directorate (SG RED)

6.29 The SG RED is committed to: growing Scotland's economy; delivering excellent public services; supporting stronger, safer communities; and developing a confident, democratic Scotland. The SG RED contributes to the Scottish Government's 5 Strategic Objectives – Wealthier and Fairer, Healthier, Safer and Stronger, Smarter and Greener. SG RED's work in delivering these Objectives is grouped under a set of core outcomes. One of these outcomes is well treated and healthy domestic and farm animals. Key targets for this outcome are the implementation of the Animal Health and Welfare (Scotland) Act 2006, ensuring disease preparedness and resilience and implementation of the animal health and welfare strategy.

Welsh Government RA

6.30 The health and welfare of farm animals is central to the work of the Department for Rural Affairs. The Welsh Government seeks to secure lasting improvements in the agriculture sector by protecting and improving the quality of Welsh stock, and controlling and eradicating diseases, and therefore providing a secure future for farmers in Wales.

AHVLA

⁹⁰ All Business Plans will be updated annually

⁹¹ number10.gov.uk/wp-content/uploads/DEFRA-Business-Plan1.pdf

⁹² defra.gov.uk/publications/2011/05/17/pb13527farming-reg-report/

6.31 During the period of the NCP, AHVLA will continue to undertake its control activities and to work towards achieving its main objectives (see [Appendix K](#)). Further details of goals, performance targets, strategy and future plans are included in the AHVLA Corporate Plan 2011-2012 at

- defra.gov.uk/ahvla/files/corp-business-plan1112.pdf

Rural Payments Agency

6.32 Since its creation in 2001, the Rural Payments Agency (RPA) has changed from a relatively straightforward paying agency to a multi-faceted delivery body with responsibility for delivering Common Agricultural policy (CAP) Reform through the Single Payment Scheme, being the operational delivery body for the Livestock Identification Programme, the Defra Customer Register and the Land Register, running a number of Defra helplines and absorbing the British Cattle Movement Service. On 16 March 2006, the Secretary of State announced a fundamental review of the RPA. The Hunter Report was published on 19 March 2007. The review identified the core business that RPA should be focusing on in the period ahead and the role that RPA should play in the delivery landscape. The report also made a number of recommendations to Ministers to help improve the RPA's delivery in the long term. A copy of the report is available at:

- archive.defra.gov.uk/corporate/about/with/delivery/executive/rpaob/hunter-review-070319.pdf

6.33 The Rural Payment Agency's planned activities are set out in its Business Plan for the period 2011/12 which is available at:

- rpa.defra.gov.uk/rpa/index.nsf/vContentByTaxonomy/A7A6E0612C8B6D22802578CD0026966F?OpenDocument.

In addition, the RPA's Inspectorate produces annual Business and operational Plans setting out how agreed inspection services will be delivered and outlining plans for business improvement.

Local authorities

6.34 Most local authority animal health/welfare enforcement services in England and Wales have service delivery plans under the Animal Health and Welfare Framework in place. These set out details of the services they provide, the means by which these are to be delivered and how they will meet relevant performance targets. Similarly, these plans will be implemented during the period of the NCP and will be reviewed at least annually and, where necessary, updated.

Plant health controls

- 6.35 The Plant Health Service will continue to prepare Business Plans during the period of the NCP. These will include targets for numbers of inspections and a range of other activities.
- 6.36 In addition, Fera has developed an import notification system linked to HMRC on single window principles. This was launched in November 2008 and will enable more efficient implementation of the plant health import controls introduced by Directive 2002/89.

Chapter 7 - Monitoring and reporting our progress

Background

- 7.1 The UK NCP has been implemented since 1 January 2007 and progress has been monitored on an on-going basis. Annual reports are 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 are managed by means of a cross-Departmental Project. As lead Government Department for matters relating to EU Regulation 882/2004, the FSA co-ordinates the project overall but works closely with Defra (and its agencies), CRD and the Agriculture/Rural Affairs Departments in the Devolved Administrations. The FSA's Imports and Official Controls Team has overall responsibility for the day-to-day management of the project and works closely with colleagues from across the FSA and from each of the UK Agriculture/Rural Affairs Departments. There is 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 are prepared. As required by Regulation 882/2004, these are sent to the European Commission. They are also 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) 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 of competent authorities or the structure and organisation of the control system, outcome of audits of the competent authorities, and the outcome of inspections of the national control systems by the FVO.

- 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 are the basis on which progress on implementation is assessed and measured.

What we report

- 7.6 Reporting is based around the strategic priorities set out in Chapter 2 and the categories of information in the Commission's template for Executive Summaries. It is supplemented by information on the control activities of the relevant competent authorities and takes account of Commission guidelines to assist Member States in preparing the annual report.⁹³ Annual reports on the progress towards implementing the NCP are published on the FSA website at:

- food.gov.uk/foodindustry/regulation/europeleg/feedandfood/ncpuk

⁹³ Commission Decision on guidelines to assist Member States in preparing the annual report on the single integrated multiannual national control plan provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council (notified under document number C(2008) 3756). Official Journal L 214, 9.8.2008, 56–65

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.⁹⁴ Copies of all legal instruments may be downloaded from the website legislation.gov.uk/

Responsible Department	Relevant legislation	Designated competent authorities
Food Standards Agency (FSA)	The Official Feed and Food Controls (England) Regulations 2009 (SI 2009/3255) and the Official Feed and Food Controls (England) (Amendment) Regulations 2011 (SI 2011/136)	FSA Feed authorities (local authorities in England with responsibility for feed law enforcement) Food authorities (local authorities in England with responsibility for food law enforcement)

⁹⁴ Where these competent authorities have particular responsibilities for monitoring and enforcing specific pieces of 'feed law' or 'food law' or specific animal health or animal welfare rules, these are set out in the relevant domestic legal measures.

Responsible Department	Relevant legislation	Designated competent authorities
FSA in Scotland	The Official Feed and Food Controls (Scotland) Regulations 2009 (SSI 2009/446) and the Official Feed and Food Controls (Scotland) (Amendment) Regulations 2011 (SSI 2011/93)	FSA Feed authorities (local authorities in Scotland with responsibility for feed law enforcement) Food authorities (local authorities in Scotland with responsibility for food law enforcement)
FSA in Wales	The Official Feed and Food Controls (Wales) Regulations 2009 (SI 2009/3376 (W.298)) and the Official Feed and Food Controls (Wales) (Amendment) Regulations 2011 (SSI 2011/626 (W.90))	FSA Feed authorities (local authorities in Wales with responsibility for feed law enforcement) Food authorities (local authorities in Wales with responsibility for food law enforcement)
FSA in Northern Ireland	The Official Feed and Food Controls Regulations (Northern Ireland) 2009 (SR 2009/427) and the Official Feed and Food Controls (Amendment) Regulations (Northern Ireland) 2011 (SR 2011/48)	FSA Feed authority (Department of Agriculture and Rural Development for Northern Ireland - DARD) District councils

Responsible Department	Relevant legislation	Designated competent authorities
Department for Environment, Food and Rural Affairs (Defra - Veterinary Medicines Directorate (VMD))	The Veterinary Medicines Regulations 2009 (SI 2009/2297)	Secretary of State (Defra) - for medicated feed and specified feed additives
Defra	The Official Controls (Animals, Feed and Food) (England) Regulations 2006 (SI 2006/3472)	(1) Secretary of State (Defra) (2) Local authorities
Scottish Government, Rural Directorate	The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007 (SSI 2007/91)	Scottish Ministers Local authorities
Welsh Government, Department for Rural Affairs (RA)	The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007 (SI 2007/196) (W 15)	Welsh Government Ministers Local authorities

Responsible Department	Relevant legislation	Designated competent authorities
DARD	The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2007 (SR 2007/133)	DARD District councils

Appendix B

Feed and food responsibilities of the Agriculture/Rural Affairs Departments

- (a) The Department for Environment, Food and Rural Affairs (Defra) and its agencies and the Agriculture/Rural Affairs Departments in the Devolved Administrations have responsibility in their respective countries 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: legislation.gov.uk. Copies of Community legislation are available from the European Commission website at: eur-lex.europa.eu/en/index.htm

Organic products

The regulation of organic products under the Organic Products Regulations 2009⁹⁵ (as amended by the Organic Products (Amendment) Regulations 2010)⁹⁶

Protected food names

The application of the rules under which a traditional speciality guaranteed may be recognised for certain agricultural products and foodstuffs laid down in Council Regulation (EC) No. 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed.⁹⁷

The application of the rules on the protection of designations of origin and geographical indications of certain agricultural products and foodstuffs laid down in Council Regulation (EC) No. 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.⁹⁸

Beef labelling

The regulation of beef labelling under:

- the Beef and Veal Labelling Regulations 2008 (England);⁹⁹
- the Beef and Veal Labelling Regulations 2008 (Scotland);¹⁰⁰
- the Beef Labelling (Enforcement) (Wales) Regulations 2001;¹⁰¹ and,

⁹⁵ SI 2009/842

⁹⁶ SI 2010/1902

⁹⁷ Official Journal L93, 31.3.06, 1-11.

⁹⁸ Official Journal L93, 31.3.06, 12-25.

⁹⁹ SI 2008/3252

¹⁰⁰ SSI 2008/418

- the Beef and Veal Labelling Regulations (Northern Ireland) 2010 .¹⁰²

Imported products of animal origin (POAO)

The regulation of the import of and trade in POAO under:

- the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998,¹⁰³ with the exception of the execution and enforcement of regulation 3 which is the responsibility of the FSA;
- the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007,¹⁰⁴ with the exception of the execution and enforcement of regulation 5 which in part is the responsibility of the FSA;
- the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007,¹⁰⁵ with the exception of the execution and enforcement of regulation 5 which in part is the responsibility of the FSA;
- the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007,¹⁰⁶ with the exception of the execution and enforcement of regulation 4 which in part is the responsibility of the FSA and
- The Trade in Animals and Related Products Regulations 2011¹⁰⁷.

Transmissible spongiform encephalopathies (TSEs)

The regulation of TSEs in relation to testing (including sampling) controls on bovine, ovine and caprine animals slaughtered for human consumption under:

- the Transmissible Spongiform Encephalopathies (England) Regulations 2010,¹⁰⁸ and European Parliament and Council Regulation 999/2001 (as amended) laying down rules for the prevention, control and eradication of certain TSEs;¹⁰⁹
- the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010¹¹⁰ and European Parliament and Council Regulation 999/2001 (as amended);
- the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008,¹¹¹ and European Parliament and Council Regulation 999/2001; and,
- the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010¹¹², and European Parliament and Council Regulation 999/2001.

¹⁰¹ SI 2001/1360 (W.88)

¹⁰² SR 2010/155

¹⁰³ SR 1998/45 (as last amended by SR 2004/464).

¹⁰⁴ SSI 2007/1 (as amended by SSI 2007/304).

¹⁰⁵ SI 2007/376 (W. 36) (as amended by SI 2007/1710 (W. 148)).

¹⁰⁶ SR 2007/199 (as amended by SR 2007/314, SR 2009/130).

¹⁰⁷ SI 2011/1197

¹⁰⁸ SI 2010/801

¹⁰⁹ Official Journal L 147, 31.5.2001, 1-40 (as amended).

¹¹⁰ SSI 2010/1822

¹¹¹ SI 2008/3154 (W. 282) (as amended by SI 2008/3266 (W.288 and SI 2010/1822 (W.179))

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;¹¹³ and,
- the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998.¹¹⁴
- The regulation of residues of pesticides under:
- the Pesticides (Maximum Residue Levels) (England and Wales) Regulations 2008;¹¹⁵
- the Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008¹¹⁶; and
- the Pesticides (Maximum Residue Levels) Regulations (Northern Ireland) 2008¹¹⁷

Feed

The Regulation of medicated feedingstuffs under the Veterinary Medicines Regulations 2009 and the regulation of specified feed additives under

- the Veterinary Medicines Regulations 2009.¹¹⁸

The regulation of TSEs in relation to the bovine spongiform encephalopathy (BSE) related feed ban under:

- the Transmissible Spongiform Encephalopathies (England) Regulations 2010¹¹⁹;
- the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010¹²⁰;
- the Transmissible Spongiform Encephalopathies (Wales) Regulations 2008¹²¹;
- the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2010¹²².

¹¹² SR 2010/406
¹¹³ SI 1997/1729 (as last amended by SI 2006/755).
¹¹⁴ SR 1998/237.
¹¹⁵ SI 2008/2570
¹¹⁶ SSI 342/2008
¹¹⁷ SR 433/2008
¹¹⁸ SI 2009/2297.
¹¹⁹ SI 2010/801 (as amended by SI 2011/881)
¹²⁰ SI 2010/177
¹²¹ SI 2008/3154 (W.282) (as amended by SI 2010/1822)
¹²² SI 2010/406

Appendix C

Food Standards Agency

Organisation and structure

1. The Food Standards Agency (FSA) was established by Act of Parliament, the Food Standards Act 1999,¹²³ 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 Assembly 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 Chair, Deputy Chair and up to 12 other members. The Board is responsible for overall strategic direction within the framework of the Food Standards Act 1999. This includes ensuring that 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, is available at:
 - www.food.gov.uk/aboutus/ourboard/
3. Day to day operations are managed by the Chief Executive and Agency staff are civil servants. Feed and food safety and standards are devolved matters in the UK. In addition to its London headquarters, the Agency has offices in Scotland, Wales and Northern Ireland. Each of these offices is headed by a Director accountable to the Chief Executive. An organisation chart is available at:
 - food.gov.uk/.
4. The FSA in Scotland, Wales and Northern Ireland provide advice to their respective Ministers on food safety and standards policy and legislation. A statutory Food Advisory Committee within each country provides the Agency with independent advice on food safety and standards issues in the respective countries. Details are available at:

¹²³ Food Standards Act 1999, c 28.

- food.gov.uk/scotland/aboutus_scotland/advisorycommittee/
- food.gov.uk/wales/aboutus_wales/advisorycommitteewales/
- food.gov.uk/northernireland/aboutfsani/advisorycommittee/

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 from 'farm to fork', including development of policy and representing the UK at EU level, and responsibility for making and implementing feed and food law (further information is available at: food.gov.uk). Responsibility for monitoring and verifying compliance with food and feed law is shared by the FSA (including 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 help in the delivery of national priorities and objectives. The Act gives the Agency powers to set performance standards for enforcement of feed and food law, and to monitor and audit the performance of enforcement authorities against the standards. 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 may report to individual authorities giving guidance on improving performance. It can also require enforcement authorities to publish these reports and indicate proposed remedial action.
7. The FSA Operations Group is responsible in Britain for official controls in approved meat premises, including meat hygiene requirements and regulations relating to the welfare of animals at slaughter. It aims to verify that Food Business Operators comply with public health and animal health and welfare legislation in licensed/approved meat premises in Britain. Where necessary the FSA takes proportionate enforcement action.
8. Details of the FSA's official control functions and the relationship between the FSA and other authorities or Departments that enforce legislation for which the Agency has overall responsibility, are described in the following paragraphs.

FSA official control functions

Inspection and approval of food irradiation facilities

9. The FSA (Chemical Safety Division) has direct responsibility for the inspection and approval of food irradiation facilities in the UK under Directive

1999/2/EC¹²⁴ and, as required, has notified the European Commission. Enforcement of legislation relating to irradiated food, such as labelling regulations and import controls, is the responsibility of local and port health authorities.

10. At present, only one facility in the UK is approved for the irradiation of food. This is inspected by FSA officials against the provisions of its approval, and at a frequency that is proportionate to the amount of food treated. The facility was last inspected in December 2006 and has not irradiated any food since then. It is therefore considered a low risk and no date has been set for the next inspection. This will be kept under review and revised if the volumes of food being irradiated increase.
11. FSA officials undertaking inspection and approval visits are not permitted to own shares in the approved food irradiation facility, or to have a commercial interest. FSA officials are suitably qualified and are generally experienced in radiation work. On-going training and development ensures that expertise is maintained.
12. The procedure for approval of an irradiation facility is detailed in The Food Irradiation (England) Regulations 2009,¹²⁵ with parallel legislation in Scotland, Wales and Northern Ireland. FSA officials use a standard checklist for inspection visits to ensure consistency. 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. Annual Inspection Reports are submitted.
13. Inspections are carried out by two officials from the Agency. An audit programme for food irradiation facility inspections and arrangements for independent scrutiny of this are being developed. The next inspection of the one UK food irradiation facility will be audited.

Approval of fresh meat establishments

14. Under food hygiene legislation, which came into effect on 1 January 2006, meat establishments require approval unless they benefit from specific exemptions. The FSA has responsibility for approving establishments subject to veterinary control under food hygiene legislation¹²⁶ throughout the UK. This includes the granting, reviewing, and where necessary, the withdrawal or suspension of approvals for slaughterhouses, cutting plants placing fresh

¹²⁴ 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 66, 13.3.1999, 16-23.

¹²⁵ SI 2009/1584

¹²⁶ Detailed information on this legalisation is available at:
food.gov.uk/foodindustry/regulation/hygleg/

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.

15. In Britain approval assessments are carried out by Veterinary Managers (VMs) under the direction of the Head of Approvals and Veterinary Advice. VMs are qualified veterinary surgeons with specific expertise in the structural, equipment and operational requirements applying to meat establishments. Approvals are reviewed by the FSA and, where appropriate, recommendations made to the Head of Approvals and Veterinary Advice, as an authorised official, for the suspension or withdrawal of approvals. Whenever possible, VMs are accompanied on assessment visits by a local veterinarian from the FSA Operations Directorate. Establishments assessed for approval are asked to complete a feedback questionnaire.
16. In Northern Ireland, approval assessment visits are carried out by equivalent staff from the FSA in Northern Ireland, accompanied by Divisional Veterinary Officers (DVO) responsible for the plant.

Delivery of official controls in approved meat establishments

17. FSA Operations consists of around 1,075 directly-employed, casual and contracted staff deployed in hygiene inspection teams who work in around 1,000 approved fresh meat premises throughout Britain. There are around 260 full-time equivalent veterinary surgeons (the majority of whom are contracted to work for the FSA) and 815 Meat Hygiene Inspectors. Staff are assigned to one of 37 clusters, each managed by a Lead Veterinarian who reports to one of 12 Business Managers. The Business Managers report to the Head of Operational Delivery who is a member of the Operations Group Senior Management Team. Around 40 administrative staff and veterinary and technical managers work in the Delivery Planning Unit and Approvals and Veterinary Advice Team, providing support for field-based staff.
18. Meat inspection is financed through charges levied on food business operators (FBOs) and government agencies, and through funding provided centrally by the FSA.

Control activities

19. The FSA applies official controls in relation to meat hygiene rules, TSE controls and animal health and welfare at slaughter legislation in all approved fresh meat premises in Britain. This includes 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. Lists of approved premises can be found at food.gov.uk/foodindustry/meat/meatplantsprems/meatpremlcence.

20. The FSA provides meat inspection services 24 hours a day and 365 days a year, assuming the FBO has given due notice of requirements. It carries out its principal functions on behalf of the FSA and on behalf of the Rural Affairs Departments in England, Scotland and Wales. The principal functions are as follows:
- official controls in respect of regulations for fresh (red) meat;
 - official controls in respect of regulations for poultry meat, farmed game meat and wild game meat;
 - official controls in respect of regulations for meat products, minced meat and meat preparations in premises co-located with a premise requiring veterinary audit;
 - identification of animal by-products;
 - official controls in relation to rules on Specified Risk Material (SRM);

For Defra and the Devolved Administrations in Scotland and Wales:

- enforcement of animal welfare at slaughter legislation in 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 from sheep and goats for TSE examination and testing;
 - enforcement, in premises, of emergency controls related to animal disease outbreaks;
 - supervision of the collection and dispatch of samples from bovines for BSE 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 (RPA);
 - compliance with Cattle Identification Regulations on behalf of the British Cattle Movement Service.
21. 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.
- food.gov.uk/foodindustry/meat/mhservice/aboutmhs/mhsapprovedpremises

Compliance with requirements of Regulation 882/2004

Control procedures

22. The Manual for Official Controls details the tasks, responsibilities and duties undertaken in approved establishments, and reflects the requirements of competent authorities as laid down in Regulation 882/2004. It documents the procedures to be followed when undertaking official controls, for recording

and reporting outcomes, and for taking action whenever non-compliance with legal requirements is found. A copy of the manual is available at:

- food.gov.uk/foodindustry/meat/mhservice/manual.
23. Standards that the industry should achieve are described in the 'Guide to Food Hygiene and other Regulations for the Meat Industry' which can be found at:
- food.gov.uk/foodindustry/meat/guidehygienemeat.
24. Inspection Teams follow the FSA Enforcement Policy, which sets out the principles of enforcement and the standards that will be applied when carrying out enforcement work. The Policy is at Annex 2 of Chapter 7 (Enforcement) of the Manual of Official Controls, and can be found at:
- food.gov.uk/multimedia/pdfs/mocmanualch7rev40.pdf

Staff performing official controls

25. **Freedom from conflict of interest** - FSA employees and contract staff are required 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.
26. **Qualifications** - All Official Veterinarians (OVs) are qualified veterinary surgeons and are members of the Royal College of Veterinary Surgeons.¹²⁷ Meat Hygiene Inspectors are required to hold a qualification in Meat Hygiene and Inspection awarded by the Royal Society for Public Health.¹²⁸
27. **Training** - Continuing professional development ensures that staff are appropriately trained and maintain their expertise. Training needs are identified by way of performance appraisal, business plans, audit results - or in response to introduction of new legislation or control systems. Training is recorded and training programmes are evaluated.

Monitoring and audit arrangements

28. Operations Group Senior Management Team (SMT) meets on a monthly basis to review performance. The agenda includes finance and variance analysis reports, performance monitoring, HR reports including sickness absence, health and safety reports and the risk register. Strategic issues are considered by the Executive Management Board and policy issues by the FSA Board, with an independent Chair.

¹²⁷ More information on the Royal College of Veterinary Surgeons is available at: rcvs.org.uk/

¹²⁸ More information on the Royal Society for the Promotion of Health is available at: rsph.org.uk/

29. For 2010/11, the following areas are monitored for delivery of official controls in approved meat establishments:
- Official Veterinarian (OV) audits of food business operator compliance being carried out according to risk-based audit frequencies and meeting required cost and quality standards (UK);
 - Monitoring of handling arrangements for approved meat establishments identified as a cause for concern and food business operator compliance (UK):
 - Accuracy of post-mortem inspection checks (Britain / Northern Ireland)
 - Providing assurance on animal welfare safeguards through completion of an animal welfare survey demonstrating food business operator compliance (Britain);
 - Specific efficiency targets (Britain).
30. Performance is reported on a quarterly basis to the FSA Board. An annual review of performance will be carried out and published following independent verification.
31. The performance of the FSA is subject to internal audit. Details are provided in Chapter 5.

Designation and classification and monitoring of shellfish harvesting areas

32. 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 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.

Recognition of natural mineral water sources in non-European Economic Area (EEA) countries

33. The FSA has direct responsibility for the assessment of any application made in Scotland, Wales and Northern Ireland for the recognition of a natural mineral water source located in a non-EEA country under Directive

2009/54¹²⁹. In England, Defra has responsibility for this (see Appendix D). The requirements are set out in separate legislation and associated Guidance Notes¹³⁰.

34. If the FSA in Scotland, Wales and Northern Ireland considers that the non-EEA source meets the requirements it is awarded recognition and details are published in the Edinburgh, Belfast and London Gazettes. The European Commission is informed.
35. The FSA in Scotland, Wales and Northern Ireland has administrative procedures in place to review decisions not to recognise or to revoke recognition of a non-EEA source, where a decision is contested.

Recognition of natural mineral water sources from Scotland, Wales and Northern Ireland

36. The bottled water exploiter in Scotland, Wales and Northern Ireland can obtain a review of the Local Authority's decision not to grant or to withdraw a recognition of a natural mineral water. This will be carried out by the relevant FSA in Scotland, Wales and Northern Ireland. In England, Defra has this responsibility.

Working in partnership with local authorities

37. 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 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

38. 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 the Local Authorities Co-ordinators of Regulatory Services (LACORS) and the

¹²⁹ Council Directive (EC) 2009/54/EEC of 18 June 2009 on the exploitation and marketing of natural mineral waters (Recast). Official Journal L164, 26.6.2009, p.45-58. This Directive is implemented by the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No.2) Regulations 2007¹²⁹ (SSI. 2007/483) (as amended), The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007 (SI. 2007/3065 W.276) (as amended) and The Natural Mineral Water, Spring Water and Bottled Drinking Water (Northern Ireland) Regulations 2007 (SR. 2007/420) (as amended). The FSA has produced associated Guidance Notes.

¹³⁰ Natural Mineral Water, Spring Water and Bottled Drinking water Regulations 2007 Guidance Note food.gov.uk/foodindustry/guidancenotes/foodguid/waterguidance

Local Government Association¹³¹ 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:

- food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf

39. The Framework Agreement sets out standards for feed and food law enforcement which local and port health authorities (as appropriate) are expected to meet. It was revised in 2010. The Agreement 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 health authorities (further details of this are provided in Chapter 5 of this National Control Plan (NCP)).

Food Law Codes of Practice and associated Practice Guidance

40. Direction and guidance on the approach to food enforcement is provided in statutory Food Law 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:

- food.gov.uk/enforcement/enforcework/foodlawcop/

41. With regard to feed law enforcement, the Agency has developed a similar statutory Code of Practice and Practice Guidance which applies in Britain. This Code was published in December 2006. Practice Guidance, which incorporates the content of the Code of Practice, has been provided to the Quality Assurance Branch (QAB) of the Department of Agriculture and Rural Development (DARD) which enforces all feed legislation in Northern Ireland. The Veterinary Medicines Directorate has reviewed and developed the Standard Operating Procedures used by the Animal Medicines Inspectorate to approve and register manufacturers and suppliers of medicated feed additives similar to the Feed Law Code of Practice that has been issued by the FSA (see [Appendix I](#), para 17).

¹³¹ More information on the Local Government Association is available at: lga.gov.uk/

Food Hygiene Rating Scheme and Food Hygiene Information Scheme

42. These schemes are key elements of the FSA's strategic objective: safer food for the nation (see Chapter 6, paras. 6.9-6.11). They were developed and are being introduced in partnership with local authorities that are responsible for monitoring, verifying compliance with and enforcement of food hygiene legislation. Local authority participation in the schemes is voluntary but uptake is progressing well.
- food.gov.uk/enforcement/enfcomm/fhrssteeringgroup/hygieneratingsguidance/
43. Local authorities operating the Food Hygiene Rating Scheme follow 'Brand Standard' guidance which aims to ensure consistency in operation of the scheme (similar guidance has been produced for the Food Hygiene Information Scheme). This is available at:

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

44. 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. FSA Incidents Branch is the UK contact point for RASFF notifications. More information can be found at:
- ec.europa.eu/food/food/rapidalert/index_en.htm
45. Food Alerts allow the FSA to inform local authorities and consumers about problems associated with feed and food and, in some cases, provide details of specific action to be taken.
46. The different categories of alerts and information notices issued are as follows:
- Food Alerts for Action (FAFA) are issued when an incident requires enforcement action from local authorities.
 - Product Withdrawal Information Notices (WINs) and Product Recall Information Notices (RINs) bring an incident to the attention of local authorities. These notices were introduced in June 2010, replacing Food Alerts for Information.
 - Allergy Alerts are issued when foods have to be withdrawn or recalled and there is a risk to consumers, because the label is missing or incorrect or there is a risk of severe allergic response.
47. More information is available at:
- food.gov.uk/enforcement/alerts/

Guidance and support

48. The FSA provides a wide range of guidance to local and port health authorities which is made available via the Enforcement Portal of the FSA website at:

- food.gov.uk/enforcement/.

It also provides support by way of training initiatives, additional funding and grants, and advice and guidance.. Guidance and resources for port health authorities (imports) can be found at

- food.gov.uk/foodindustry/imports/enforce_authorities/

Guidance on imported food regulations can be found at:

- food.gov.uk/foodindustry/imports/enforce_authorities/importsbooklet

Further information is provided in Chapter 4.

Powers of intervention

49. 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.

Operations group and DARD Veterinary Service (VS)

50. FSA Operations Group delivers official controls in approved fresh meat premises in Britain, with support from Service Delivery Partners. The functions include official controls in respect of meat hygiene legislation and those parts of TSE legislation for which the FSA is responsible.
51. In Northern Ireland, DARD Veterinary Service - Veterinary Public Health Unit (VS-VPHU) provides a similar service on behalf of the FSA under a Service Level Agreement (SLA).
52. The UK Director of Operations has responsibility for delivery across the UK, and works closely with FSA Directors in Scotland, Wales and Northern Ireland. FSA strategic objectives to 2015 are set out in a published plan. Operations Group Business Plan sets out the high level priorities and how these contribute to achieving strategic outcomes and milestones. Performance is monitored at establishment, cluster, business area and national level. Key Performance Indicators are in use at different levels within the operational structure.

53. A performance dashboard is available which focuses on key performance indicators. At the highest level, it presents the overall picture for Britain but can be drilled down to determine performance within each cluster and business area relative to the overall picture. This dashboard is being extended to cover reporting for Northern Ireland. Operations Group Senior Management receive monthly performance reports. The FSA Board receives quarterly reports.
54. Detailed information on the structure and organisation of FSA Operations Group and DARD and their respective control functions can be found at [Appendix C](#) and [Appendix H](#) (respectively).

Working with the Animal Health and Veterinary Laboratories Agency (AHVLA) and DARD Quality Assurance Branch (QAB) – Dairy Hygiene

55. AHVLA undertakes official controls in respect of food hygiene legislation at milk production holdings in England and Wales and supervises the statutory sampling and testing of raw cows' drinking milk on behalf of the FSA. The terms and conditions for this are set out in an SLA with AHVLA 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. Audit of official controls delivery by AHVLA takes place within the FSA's risk-based audit programme.
56. 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). An SLA, which includes performance targets that are monitored and audited by the FSA, is in place.
57. Detailed information on the structure and organisation of AHVLA and DARD QAB, and on the control activities that they carry out is provided at [Appendix E](#) and [Appendix H](#) respectively.

Working with the Animal Health and Veterinary Laboratories Agency (AHVLA) and the Scottish Government's Rural Payments and Inspections Directorate (SG RPID) – Egg Marketing

58. AHVLA 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, this function is delivered by SG RPID and, in Northern Ireland, by DARD QAB. The terms and conditions are set out in SLAs which are reviewed annually. The FSA is developing plans to audit performance.

59. Detailed information on the structure and organisation of the AHVLA and SG RPID and on their control activities can be found at [Appendix G](#). DARD QAB is covered at [Appendix H](#).

Appendix D

The Agriculture/Rural Affairs Departments

Organisation and structure

1. The four UK Agriculture/Rural Affairs Departments are:
 - Defra;
 - the Scottish Government Rural and Environment Directorate (SG RED);
 - the Welsh Government Department for Rural Affairs (RA)/ the Office of the Chief Veterinary Officer (OCVO); and
 - DARD - given its specific official control functions, further information is provided separately in [Appendix H](#).

2. 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, public health 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;
 - has roles in both European Union (EU) 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: defra.gov.uk/corporate/about/index.htm

3. The SG RED, the Welsh Government RA and DARD have similar responsibilities to Defra within Scotland, Wales and Northern Ireland respectively. General information on these Departments, including their organisation and structure, may be found at the following links:
 - wales.gov.uk/about/?lang=en
 - wales.gov.uk/about/?lang=cy
 - scotland.gov.uk/Topics/Agriculture
 - dardni.gov.uk/index/about-dard.htm

4. DARD also has some specific official control functions and these are described in more detail in [Appendix H](#).

5. Defra operates the majority of its official controls through delivery agents, such as FSA, AHVLA, the RPA, and local authorities. More details about these delivery agents are provided in [Appendices C, E, K and L](#) respectively. The SG RED and the Welsh Government RA additionally carry out most of their official controls through their own inspectorates, although occasionally

use bodies such as Animal Health and the Environment Agency. The SG RED additionally carries out official controls in respect of animal identification and traceability on farm and in respect of beef labelling.

Roles and responsibilities

Feed and food law

6. The four Departments (and Defra agencies) have responsibility for developing and implementing feed and food law that falls outside of the remit of the FSA - details 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 (see Appendix H), including that for which the FSA has policy responsibility. Details of the various functions are set out below.

Organic products

7. Organic food produced within the EU must originate from growers, processors and importers who are registered with an approved organic control body and subject to regular inspection. In the UK, Defra has responsibility for the organic inspection and certification system. Certification is undertaken by approved organic control bodies which must meet the requirements of (be accredited to) the European Standard on general requirements for bodies operating product certification systems (EN45011).¹³² They must also comply with the control requirements set out in the EU Organic Regulations (Council Regulation (EC) 834/2007 and Commission Regulation (EC) 889/2008. 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. It works closely with port health authorities (PHAs) that are responsible for endorsing certificates of inspection from the approved organic certification body certifying the produce and that accompany consignments, and for ensuring that the importer is registered with an approved certification body. For this purpose, Defra maintains a database of authorisations to which PHAs have secure access. Details of local authority food law enforcement services are provided at Appendix E.
8. There are currently nine approved certification bodies involved in the control of organic production in the UK.¹³³ These are independent bodies and under

¹³² More information on European standards is available at: cenorm.be/cenorm/index.htm

¹³³ Details are available at: defra.gov.uk/foodfarm/growing/organic/standards/index.htm (DN: Link needs updating)

Regulation 882/2004, constitute 'control bodies' (see [Appendix R](#)). Defra's Organic Team, 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.¹³⁴ The Branch also oversees the on-going work of these certification bodies. 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.

9. 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 provided in this report.

Protected food names

10. Defra is responsible for the operation within the UK of the protected food names schemes set out in Council Regulations 509/2006¹³⁵ and 510/2006.¹³⁶ 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.
11. Ultimate responsibility for deciding whether applications meet the criteria and should be forwarded to the European Commission lies with Defra although certain functions relating to the handling of applications at an early stage are carried out by ADAS (England and Wales) and the respective devolved administration in the case of Scotland and Northern Ireland. The UK currently has 44 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. More detailed

¹³⁴ A copy of the manual is available at

¹³⁵ archive.defra.gov.uk/foodfarm/growing/organic/standards/pdf/inspector-controlmanual.pdf
Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed. Official Journal L93, 31.3.06, 1-11.

¹³⁶ Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Official Journal L93, 31.3.06, 12-25.

information on the operation of the protected food names schemes within the UK is available at:

- defra.gov.uk/food-farm/food/protected-names/

12. 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

13. 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, slaughter and cutting 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 sale to the final consumer, in accordance with EC Regulation 1760/2000¹³⁷. Meat of bovine animals aged 12 months or less must be classified on slaughter with the appropriate age category identification letter 'V' or 'Z', and labelled with the relevant sales description of the Member State. Defra, the RPA 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 and veal which are not compulsory can be made on a voluntary basis if approved and certified under the Beef Labelling Scheme which operates alongside the compulsory rules, and which these Departments also administer. Further information on the systems and how they operate in the UK is available at:
 - rpa.defra.gov.uk/rpa/index.nsf/UIMenu/85A11F090B05298D802574D50046D5DB?Opendocument
 - scotland.gov.uk/Publications/2005/05/03111623/16250
 - dardni.gov.uk/fisheriesfarmingandfood/animalproducts/beef
14. 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 R](#)).
15. With regard to carrying out official controls in respect of beef labelling, responsibility is shared as follows:
 - At abattoirs, cutting plants and catering butchers
 - in England and Wales (at abattoirs and cutting plants with an FSA presence) by the RPA's Technical Inspectors on behalf of Defra;

¹³⁷ 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.

- in Scotland by the Scottish Government's Meat and Livestock Inspectors; and
 - in Northern Ireland by the DARD Senior Technical Inspectors.
 - At retail level:
 - UK-wide by local authorities.
16. Controls in respect of beef imported into the UK are the responsibility of PHAs in Britain. DARD VS is responsible in Northern Ireland.

Import controls for animals and products of animal origin

17. Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations are responsible for veterinary checks and animal health aspects of import controls of animals and 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/EC¹³⁸ and Council Directive 91/496/EC¹³⁹. Responsibility for carrying out these checks in Britain is devolved to AHVLA for live animals and at ports which do not handle food. Local and port health authorities are responsible for checks on POAO and details of their work are 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.
18. Defra's Imports and EU Trade Team is responsible for the policy aspects of the veterinary checks regime. BIPs are operated by local authorities and AHVLA. The operation of local authority run BIPs is monitored by AHVLA through a programme of liaison visits and compliance checks relating to public health issues. Reports of these visits are sent to Defra and the FSA to enable them to monitor overall standards at BIPs and progress in dealing with problems. Similar audits will be carried out for BIPs operated by the AHVLA.
19. UK Border Agency (UKBA) is responsible for delivery of anti-smuggling controls to combat illegal imports of POAO at points of entry into Britain. This includes imports of POAO which breach the concessions applicable to goods carried in travellers' baggage for personal consumption and personal consignments sent by post to private individuals, as well as freight. DARD is responsible for controls in Northern Ireland. Her Majesty's Revenue and Customs (HMRC) National Clearance Hub ensures that all POAO/animals have been issued with a valid Common Veterinary Entry Document before the consignment is customs cleared.

¹³⁸ 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 24, 30.1.1998, 9 -30.

¹³⁹ Council Directive 91/496/EC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC

Natural mineral waters

20. Defra has direct responsibility for the assessment of any application made in England for the recognition of a natural mineral water source located in a non-EEA country under Directive 2009/54.¹⁴⁰ In the case of any application made in Scotland, Wales and Northern Ireland this assessment is carried out by the FSA. This Directive is implemented by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007¹⁴¹ and parallel legislation in Scotland,¹⁴² Wales,¹⁴³ and Northern Ireland.¹⁴⁴ Staff in England carrying out assessments hold at least a graduate degree (or equivalent) with a numerical/data manipulation element. On-going training for staff carrying out assessments includes attending courses on geology and water hydrogeology where available. New assessors are thoroughly familiarised with the requirements set out in the national legislation and associated Guidance Notes.¹⁴⁵ For the assessment of any application made in Scotland, Wales and Northern Ireland for the recognition of a natural mineral water source located in a non-EEA country under Directive 2009/54, see [Appendix C](#).
21. If Defra or the FSA considers that the non-EEA source meets the requirements it is awarded recognition and its details are published in the London, Edinburgh and Belfast Gazettes. The European Commission is also informed.
22. The move of responsibilities for assessing non-EEA natural mineral water sources from FSA to Defra for England has delayed implementation of an audit programme in that part of the UK. This will be addressed during 2011/2012.

Legislation on animal feed related to animal disease

23. 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 in Britain is a matter for local authorities in liaison with Animal Health. In Northern Ireland, DARD enforces feedingstuffs legislation.

¹⁴⁰ Council Directive (EC) 2009/54/EEC of 18 June 2009 on the exploitation and marketing of natural mineral waters (Recast). Official Journal L164, 26.6.2009, p.45-58.

¹⁴¹ SI 2007/2785 (as amended)

¹⁴² The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Regulations 2007 (SSI. 2007/435) (as amended)

¹⁴³ The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007 (SI. 2007/3065 W.276) (as amended)

¹⁴⁴ The Natural Mineral Water, Spring Water and Bottled Drinking Water (Northern Ireland) Regulations 2007 (SR. 2007/420) (as amended)

¹⁴⁵ Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 2007 Guidance Note food.gov.uk/foodindustry/guidancenotes/foodguid/waterguidance

Medicated feed and specified feed additives

24. 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.
25. Details of local authority feed law enforcement services, Animal Health, the VMD and DARD are provided at [Appendices E, K, I, and H](#) respectively.

Pesticide residue monitoring

26. There is a wide range of pesticides that may be used in agriculture and food production within the EU and in other countries. The Chemicals Regulation Directorate (CRD) of HSE, 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 CRD undertakes these programmes are given at [Appendix J](#).
27. Local and port health authorities may conduct their own surveillance of pesticide residues, referring to CRD, 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

28. VMD acts as the competent authority for surveillance of veterinary residues in the UK under Council Directive 96/23/EC¹⁴⁶ on behalf of the UK's Chief Veterinary Officer (CVO). It is responsible for the operation in Britain of the residues surveillance programme. DARD undertakes this role in Northern Ireland. Details of how these functions are fulfilled are given at [Appendix I](#).
29. Local authorities also have powers under the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997¹⁴⁷ (and equivalent legislation in Northern Ireland) to take samples from animals and animal products for analysis.

¹⁴⁶ 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.

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

Animal health and welfare

30. In the UK, matters relating to animal health and animal welfare, including issues relating to import and export, are devolved to the four administrations: Defra (and its agencies) in England, The SG RED in Scotland, the Welsh Government in Wales, and DARD in Northern Ireland.

Bee Health

31. As regards bee health, in particular, policy responsibility lies with Defra in England (delegated to the Policy Programme in the Food and Environment Research Agency (Fera)), the Welsh Government in Wales, the SG RED in Scotland and DARD in Northern Ireland. The National Bee Unit (NBU), part of Fera, is delegated under contract to deliver the bee health programmes in England and Wales. In Scotland and Northern Ireland, delivery is undertaken by agricultural staff bee Inspectors of the respective Departments. Further information on the Bee Health Unit is provided at [Appendix N](#).

Aquatic Animal Health

32. As regards fish health, the Fish Health Inspectorate (FHI) at the Centre for Environment, Fisheries and Aquaculture Science (Cefas) is responsible for implementation of fish health matters on behalf of Defra and the Welsh Government. The Inspectorate operates under a Memorandum of Understanding (MoU) with Defra which outlines the duties to be carried out to fulfil UK obligations under the EU fish health programme. Further information on the FHI is provided at [Appendix O](#). In Scotland, the Scottish Government Marine Directorate's Marine Scotland Science (MSS) provides expert scientific and technical advice on marine and fisheries issues, supporting the Scottish Government's vision of clean, healthy, safe, productive and biologically diverse marine and coastal environments. Part of the mission of MSS is to support a healthy sustainable aquaculture industry and to safeguard the health of wild fish stocks through regulation and scientific advice backed by high quality research. In Northern Ireland, DARD Fisheries Division is responsible for the implementation of fish health policy and, with support from the Agri-Food Biosciences Institute for Northern Ireland (AFBI), in meeting its obligations under the EU fish health programme.
33. In Scotland, the SG RED's Fisheries Research Services (FRS) carries out a wide range of essential marine fish farm research and offers advice on aspects of production and disease control. Its mission is to support a healthy sustainable aquaculture industry and to safeguard the health of wild fish stocks through regulation and scientific advice backed by high quality research. FRS employs over 300 staff and is headed by a Chief Executive and Director who is responsible to Scottish Ministers. The FHI forms part of FRS. The Inspectorate comprises the Group Leader, administrative staff and 14 fish health inspectors, who operate in two regional teams. Together they cover the whole of Scotland.

Working with Food Standards Agency Operations

34. The FSA is responsible for official controls in approved meat premises in Britain, including those relating to the health and welfare of animals at slaughter.
35. Defra, the SG RED and the Welsh Government RA have a joint SLA with the FSA. Details of the control activities that the FSA undertakes in relation to national and EU animal health and welfare rules are detailed in the Annexes to the SLA. These include: welfare inspection of live animals; animal identification, detecting disease during ante and post-mortem inspections; sampling, and enforcing rules on cleansing and disinfection of vehicles at slaughterhouses and licensing designated slaughterhouses. Reports on these activities are made to the central Departments and to other interested bodies such as AHVLA and the relevant local authority. The SLA with the FSA is reviewed annually and where necessary the Annexes amended to reflect the current work programmes. Any variations or additional work during the year are negotiated at the time.

Working with local authorities

36. Defra and the Welsh Government, together with the former LACORS and AHVLA have developed an Animal Health and Welfare Framework. The aim is to provide structured delivery of services in animal health and animal welfare. The Framework provides a national minimum standard for comprehensive service planning and delivery that considers the needs of the individual community while ensuring that national aims of central Government are achieved. This Framework Agreement has formalised the important partnership between Defra, the Welsh Government, AHVLA and local authorities. Most local authorities in England and Wales responsible for delivery of services in animal health and animal welfare are participating in the Framework. The Animal Health and Welfare Framework is available at the following link:
 - lacors.gov.uk/lacors/ContentDetails.aspx?id=24753
37. As part of the Framework, a service delivery plan is agreed annually between the local authority and the relevant Divisional/Regional Office of AHVLA. Each participating local authority in England and Wales is also required to make an annual return to Defra outlining its profile, structure, type, staffing levels, and a risk assessed breakdown of premises within its area.
38. As part of the Framework AHVLA manages a Defra-owned web-based secure enforcement database - the Animal Health & Welfare Management & Enforcement System - AMES). This facilitates local authorities to enter information in relation to their respective enforcement activities and provides management information at a local, regional and national level.

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 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 imported food of animal origin is the responsibility of DARD).
2. In 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).
3. Local authorities in Britain also have a role in delivering certain elements of central Government policy on animal health and animal welfare and in enforcing animal health and welfare rules. This includes inspections of farm premises, livestock markets and shows, slaughterhouses, and vehicles transporting live animals. It also includes enforcement of legislation covering disease control (including TSEs), animal identification, animal by-products, animal gatherings, livestock movements, and enforcement of certain animal welfare legislation, e.g. in relation to markets and transport.

Organisation, management and resources

4. There are 469 local authorities in the UK. A map showing their boundaries is available at:
 - statistics.gov.uk/geography/downloads/uk_cty_ua.pdf .

The RSU¹⁴⁸ is the representative body for all local authorities within the UK.

¹⁴⁸ More information on RSU and its activities is available at:
lacors.gov.uk/pages/trade/lacors.asp

5. Local authorities 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 authorities are unitary.
6. With regard to food law enforcement, Counties are responsible for enforcing food standards legislation (e.g. food composition, labelling, claims and presentational matters) and also on-farm food hygiene, whilst Districts are responsible for other food hygiene matters. Unitary Authorities are responsible for both hygiene and standards issues.
7. Local authorities with points of entry into the European Union are responsible for official controls on food products being imported from third countries. These include local authorities specifically constituted as PHAs for this function under an Act of Parliament.¹⁴⁹ In places where a PHA cannot be constituted, e.g. airports, the relevant local authority will act as the PHA. The Association of Port Health Authorities (APHA)¹⁵⁰ is the representative body for PHAs.
8. BIPs are facilities within a port or airport designated as a place dedicated to undertake veterinary checks on 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.
9. With regard to feed, responsibility lies with 150 local authorities and one PHA in England, 32 local authorities in Scotland and 22 in Wales.
10. The feed and food law regulatory services of local authorities are generally provided by Environmental Health or Trading Standards Departments authorised officers (Environmental Health or Trading Standards Officers and other technical officers – see para 19 below).
11. With regard to enforcement of animal health and animal welfare rules, there are 149 local authorities in England, 32 local authorities in Scotland and 22 in Wales. Animal health and welfare services are generally provided by Trading Standards Departments and with authorised animal health and welfare officers.

Accountability

12. Day to day operational control of local and port health authority regulatory services rests with senior authority officers. Overall policy, resource allocation strategy, and monitoring of service delivery rests within each authority with the

¹⁴⁹ Public Health (Control of diseases) Act 1984, c 22.

¹⁵⁰ More information on APHA is available at: apha.org.uk/

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.

13. Local authority feed and food law regulatory services are required under the terms of the Framework Agreement with the FSA to draw up, document and implement a service delivery plan (see para 22). 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 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 is submitted for approval to the relevant member forum of elected members or councillors.
14. In England and Wales the development of a revised National Animal Health and Welfare Framework for England and Wales (see para 29), emphasises the importance of local authorities' enforcement role in disease prevention. The Framework helps LAs to understand key national priorities, but also provide the essential flexibility for them to respond to the unique needs of their individual farming communities. Priorities at a national level are focused on contingency planning, risk assessment, intelligence sharing and changing the behaviour of non-compliant businesses. The Framework provides a risk-based approach to delivery of animal health and welfare services. It aims to be robust enough to produce comprehensive plans and data and supports bids for finance or other resources, whether these are made locally or centrally. It is also intended to be flexible enough to allow delivery within local arrangements and priorities.
15. In Scotland, a Framework Agreement has been successfully piloted by five local authorities with a view to its full implementation by all 32 authorities in Scotland on 1st April 2012. The Framework provides a risk-based approach to delivery of animal health and welfare services and sets out performance standards. Local authorities in Scotland and the Scottish Government operate within the boundaries of corporate governance and are accountable to Scottish Ministers, Parliament and ultimately the public.

Funding

16. 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 most of their funding as a block grant from the Scottish Government and about 20% is raised through council tax. In Northern Ireland, district councils are funded through local taxation and by grants from the FSA. In addition, PHAs collect administrative charges in respect of checks on imported organic products, and those authorities with BIPs recover the costs of veterinary checks of imported POAO.
17. The direct funding from Defra previously available to local authorities in England and Wales for delivery of animal health and welfare services ceased. In England, a reduced amount of this funding is now included in the Revenue

Support Grant. In Wales, direct funding by the Welsh Government has continued in 2011/12 at a reduced level. This direct funding of local authorities was introduced following the 2001 outbreak of Foot and Mouth Disease and was developed to cover the additional costs that were incurred to implement the requirements of the newly introduced legislation under the standing regime.

Human resources

18. It is estimated that, within the 469 UK local authorities, approximately 1,500 Environmental Health Officers (EHOs) and 500 Trading Standards Officers (TSOs) (full time equivalents) are authorised to undertake food law enforcement. These officers are supported by technical and administrative staff.
19. EHOs 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 Health¹⁵¹ (for England, Wales and Northern Ireland) or by the Royal Environmental Health Institute of Scotland.¹⁵² TSOs are qualified, trained and skilled in providing legal advice, investigating consumer complaints and ensuring compliance with relevant aspects of food and feed legislation. All TSOs hold a degree in consumer protection or an equivalent qualification from a university approved by a Trading Standards Institute.¹⁵³ EHOs and TSOs may be assisted by other officers that are appropriately qualified, competent, experienced and authorised to enforce food and feed law.
20. Resources allocated to local authorities for animal health and animal welfare work varies according to the size of the authority and the nature and volume of any agricultural activity within it. In England and Wales, there are approximately 384 local authority inspectors responsible for delivery of services in animal health and animal welfare. In Scotland there are approximately 170 local authority officers who are authorised to carry out the animal health and welfare function. Approximately 32 of these are dedicated solely to that function.

Control activities

Feed and food

¹⁵¹ More Information on the Chartered Institute of Environmental Health is available at: cieh.org/

¹⁵² More information on the Royal Environmental Health Institute for Scotland is available at: rehis.com

¹⁵³ More information on the Trading Standards Institute is available at: tradingstandards.gov.uk/

21. 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. 22) 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 EU food hygiene legislation¹⁵⁴ (in Northern Ireland, this is the responsibility of the QAB of DARD, and in Scotland local authorities and SGRPID are responsible), and also the EU feed hygiene Regulation.¹⁵⁵ 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. PHAs 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.
22. Each individual authority's planned control activities are set out in their service delivery plan. This includes:
- the number of premises inspections/interventions programmed, an estimation of the number of revisits that will need to be made, and any targeted inspection activity that the authority intends to carry out;
 - an estimation, based on previous years trends, of the likely demand on the service for dealing with complaints;
 - an estimate of the resource needed for businesses for whom it acts as the Home Authority or originating authority, and responding to enforcing authority enquiries;
 - an estimation of the number of contacts from businesses regarding the provision of advice;
 - details of sampling programmes and an estimate of the number of samples that may be taken in relation to complaints; and
 - an estimation, based on previous years trends, of the likely demand on the service in dealing with control and investigation of outbreaks and food related infectious disease.
23. A range of control methods are employed in fulfilling control functions. These include inspections/interventions of feed and food premises, inspections of feed and food itself, and sampling and chemical analysis and microbiological examination. Inspection/intervention frequencies are determined by reference to the inspection rating scheme in the relevant Food Law Code of Practice (see paras 33 to 36). 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

¹⁵⁴ Detailed information on this legalisation is available at:
food.gov.uk/foodindustry/regulation/hygleg/

¹⁵⁵ 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.

in investigating complaints, control and investigation of outbreaks and food related infectious disease, and in providing advice to businesses.

24. At BIPs, control activities on imported POAO are carried out in accordance with Directive 97/78/EC¹⁵⁶ and Regulation 136/2004/EC.¹⁵⁷ This includes the 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. Veterinarians are employed/ contracted by the local authority to carry out checks on POAO (other than fishery products) at BIPs. 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.¹⁵⁸
25. With regard to imported feed and food of non-animal origin, controls at points of entry include documentary checks on consignment manifests, random identity checks on consignments/containers and as appropriate 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 the requirements of 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.
26. For higher risk feed and food of non-animal origin, Commission Regulation (EC) No 669/2009 of 24 July 2009 implements Article 15 (5) of Regulation (EC) No 882/2004 as regards the increased level of official controls on imports of certain feed and food of non-animal origin. This came into force on 25 January 2010 and requires that such feed and food enters the EU through designated points of entry that have minimum facilities for the official controls to be undertaken. The list of the relevant feed and foods in Annex I of the Regulation is amended by the Commission, when appropriate. The FSA is implementing it through new national legislation (The Official Feed and Food Controls Regulations 2009) and, guidance for enforcers and importers. More information is available at:

¹⁵⁶ 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 24, 30.1.1998, 9-30.

¹⁵⁷ Commission Regulation (EC) No 136/2004 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.

¹⁵⁸ 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.

- food.gov.uk/foodindustry/imports/banned_restricted/highrisknonpoao

Recognition of Natural Mineral Waters

27. In the case of natural mineral waters originating in Scotland, Wales and Northern Ireland the relevant Local Authority is responsible for granting Official Recognition.

Retail Enforcement Pilot

28. The Retail Enforcement Pilot (REP) has been running in England since November 2004 looking to reduce the cost of compliance to business by adopting Hampton principles to reduce the number of inspections a business faces. Four key enforcement bodies have been involved in the pilot to establish protocols whereby Environmental Health, Trading Standards, Health and Safety and Fire inspections are shared. The Agency fully supports the REP project, which will allow authorities to more effectively target resources at the highest risk premises while reducing the burden of inspection for well managed businesses.

Food contact materials

29. From 1 July 2011 controls were applied at designated first points of introduction on imports of melamine and polyamide plastic kitchenware from China and Hong Kong under Regulation (EU) No 284/2011. Regulation 284/2011 was implemented by new national regulations (the Plastic Kitchenware (Conditions on Imports from China) Regulations 2011).

Animal health and welfare

30. Most local authorities in England and Wales responsible for delivery of services in animal health and animal welfare are participating in the Framework (see para 14) with Defra, AHVLA and the Welsh Government. Scotland has also developed a framework agreement which is currently being adopted by LAs. Both these frameworks include a requirement to provide service delivery data on animal health and animal welfare enforcement activities, including information on outcomes of such activities, using the AMES database (see [Appendix D](#), para 38).
31. Local authorities are responsible for checking compliance with a wide range of animal health and animal welfare legislation including animal identification, animal movements and movement records, disease control, animal gatherings, animal welfare, animal by-products, bio-security and contingency planning.
32. Control activities that are carried out to check compliance include visible presence at 'critical control points' such as markets and other licensed premises, selective visits and inspections to verify legislative compliance (including any records required) and out-of-hours checks (outside of normal

specified operating hours, or subsequent days) at places such as markets (premises licensed for sale), slaughterhouses and premises licensed for collection of animals for slaughter or for further rearing or finishing. In addition, checks are carried out on vehicles transporting animals or animal products/waste.

33. Local authorities also respond reactively to referrals from other agencies such as AHVLA, the FSA and the RPA. They also respond to complaints from members of the public and non-governmental bodies such as welfare organisations and similar groups.
34. Local authorities also have a role in operating the British Cattle Movement Service (BCMS) Animal Movement Licensing System (AMLS2). They are responsible for the entry of movement data relating to sheep, goats, pigs and deer. Authorities have access to and can carry out checks on reported livestock movement information held on both the BCMS Cattle Tracing System and the AMLS2 system to ensure compliance with animal movement requirements.

Compliance with requirements in Regulation 882/2004

Control procedures - feed and food

Food Law Codes of Practice and Food Law Practice Guidance

35. 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. Revised Food Law Codes of Practice for England, Wales and Northern Ireland were published during 2008. A revised Code for Scotland was published in 2009. The associated Practice Guidance will be updated in line with the revised Codes in due course. The current versions of the Codes/Practice Guidance are available by following the links at:
 - food.gov.uk/enforcement/enforcework/foodlawcop/
 - food.gov.uk/enforcement/enforcework/foodlawcop/copscotland/
 - food.gov.uk/enforcement/enforcework/codepracticewales
 - food.gov.uk/enforcement/enforcework/foodlawcop/copni/
 - food.gov.uk/enforcement/enforcework/
 - food.gov.uk/enforcement/enforcework/feedlawcop/

36. 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

37. With regard to feed, the FSA has issued a Feed Law Code of Practice (and in due course will issue Practice Guidance) to which relevant local authorities (i.e. those in Britain) will be required to have regard in carrying out their duties. The Code is available at:
- food.gov.uk/multimedia/pdfs/feedcodeofpractice.pdf
38. For consistency, in Northern Ireland, Practice Guidance has been developed for use by DARD (which carries out feed law enforcement in Northern Ireland) and which incorporates the content of the Code for Britain. Similarly, the VMD, which also has feed law enforcement responsibilities, has Standard Operating Procedures for its inspectors which take account of the content of the Code for local authorities. The NI Feed Law Enforcement Guidance is available at:
- food.gov.uk/multimedia/pdfs/feedlawguideni.pdf

Framework Agreement on Local Authority Food Law Enforcement

39. This covers food law enforcement services in local authorities throughout the UK and feed law enforcement services in Britain. The Agreement is available at
- food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf.
40. 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.
41. 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

42. The BIP Manual provides guidance on the implementation of legislation concerning checks on POAO 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 transshipment 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.
43. 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:
- archive.defra.gov.uk/foodfarm/animaltrade/imports/bips/pdf/bipmanual.pdf
 - archive.defra.gov.uk/foodfarm/animaltrade/imports/ovsnotes/index.htm

Control procedures - animal health and welfare

44. Control procedures are set out for local authorities in England and Wales within the appropriate service delivery plan when agreed between local Regional Operational Directors (RODs) and each local authority. Service delivery plans are identified as a priority area for consideration by local authorities under the Framework with Defra and the Welsh Government. The Framework is available at:
- lacors.gov.uk/lacors/ContentDetails.aspx?id=24753
45. In Scotland each local authority has a service plan in place outlining activities for animal health and welfare. Included in these activities for local authorities are: enforcement policies/powers; procedures for authorising officers; procedures for inspections and visits; procedures for dealing with complaints and complaint procedures; and procedures/plans in place for dealing with outbreaks of notifiable diseases. An agreed service plan forms an important part of the full implementation of the Framework Agreement in Scotland.

Staff performing official controls

46. **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) for ensuring that they and their officers are impartial and free from conflict of interest in carrying out their duties.

47. Employment contracts and management ensure that local authority staff involved with animal health and animal welfare controls and enforcement are free from conflicts of interest.
48. **Qualifications** – The pre-requisite qualifications and experience for food enforcement officers are set out in detail in the Food Law Codes of Practice, and for feed enforcement officers in the Feed Law Code of Practice and the Feed Law Enforcement Guidance in Northern Ireland.
49. For animal health and welfare, the Framework Agreement with Defra and the Welsh Government sets out the benchmarks for qualifications. All enforcement staff are required to hold a recognised qualification or to undertake to achieve such a qualification as soon as possible or have equivalent professional experience. In addition, all officers are expected to undertake continuing professional development, including training on new legislation and procedures relevant to animal health and welfare.
50. In Scotland, similar provisions apply as for officers in England and Wales as outlined in paragraph 47.
51. **Training** – The Food and Feed Law Codes of Practice 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 included in the Feed Law Code of Practice. 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).
52. Continuing professional development of local authority animal health and welfare staff includes keeping up to date on relevant legislation and central Government requirements, codes of practice etc. Training may be provided for specific, targeted areas, such as the requirements of the new Animal Welfare Act. AHVLA arrange update training for BIP staff two times a year. All BIPs should attend the training at least once every two years. In addition, there are numerous existing external training providers for local authority staff, and Defra and others also provide speakers at various events whenever possible.

Internal monitoring and audit arrangements

53. 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 para 13 above).

This should be submitted for approval by elected members, as appropriate. 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.

54. Many local authorities carry out reciprocal inter-authority auditing 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.
55. Each local authority in Britain with responsibilities for enforcing animal health and animal welfare rules will have its own service plan and its performance against these plans will be monitored on a regular basis by the local authority management processes and beyond that by a range of local auditors and government inspection regimes. Beyond this, in England and Wales there are some specific objectives contained in the Framework Agreement, which Defra audit teams monitor, while in Scotland annual returns are also required to be sent to the SG RED.

Appendix F

Animal Health and Veterinary Laboratories Agency - Dairy hygiene inspections

Roles and responsibilities

1. AHVLA 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, AHVLA's equivalent is part of the QAB of DARD and, in Scotland, local authorities are responsible for inspecting milk production holdings. AHVLA 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' drinking milk in England and Wales.

Organisation, management and resources

2. AHVLA's inspectors in England are based within a regional structure and are managed by a Technical Team Leader. Technical advice to the inspectors is provided by a Technical Services Manager based in Worcester with support in the field from Technical support staff. With regard to resources, the AHVLA has 12 full-time equivalent inspection staff.
3. AHVLA carries out its functions on behalf of the FSA under the terms of an SLA. This Agreement is functionally managed by the Head of the FSA's Enforcement and Local Authority Delivery Division, which is part of its Operations Group.
4. Further details of the structure, organisation and responsibilities of the AHVLA can be found at:
 - animalhealth.defra.gov.uk/egg-and-milk/dairy/index.htm

Control activities

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 2006.¹⁵⁹ This involves the registration of production holdings (dairy farms), inspection of milking premises, equipment and milk-producing animals, and enforcing satisfactory standards. AHVLA also provides guidance and advice to businesses on compliance with the legislation. Details of the prioritisation of control activities are provided in the AHVLA's Operating Procedures (see para 8 below).

6. AHVLA also supervises a statutory programme of sampling and testing of raw cows' drinking milk that is carried out in accordance with national food hygiene legislation¹⁶⁰ on behalf of FSA by Eclipse Scientific Group¹⁶¹ in England and Wales. This requires that raw cows' milk for drinking is sampled at every registered raw cows' drinking milk holding every three months. The laboratory constitutes a 'control body' for the purposes of Regulation 882/2004 and is contracted by the FSA (see [Appendix R](#)) to undertake the statutory testing work. This sampling and analysis is managed and monitored by the AHVLA who are kept informed of visits made and results obtained.
7. In order to facilitate its activities, AHVLA uses an FSA database known as the Dairy Hygiene Database. This contains details of all the registered milk production holdings (dairy farms) in England and Wales, including records of inspections and relevant intelligence on compliance.

Compliance with requirements in Regulation 882/2004

Control procedures

8. AHVLA inspectors work in accordance with AHVLA Operating Procedures. These provide written instructions for inspectors and set out the responsibilities and the 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. A copy of the Operating Procedures is available at:
 - animalhealth.defra.gov.uk/egg-and-milk/dairy/index.htm

¹⁵⁹ Detailed information on this legalisation is available at:
food.gov.uk/foodindustry/regulation/europeleg/eufoodhygieneleg/

¹⁶⁰ Food Hygiene (England) Regulations 2006 (SI 2006/14) and the Food Hygiene (Wales) 2006 (SI 2006/31 (W. 5)).

¹⁶¹ More information on Eclipse Scientific Group is available at: eclipsescientific.co.uk/

Staff performing official controls

9. **Freedom from conflict of interest** - AHVLA 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** - AHVLA inspectors should 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, AHVLA 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 AHVLA 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.
13. The official control activity of the AHVLA is also subject to audit by the FSA as part of the risk-based audit plan.

Appendix G

Animal Health and Veterinary Laboratories Agency and the Scottish Government Rural Payments and Inspections Directorate – Egg Hygiene inspections

Roles and responsibilities

1. AHVLA 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 SG RPID¹⁶² and in Northern Ireland by DARD QAB. Enforcement of the hygiene regulations at egg packing stations is carried out by local authorities in England, Wales and Scotland, and in Northern Ireland by DARD QAB - see [Appendix H](#).

Organisation, management and resources

2. AHVLA is an Executive Agency of Defra and is organised on a regional basis aligned with the Government Offices in England. AHVLA also operates in Wales. There are 24 Egg Marketing Inspectors, two senior EMIs providing technical support across England and Wales and a Technical Services Manager dedicated to the Egg Marketing team. The AHVLA inspectors are supported by four full time equivalent administrative staff. Further information on the structure and organisation of AHVLA's egg marketing function is available at:
 - animalhealth.defra.gov.uk/egg-and-milk/dairy/index.htm
3. Within SG RPID, there is a small dedicated team of five full-time and one part time egg marketing officers. Further information is available at:
 - scotland.gov.uk/Topics/Agriculture/Agricultural-Policy/LivestockAndLivestockProd/EggsAndPoultry/Enforcement
4. AHVLA carries out its functions on behalf of the FSA under the terms of an SLA which is reviewed twice annually. The SG RPID function is set out in an MoU which is reviewed annually. Management of the MoU rests with the Senior Agricultural Officer (Poultry) within SG RPID and FSA in Scotland .

¹⁶² Prior to Government changes that took place in Scotland following Parliamentary elections in May 2006, the functions of the Rural Payments and Inspections Directorate of the SG RED that are described in this Appendix were undertaken by the Egg and Poultry Unit of the Scottish Government's Environment and Rural Affairs Department.

Control activities

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 2006¹⁶³ and Food Hygiene (Wales) Regulations 2006.¹⁶⁴ This involves the registration of production premises (egg production units), inspection of premises, animals, records and enforcing satisfactory standards. AHVLA also provides guidance and advice to businesses on compliance with the legislation.
6. SG RPID will inspect premises for the enforcement of primary production food hygiene measures contained in Annex I of Regulation (EC) No 852/2004 and of certain egg hygiene measures contained in Annex III, Section X, Chapter I of Regulation (EC) No 853/2004 and for the enforcement of primary production feed hygiene contained in Regulation (EC) 183/2005. FSA in Scotland appoints Scottish Government officers from SG RPID to be authorised officers under the relevant domestic legislation for the purpose of enforcing the primary production egg hygiene requirements.

Compliance with requirements in Regulation 882/2004

Control procedures

7. AHVLA 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 SG RPID. These are reviewed and updated regularly where changes in the processes are required.

Staff performing official controls

8. **Freedom from conflict of interest** - AHVLA operates a policy such that no inspector can have an interest in any business directly associated with the industry.

¹⁶³ SI 2006/14

¹⁶⁴ SI 2006/31 (W S)

9. **Qualifications** - In order to conduct hygiene inspections, all AHVLA inspectors must hold a Level 3 (formerly Intermediate Chartered Institute of Environmental Health) qualification in Food Hygiene. They also receive training in-post and AHVLA Inspectors must work toward holding a National Vocational Qualification (NVQ) in Egg Marketing. In Scotland there is a base level entry, requiring at least five Scottish Certificate of Education passes (or equivalent), 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, AHVLA inspectors attend a training seminar every two years and also undergo one-to-one development training with senior inspectors. In addition, individual training and development needs for all AHVLA Inspectors and SG RPID 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 AHVLA has established internal assessment procedures and procedures for reporting inspector performance and compliance trends to FSA. Internal controls include Regional Inspectors carrying out joint inspections with their Inspectors and with other members of their regional or national teams. In addition, inspectors are quality assessed by reviewing random samples of inspection reports and enforcement action throughout year. Animal Health Managers and the TSM (EMI) monitor 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 Inspector and their manager to take action and summary information is provided to FSA.
12. Independent audit of the performance of AHVLA takes place as part of the FSA's risk-based audit programme.
13. Arrangements for the audit of SG RPID by FSA in Scotland are currently being developed. Authorised officers of SG RPID will be expected to report the outcomes of their inspections on FSA in Scotland's Scottish Primary Production Official Controls System (SPPOCS) database. This shall be completed as soon as possible or by 31 December each year at the latest.
14. With respect to internal quality assurance, Egg Marketing Officers (Poultry) 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 H

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 FSA for meat, AHVLA, the SG RPID and local authorities, in relation to on-farm food hygiene requirements, in Britain. In addition, DARD is responsible for official controls in respect of all feed law in Northern Ireland mirroring the activities of local authorities, Animal Health and VMD in Britain.
2. DARD is also responsible for monitoring and the enforcement of animal health and animal welfare legislation in Northern Ireland.
3. In addition, DARD mirrors the official control activities of the Plant Health and Seeds Inspectorate (PHSI) in Britain. More information on this function is provided in [Appendix P](#) which details the make-up of the UK's Plant Health Service.

Organisation, management and resources

4. Detailed information on the organisation and management of DARD can be found at:
 - dardni.gov.uk
5. Division of responsibility for DARD's official control functions is as follows.
 - DARD VS-VPHU provides a similar service in Northern Ireland to that provided by FSA Operations in Britain under an SLA with the FSA.
 - DARD QAB – undertake the feed and other food enforcement functions for which DARD is responsible.
 - DARD VS monitors and enforces compliance with animal health and animal welfare legislation (responsibility for policy formulation and development of legislation lies with the Animal Health and Welfare Division within DARD).
 - DARD FHI monitors and enforces compliance with fish health legislation (responsibility for policy formulation and development of legislation lies with the DARD Fisheries Division).

6. 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 DVOs and individual teams are led by an OV. The full complement of operational staff in VS-VPHU comprises 30 OVs, 12 Senior Meat Inspectors, 124 Meat Inspectors and 16 Poultry Meat Inspectors.
7. QAB has six full-time equivalent staff responsible for carrying out official controls on feed; 12 engaged in official controls of milk production and drinking milk processing and handling, 3.7 carrying out statutory egg inspections and three carrying out other on-farm hygiene inspections.
8. The DARD VS has 623 full-time equivalent personnel available for purposes of carrying out official controls. DARD has five Fish Health Inspectors for the implementation and enforcement of disease control measures.

Control activities

Feed

9. With regard to feed, DARD carries out those controls undertaken by local authorities, AHVLA and the VMD in 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 (GM) 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

10. QAB Milk Section enforces food hygiene legislation¹⁶⁵ on behalf of the FSA in milk production units and approved liquid milk premises.
11. QAB Egg Marketing Inspectorate (QAB-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.
12. DARD QAB also enforces food hygiene legislation on behalf of the FSA on all other primary production units (except fish & shellfish which are the responsibility of the district councils).

¹⁶⁵ More information on this legalisation is available at:
food.gov.uk/foodindustry/regulation/hygleq/

13. VS-VPHU enforces food hygiene legislation TSE and SRM controls 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.
14. With regard to imported feed and food, controls include documentary checks on 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 programmed sampling and analyses, and responding to food complaints or concerns.
15. At Border Inspection Posts (BIPs), control activities on imported feed and food of animal origin are carried out in accordance with Directive 97/78/EC¹⁶⁶ and Regulation 136/2004/EC.¹⁶⁷ This includes the checking of manifests to confirm that POAO 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 Trade Control and Expert System (TRACES) computer system.¹⁶⁸

Animal health and animal welfare

16. Animal health and animal welfare control methods differ according to which area is being covered and instructions for VS staff are available for each area. Resource is allocated on the basis of control priorities and the degree of risk. Risk registers are maintained by the VS and by the Animal Health and Welfare Division.
17. The VS is responsible for delivering Government policy on animal health and animal welfare. The VS conducts surveillance for endemic statutory diseases

¹⁶⁶ 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.

¹⁶⁷ Commission Regulation (EC) No 136/2004 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.

¹⁶⁸ TRACES is the European Commission's computer-based system used to control movements of live animals and food products into the EU and within the Union's territory aimed at consolidating and simplifying monitoring.

and the majority of VS work is focussed on the prevention, detection and management of animal diseases in livestock. This helps to support the livestock industry and allow it to continue to compete internationally. It also protects the human food chain.

18. The requirement to protect public health underpins many of the activities of the VS and much of its resource is spent administering and delivering agreed policies for public health, such as controlling bovine tuberculosis through herd testing, culling and other measures.
19. The VS also has specific responsibilities and functions in the case of any outbreak of exotic animal disease, detailed in Departmental contingency plans. In the event of an outbreak, the VS has the lead role in controlling the disease on the ground and implementing agreed control measures. The Department successfully utilised communication structures and frontline operational elements of their epizootic disease response plan in dealing with the Dioxin in Feed issue in early in 2009. Lessons have been identified and incorporated into ongoing revisions of the Contingency Plan for Epizootic Disease. The Department has continued to implement its ongoing training programme by carrying out two field-based exercises, a local command centre and a strategic command exercise based on an Avian Influenza scenario. Operational Partners were involved in all exercises.
20. The VS is responsible for a programme of inspections and sampling to ensure the welfare of animals. This includes checking farms, markets and animal during transport and at abattoirs to ensure that conditions are appropriate and that animals are not suffering cruelty, or unacceptable levels of stress or discomfort.
21. VS staff work at Border Inspection Posts to ensure compliance with animal health and welfare rules.
22. In addition the VS carries out the following:
 - responds promptly to all notifications of suspect TSE (scrapie and BSE); to identify, trace and restrict suspects, offspring and cohorts as required;
 - completes routine surveillance programme; to issue movement restrictions and test high risk animals for endemic disease;
 - conducts an agreed surveillance programme to monitor, assess and record current standards of animal welfare, where farmed livestock are kept, moved or gathered;
 - protects public health arising from residues in animals;
 - protects public health from contamination of animals or their products as directed by the FSA;
 - protects public health from various poultry diseases by recording, investigating and by implementing the requirements of the Zoonoses Order;
 - approves and inspects animal by-product premises;
 - maintains a Competent Authority List;
 - investigates promptly all cases of suspect notifiable diseases and takes appropriate measures for control, eradication and prevention including delivery of planned serological surveys;
 - implements artificial breeding controls; and,

- enforces livestock movement controls.
23. Priorities include:
- investigation of suspected exotic animal disease emergency preparedness and contingency planning;
 - European avian influenza control policies;
 - implementing specific animal health policies;
 - investigating animal welfare complaints, and working with livestock holders to ensure statutory requirements are met;
 - implementation of Animal Health and Welfare Strategy for Northern Ireland;
 - surveillance for endemic notifiable diseases and post importation surveillance and monitoring; and,
 - facilitating International Trade by certification and the provision of advice.
24. DARD Fisheries Division has responsibility for the control of fish disease in Northern Ireland under the Aquatic Animal Health Regulations (NI) 2009. In carrying out these responsibilities the FHI undertakes a routine sampling and inspection programme covering authorised fish farms and wild fisheries in Northern Ireland. It also inspects all fish destined for export out of Northern Ireland and issues movement documentation in line with EU requirements. Imports of fish into Northern Ireland are also inspected to ensure compliance with these requirements. A fish movement database records all movements of fish to, within and from Northern Ireland to enable the source and possible transmission of disease to be traced. Where there is reason to believe that waters are infected with disease organisms the Department has powers to take action to prevent, control and eradicate such disease and this is facilitated by the implementation of contingency plans.

Compliance with requirements in Regulation 882/2004

Control procedures

Feed and food

25. DARD QAB feed are continuing to update and review their Procedural Manual¹⁶⁹ which will be closely aligned with the Feed Law Code of Practice that has been issued in Britain (see Appendix E, para. 37).
26. QAB Milk Section works in accordance with the principles of the Food Law Code of Practice (Northern Ireland) and associated Practice Guidance¹⁷⁰ in

¹⁶⁹ 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.

¹⁷⁰ Copies of the Code and Guidance are available at:
food.gov.uk/multimedia/pdfs/nicop0808.pdf and food.gov.uk/multimedia/pdfs/nicopp.pdf

relation to enforcement in milk processing establishments. It also has documented Operating Instructions (similar to those used by AHVLA) 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 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.

27. 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.
28. The VS-VPHU has in place a manual of official controls similar to that of FSA (see [Appendix C](#)).

Animal health and animal welfare

29. Detailed guidance regarding tasks to be undertaken, along with roles and responsibilities for VS staff and veterinary contractors, is provided as Staff Instructions via DARD's Intranet and Document Management System. 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.
30. As a consequence of the introduction of the EU Aquatic Health Directive (2006/88),¹⁷¹ and the Aquatic Animal Health Regulations (NI) 2009, the FHI has reviewed and updated roles, responsibilities and staff instructions. The Fisheries Division Fish Health Manual collates all information on Fish Health and provides guidance for staff. This manual is under review with a view to completion by the end of 2011. Inspections on all authorised aquaculture production businesses are carried out on an annual basis. During inspections, the Inspectors undertake checks to ensure compliance with the Aquatic Animal Health Authorisation and with Fish Culture Licence conditions. A Fish Farm Inspection Form is completed in respect of each inspection and any action taken, advice given or follow up action required is noted on this form and clarified to the fish farmer in writing where necessary.

Staff performing official controls

¹⁷¹ Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. Official Journal L 328, 24.11.2006, 14-26.

31. **Freedom from conflict of interest** - All DARD staff carrying out official controls are required to declare any conflict of interest so that appropriate action can be taken where these might arise. Staff who are responsible for the welfare of their own livestock, or by association, cannot undertake any inspection or testing of these animals. Staff are also required to follow the core values as set out in the Northern Ireland Civil Service Code.¹⁷²
32. **Qualifications** - requirements are as follows:
- QAB feed enforcement staff are qualified to degree, diploma or certificate level in agriculture or food science and receive specific training in Hazard Analysis Critical Control Point (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.
 - Veterinary Officers (VOs) must be qualified as a Veterinary Surgeon and a Member or Fellow of the Royal College of Veterinary Surgeons.
 - DARD Fish Health Inspectors must have at least 5 GCSE "O" Levels and relevant experience of work in the fisheries sector.
33. **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

Feed and food

34. 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 an SLA with the FSA in relation to the enforcement of food hygiene regulations in relevant milk, egg and other primary production 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.
35. Parallel systems to those in place for FSA Operations exist for the VS-VPHU and the service is also audited by the FSA (see Chapter 5).

Animal health and animal welfare

¹⁷² The Northern Ireland Civil Service code of Ethics is available at:
nidirect.gov.uk/nics-code-of-ethics.pdf

36. DARD inspectors have management checks, based on risk, carried out at local level, HQ level and by both internal and external auditors. This includes formal audit procedures carried out by the Veterinary and Public Health Unit of the DARD Veterinary Service.

Appendix I

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 Britain. 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.¹⁷³ The VMD operates through its headquarters in Surrey and reports to Defra's Chief Veterinary Officer. Further information on the VMD is available on its website, and its strategy for delivering an effective regulatory service is set out in its current Business Plan 2011/12 – 2013/14 at:
 - vmd.defra.gov.uk/pdf/BusinessPlan.pdf.
3. VMD has about 153 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 additives in Britain, there are six regional inspectors involved in this work supported by two administrative staff. There are 4.5 full time equivalent posts involved in the operation of the statutory surveillance programme. Further details of the organisation of the VMD are available at:
 - vmd.defra.gov.uk/business/contact.aspx.

¹⁷³ Copies of the Framework Document are available free of charge from VMD (telephone +44 (0)1932 338337).

Facilities and services

4. The VMD's resources for supporting its control activities in the medicated feedingstuffs and specified feed additives sector include operating an exclusive inspections database, which is supported by the VMD's in-house IT unit. The database contains contact details for all approved premises. It also has activities codes, fee details and notes. The Feed Additives, Research and Enforcement policy team provides policy support and takes legislative responsibility. Defra Investigation Services and Litigation and Prosecution Team carry out legal investigations and prosecutions on behalf of the VMD for the possession, 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 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. 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.¹⁷⁴

Control activities

Medicated feed and specified feed additives

6. The VMD Inspectors are specifically authorised under the Veterinary Medicines Regulations 2009¹⁷⁵ for this purpose. They currently inspect and approve manufacturers and distributors of specified feed additives (SFAs)¹⁷⁶, premixtures and feedingstuffs containing SFAs and/or veterinary medicinal products (VMPs) and retailers of certain restricted veterinary medicines. The inspectors also carry out routine audits of feedingstuffs manufacturers and distributors, (which include taking samples of feed for quantitative analysis), and conduct follow up visits where serious non compliance necessitates additional control activities. 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).

¹⁷⁴ More information is available at: vmd.defra.gov.uk/public/research.aspx

¹⁷⁵ SI 2009/2297.

¹⁷⁶ Specified feed additives include coccidiostats, histomonostats and all other zotechnical additives except digestibility enhancers, gut flora stabilisers and substances incorporated with the intention of favourably affecting the environment.

7. The VMD introduced a risk-based approach for the inspection of feed business operators. The risk assessment takes into account the inherent risk of the business based on its activities and the potential risk to animal and public health, and the nature and number of non-compliances, which also take into account compliance history. The maximum period between inspections for the lowest risk, fully compliant, feed businesses will not exceed 48 months.
8. The VMD has set up an internal Enforcement Liaison Group. One of its aims is to agree the future enforcement priorities for the VMD.
9. The VMD is reviewing laboratory analysis capability in the UK and Europe for the withdrawn antimicrobial growth promoters and coccidiosis. Once reviewed the VMD will consider how the costs of such a programme can be met since all of its inspection activities are carried out on a cost recovery basis.
10. In view of the financial impact of charging the costs of laboratory analysis, the VMD has commissioned a research project to develop a farm-side rapid screening technique. The screening method has been successfully developed for tylosin, bacitracin zinc, virginiamycin, spiramycin, carbadox and monensin. The remaining antimicrobial growth promoters will be incorporated into the techniques during 2011/2012. This will provide an inexpensive method to detect the banned antimicrobial growth promoters for a fraction of the cost of conventional laboratory screening.
11. In addition Animal Health 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 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. An MoU between the VMD and Defra Animal Health has been developed and is in operation to formalise this arrangement.
12. The VMD and the RSU have revised their MoU to include details of banned substances and substances of interest to the VMD and Local Authorities.

Veterinary residue surveillance

13. The VMD is responsible for the operation of the residue surveillance programme in 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 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.

14. Samples are collected by the following bodies under terms (including key performance indicators) set out in SLAs or Memoranda of Understanding (MOUs): AHVLA, FSA, Cefas, Marine Scotland, Scottish Executive Environment & Rural Affairs Department (SEERAD) and the NBU. 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/EC. 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.
15. Analytical work for the National Surveillance scheme is being carried out by Fera; the VMD has an SLA with Fera which includes a detailed Specification of Requirements. Fera 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. Fera is subject to independent audits which are carried out annually.

Compliance with requirements in Regulation 882/2004

Control procedures

Registration and approval of establishments and intermediaries

16. Feed business operators manufacturing or mixing specified feed additives (SFAs) or veterinary medicinal products (VMPs) into premixtures or feedingstuffs, and distributors dealing with these products are required by UK law to be approved (by the VMD in Britain and by DARD in Northern Ireland) and to be inspected on a regular basis to ensure compliance with legislative requirements. The VMD keeps a register of all approved manufacturing establishments and distributors throughout Britain, which is published on the VMD website. Those establishments manufacturing specified feed additives that additionally manufacture authorised VMPs are inspected and approved by the Medicines and Healthcare Regulatory Authority¹⁷⁷ on behalf of the VMD.

¹⁷⁷ More information on the Medicines and Healthcare products Regulatory Agency is available at: mhra.gov.uk/home/idcplg?IdcService=SS_GET_PAGE&nodeld=5

Medicated feed and specified feed additives

17. The VMD inspectors work in accordance with documented Standard Operating Procedures which set out the procedures for undertaking official inspections, including sampling and dealing with non-compliance and infringements. They also cover reporting requirements which provide that all businesses inspected by the VMD receive a report of the findings. The Standard Operating Procedures are part of the VMD's Quality Management System.

Residues surveillance

18. 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 the independent Veterinary Residues Committee, which oversees the surveillance work.

Staff performing official controls

19. **Freedom from conflict of interest** - The Civil Service Code of Conduct for Inspectors applies to inspectors and prohibits them 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 SLA or MoU. 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.
20. **Qualifications** - The VMD's inspectors hold a formal qualification in agriculture/science and/or 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 required to undertake ISO 9000:2000

Auditor/Lead Auditor course and the Royal Institute of Public Health's Level 2 HACCP course within two years of appointment, if not already held.

21. **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 Animal Health 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

22. Annual inspection returns are made to the Commission via the FSA. The Head of VMD's Inspection Team monitors, and supervises the work of the other five inspectors and conducts internal audits on performance. Inspection details and outcomes are entered onto the database (see para 4). Audit arrangements are included in the VMD's long-term internal audit arrangement with RSM Tenon (previously RSM Bentley Jennison). The VMD anticipates that the next audit on its FeBO inspection arrangements will take place in 2013.

Veterinary Residue Surveillance

23. 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 VMD and the FSA 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
 - vmd.defra.gov.uk/vrc/
24. In Northern Ireland, representatives of the analytical services, Veterinary Service, Food Policy Branch of DARD and FSA 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 Operation Division.
25. VMD has an SLA 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 has been drawn up. The VMD already monitors performance via its database, which enables actual performance to be checked against Key Performance Indicators. An audit of sampling procedures carried out by Cefas officers was undertaken in February 2006. Audits of the work carried out by the FSA, Animal Health, the Egg Marketing Inspectorate and the NBU/Fera have also been undertaken. 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 carried out once the plan has been completed is anticipated.

Appendix J

Chemicals Regulation Directorate

Roles and responsibilities

1. The aim of the Chemicals Regulation Directorate (CRD) 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. CRD aims to monitor pesticides use and limit illegal use by taking appropriate enforcement action. Additional information on CRD's responsibilities is available at:
 - pesticides.gov.uk/corporate.asp?id=211

Organisation, management and resources

2. CRD is a Directorate of the Health and Safety Executive (HSE). It employs around 250 scientific, policy and support staff and is headed by a Director, who is supported by a Management Team. Its aims, objectives and functions, as well as its accountability, management and structure are set out in the CRD Business Plan which can be found at:
 - pesticides.gov.uk/corporate.asp?id=1984
3. Within CRD, pesticide residue control is the responsibility of the Consumer Safety and European Policy Branch. The full-time equivalent of 4.5 staff deal with pesticide residue control, including representing the UK in negotiations on EU pesticide residues legislation, and planning and implementing the residues monitoring programme. Scientific evaluations and advice, including risk assessments, are provided by the 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 out by various laboratories, with a further 27.6 full-time equivalent staff from the Rural Development Service, Horticultural Marketing Inspectorate and the PHSI, and private practitioners involved in sample collection for monitoring and enforcement purposes.
4. With regard to other resources, CRD has access to the following facilities and services:
 - **IT systems/database** - access to UK and European registration data for pesticide authorisation which informs the CRD analytical and sampling programme.

- **Pesticide Usage Surveys Team (Fera)** - CRD 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** - CRD has official arrangements with Fera 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 Fera can be found at fera.defra.gov.uk/.
- **Fera research and training facility** - CRD 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 Fera facilities for training events. Various training days for stakeholders have been arranged on issues relating to pesticide residues in food.

Control activities

Pesticide residue monitoring

5. CRD 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 Expert Committee on Pesticide Residues in Food (PRiF).
7. The PRiF 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 PRiF's remit is to advise UK government Ministers and the Director of CRD and the Chief Executive of the 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 PRiF can be found at

- pesticides.gov.uk/guidance/industries/pesticides/advisory-groups/PRiF
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. Depending on the specific circumstances, follow-up action may take one or more of the following forms:
- writing out to the parties concerned to warn of a breach of the controls and to seek explanations;
 - repeat sampling to identify further or consistent breaches;
 - naming of those parties responsible in published reports issued by the PRiF;
 - formal investigation in preparation for enforcement action, including the issuing of enforcement notices and taking prosecution action.

Control priorities

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

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
<p>Low</p> <ul style="list-style-type: none"> • no evidence of MRL exceedances or non approved pesticide problems on this commodity (from RASFF'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 	<p>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.</p>
<p>Medium</p> <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 	<p>Routine rolling surveys for mainly fresh commodities examined every 2-3 years. Targeted surveys to follow up on previous results.</p>
<p>High</p> <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 	<p>Annual survey for commodity of dietary significance or targeted monitoring survey for specific identified problem. UK participation in EU harmonised programmes.</p>

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) (see [Appendix E](#)) may conduct their own surveillance of pesticide residues, referring to CRD, 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 CRD staff involved in the surveillance programme, Standard Operating Procedures are not currently centrally collated for the competent authority (although there are Standard Operating Procedures for administrative tasks including follow-up action on results). For sample collection agencies and laboratories, all procedures are formalised in a contract or SLA 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 CRD reviews quarterly with the official laboratories.

Reporting arrangements

15. CRD 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 PRiF 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 CRD website (pesticides.gov.uk).

Staff performing official controls

16. Many 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 SLAs 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. HSE's internal audit division and the National Audit Office (NAO) report directly to CRD's Management Team in respect of the audits they complete. Audits cover propriety and security in addition to those performed around CRD's various regulatory and financial functions. Audit recommendations are considered by the Agency Management Team and progress against the recommendations is reviewed on a quarterly basis.
20. A preliminary high level audit of CRD's role in official monitoring took place in February 2008. This was carried out by independent Defra auditors, who indicated satisfactory controls were in place. 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 K

Animal Health and Veterinary Laboratories Agency

Roles and responsibilities

1. AHVLA¹⁷⁸ has responsibility for maintaining and improving animal health and animal welfare and minimising the impact of animal health issues on public health. AHVLA 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, AHVLA implements and monitors enforcement of national and EU legislation in all of the areas detailed above. AHVLA also provides advice on requirements for importing and exporting animals, facilitates this trade and inspects live animals and certain animal products at Border Inspection Posts (BIPs).
2. With regard to feed, AHVLA is responsible for ensuring compliance with the prohibition on the use of animal protein in animal feed under legislation on 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. Detailed information is available at:
 - archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/bse/controls-eradication/documents/feedbanguide.pdf
3. The requirement to protect public health underpins many of the activities of AHVLA and much of its resource is spent administering and delivering agreed policies for public health, such as controlling bovine tuberculosis through herd testing, culling and other measures.
4. AHVLA conducts surveillance for endemic statutory diseases and the majority of Animal Health work is focussed on the prevention, detection and management of animal diseases in livestock.
5. AHVLA is responsible for a programme of inspections and sampling to ensure the welfare of animals. This includes checking farms, markets, and animals during transport and at abattoirs to ensure that conditions are appropriate and that animals are not suffering cruelty, or unacceptable levels of stress or discomfort. Welfare at abattoirs is checked by OVs (previously OVSs) working for the FSA. The FSA would report to AHVLA a welfare problem in order for AHVLA to go and visit the farm.

¹⁷⁸ AHVLA is an executive agency working on behalf of Defra, the Scottish Government and Welsh Government. The Agency was formed on 1 April 2011, following the merger of Animal Health and the Veterinary Laboratories Agency.

6. AHVLA staff carry out checks at live animal BIPs, and at ports that only handle animal by-products, on third country imported animals health status and welfare.
7. In fulfilling its responsibilities AHVLA 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 and welfare policy.

Organisation, management and resources

8. The State Veterinary Service (SVS) was created as an Executive Agency of the Department for Environment, Food and Rural Affairs (Defra) on 1 April 2005. From 1 April 2007, the SVS changed its name to Animal Health. The Agency was joined by the Dairy Hygiene Inspectorate in 2006, and the Egg Marketing Inspectorate and Wildlife Licensing and Registration Service in April 2007. On 1 April 2011 Animal Health merged with the Veterinary Laboratories Agency to form AHVLA. AHVLA provides public health and animal health and animal welfare services throughout Britain on behalf of Defra, the Scottish Government and the Welsh Government.
9. AHVLA 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, Veterinary and Technical services, Field Services, Information Management & Technology and Projects and they form the collective Corporate Management Team. The Corporate headquarters is based in Worcester.
10. Operational matters in the field are dealt with by the AHVLA Offices and other outstations throughout Britain. Following a restructure of the management teams in England has resulted in Regional Operations Directors (RODs) and Regional Veterinary Leads being appointed within each region in England and Wales. DVMs remain in Scotland.
11. Within AHVLA as at August 2011 were 2,476.46 full-time equivalent posts including veterinarians, technical staff and others. Within Britain there are 10,729 Official Veterinarians.

Control activities

12. Detailed information on the control activities of Animal Health is available at:
 - defra.gov.uk/ahvla/about-us
 - defra.gov.uk/ahvla/files/customer-service-standards.pdf

Feed

13. AHVLA carries out a risk-based programme of inspections based on inspection requirements in EC Regulation No. 882/2004. The programme called the National Feed Audit (NFA) covers feed businesses throughout the animal feed chain including at import, production, haulage, storage and at end-user premises. Samples of feed ingredients and manufactured feeds are collected and analysed by the National Reference Laboratory (NRL) for the presence of animal proteins. On finding animal proteins in animal feed, an investigation is conducted to determine whether the findings breach the TSE Regulations. If a breach of the TSE Regulations is likely to have occurred further investigations are initiated to determine the cause and extent of the breach.
14. Approximately 2,500 feed businesses are inspected and 7,800 samples collected annually in the NFA programme. Detailed information, including monthly summary reports, on the National Feed Audit is available on Defra's website at:
 - archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/bse/statistics/nfa.htm
15. AHVLA has a role in inspecting and approving establishments to use restricted proteins like fishmeal in non-ruminant feed production and to permit finished product containing these restricted proteins to be used on farms with ruminants present.
16. 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, AHVLA will usually advise and assist local authorities (normally Trading Standards Departments) and may serve Notices to prevent the movement of ruminant animals or animal feed and require the recall or destruction of suspected feed. For incidents involving TSE susceptible animals, which have had access to feed material containing banned animal proteins, risk assessments are completed by AHVLA to inform decision-making on the fitness of animals, which have had access to such contaminated feed, to enter the food chain.
17. When contraventions have been reported to local authorities, the outcome of their action must be reported to senior management within local AHVLA Offices. If a senior manager considers that the local authority is taking too lenient a line, they would discuss the matter with the local authority. If this approach to the local authority fails to achieve an improvement, the local senior manager would escalate further.

Animal health and welfare

18. To carry out the official controls required for animal health and animal welfare, AHVLA has agreed working arrangements with the Government Offices for the Regions; the Devolved Administrations, HMRC/ UKBA, the Royal Society for the Prevention of Cruelty to Animals (RSPCA),¹⁷⁹ and others.
19. In undertaking these controls, AHVLA will:
- carry out its responsibilities and functions in the case of any outbreak of exotic animal disease, detailed in Departmental contingency plans. The contingency plan includes an overarching plan for dealing with a range of exotic animal diseases as well as plans for responding to specific diseases including Foot and Mouth Disease, Avian Influenza, Rabies and Bluetongue. A full list of exotic diseases is included in the plan which is available on Defra's website at: defra.gov.uk/animal-diseases/controls/
 - respond promptly to all notifications of suspect TSE (scrapie and BSE) in order to identify, trace and restrict suspects, offspring and cohorts as required; implement statutory controls on flocks and herds with confirmed cases of scrapie;
 - complete routine surveillance programmes to issue movement restrictions and test high risk animals for endemic disease and to review Parish testing interval for TB in line with relevant EU legislation;
 - conduct agreed surveillance programmes to monitor, assess and record current standards of animal welfare where farmed livestock are kept, moved or gathered;
 - reduce risk to public health arising from residues in animals as agreed with VMD;
 - reduce risk to public health from contamination of animals or their products as directed by the FSA;
 - reduce risk to public health from various poultry diseases by recording, investigating and by implementing the requirements of the zoonoses legislation;
 - inspect and test animals at BIPs. The results of veterinary checks are recorded in TRACES and manual returns are also kept;
 - risk based post-import checks (checks at destination) of EU origin animals;
 - inspections visits to animal products BIPs to ensure they are maintained and operated in accordance with EU legislation;
 - issue export health certificates and carry out reconciliation and audit of returned EHCs by Official Veterinarians to monitor and assess standards of certification;
 - approve animal by-product premises;
 - investigate promptly all cases of suspect notifiable diseases and to take appropriate measures for control, eradication and prevention including delivery of planned serological surveys;
 - implement artificial breeding controls;
 - enforce livestock movement controls and liaise with the British Cattle Movement Services;

¹⁷⁹ More information on the RSPCA is available at: rspca.org.uk

- ensure compliance with legislation relating to animal gatherings.

Compliance with requirements in Regulation 882/2004

Control procedures

20. Detailed guidance regarding tasks to be undertaken, along with roles and responsibilities for AHVLA staff and veterinary contractors, is provided by means of operating instructions referred to as the Operations Manual. The various chapters within the Operations Manual are available to AHVLA staff 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.
21. Formal enforcement including prosecution is entrusted to local authorities in almost all the legislation in which AHVLA staff are involved. In some cases (for example, where it may involve an area of national interest) investigation and enforcement may be carried out by the Defra Legal Investigation Branch.
22. When contraventions have been reported to local authorities, the outcome of their actions must be reported to senior management within local AHVLA offices. If a senior manager considers that the local authority is taking too lenient a line, they would discuss the matter with the local authority. If this approach to the local authority fails to achieve an improvement, the local senior manager would escalate further. All enforcement activity undertaken by local authorities in England and Wales is recorded on the AMES database. AHVLA, Defra, Welsh Government and RPA all have read only access to this database.

Reporting arrangements

23. All required information is recorded on a number of IT systems developed for AHVLA. Reports are regularly extracted from data supplied providing results for both national and local requirements. Operational reports are produced on a monthly basis for all AHVLA targets including Customer Priority Indicators (CPIs) and Other Priority Indicators (OPIs). A quarterly Performance report is produced detailing all Ministerial, CPI and OPI targets which is reported to Food and Farming Group in Defra and to the Devolved Administrations. Shortfalls in delivery are discussed and remedial action plans are developed to ensure that any shortfall in control visits is rectified. An Annual Report is produced giving details of targets and accounts, which is posted on the AHVLA website for general access.

Staff performing official controls

24. **Conflict of interest** - Staff carrying out official controls are required to carry out their functions impartially under the terms of their contracts with AHVLA. Staff who are responsible for the welfare of their own livestock, or by association, cannot undertake any inspection or testing of these animals. Staff carrying out official controls are required, under the conditions of service, to declare any conflicts of interest so that appropriate action can be taken where these might arise. Staff are also required to follow the core values as set out in the Civil Service Code.¹⁸⁰
25. **Qualifications** - All VOs and Official Veterinarians (OVs) must be qualified Veterinary Surgeons and be a Member or Fellow of the Royal College of Veterinary Surgeons.
26. **Training** - A comprehensive programme of learning and development is available to all AHVLA 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. In addition, AHVLA provides a Veterinary and Technical Development Pathway scheme for field staff to strengthen their professional skills.

Monitoring and audit of control activities

27. AHVLA staff undertaking official control activities are assessed annually as part of their staff performance assessment on the quality and consistency of the controls that they carry out.
28. AHVLA is currently developing Quality Assurance procedures for the whole organisation. This quality framework will include management checks of both field and office control activities.
29. AHVLA is working with its Internal Auditors and other bodies to develop a programme of audit work which will meet the requirements of its partners. Procedures are also being developed to ensure the audit process is transparent, subject to independent review and ensuring action is taken in response to audits in accordance with EU legislation.

¹⁸⁰ Available at: civilservicecommission.independent.gov.uk/assets/db/53249280dc5.pdf

Appendix L

Rural Payments Agency

Roles and responsibilities

1. The Rural Payments Agency's (RPA) Inspectorate conducts a range of farm, traders and technical inspections to ensure full compliance with the relevant UK and Community legislation.¹⁸¹ From 1 January 2007, this has included sheep and goats inspections under EC Regulation 21/2004.¹⁸²

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 falls within the Compliance Directorate within the RPA, which brings together the RPA Inspectorate, Defra Investigation Services, Scrutiny and Counter Fraud & Compliance, in order to develop better knowledge and intelligence services and promote the sharing of these more effectively across the RPA, and, where appropriate, Defra. The 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.

¹⁸¹ Some of these inspections are carried out under cross-compliance arrangements. Cross-compliance does not fall within the scope of Regulation 882/2004 on official controls. However, certain inspections and checks are carried out under cross-compliance, such as for cattle identifications, and are part of the overall animal health and welfare picture, and provide assurances of compliance with animal health and welfare rules.

¹⁸² Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC. Official Journal L5, 9.1.2004, 8-17.

Control activities

Food

3. With regard to beef labelling,¹⁸³ the RPA remit is to check that operators in England and Wales have in place the necessary records of a comprehensive traceability system, to ensure that beef in the supply chain 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 of birth and country(ies) of rearing; and
 - country of slaughter and cutting, with the approval numbers of the slaughterhouses and cutting plants;
 - in mincing plants, that all packs are labelled correctly; and
 - that the meat of bovine animals aged 12 months or less is classified with the appropriate category identification letter and labelled with the relevant sales description of the Member State.
4. 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.

Animal health and animal welfare

5. The RPA carries out standalone statutory inspections under the bovine and sheep & goat records, identification and movement Orders to ensure farmers and traders maintain appropriate records and conform to the animal identification and movement requirements. Inspectors check compliance by undertaking a physical inspection and examination of the livestock, records and supporting documentation to ensure a comprehensive traceability system

¹⁸³ Information on the beef and veal labelling systems and how they operate in the UK is available at:
pa.defra.gov.uk/rpa/index.nsf/UIMenu/82B7E979CF32287280256F72003DBAFF?Opendocument

is in place and therefore verify in the case of cattle the validity of the Cattle Tracing System (CTS).

6. Inspectors have powers to seize or amend cattle passports, take copies of records, place whole herd or individual restrictions on non compliant animals and if necessary serve a notice to slaughter un-identified animals.
7. Checks are conducted to establish compliance against existing domestic or EU legislation – covering the areas of livestock identification and record keeping for cattle, sheep, goats and pigs, the use of plant protection products, feed and food law including dairy hygiene and TSEs. Non-compliances found are assessed based on the severity, extent, permanence and repetition of the breach by the inspection officer. For accreditation purposes holdings are selected for inspection based on various risk factors, a random element is also selected.

Compliance with requirements in Regulation 882/2004

Control procedures

8. The RPA Inspectorate conducts inspections on over 50 different schemes, both in relation to animal health and cross-compliance. 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

9. 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 FSA Operations staff. These inspections are carried out at least once per year, but may 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.
10. All inspection activity is recorded and monitored on the RPA Inspectorates work flow monitoring, work profiling and quality control IT systems which have been specifically developed. Management information and reports are regularly extracted providing performance statistics, results and quality control analysis on a national, team and individual inspector basis. Development of a 'claim to pay' IT system by the RPA continues and allows inspectors to

schedule tasks, provides electronic inspection report forms and other inspection functionality. An Annual Report is produced giving details of targets and performance, which is posted on the RPA website for general access.

Staff performing official controls

11. **Conflict of interest** - If any members of RPA staff have what may be seen as a conflict of interest, i.e. being a part-time farmer etc, they must declare this. A strict rotation process whereby the inspector cannot complete multiple visits to the same holding or beneficiary is also operated.
12. **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 Tests Council (NPTC - the largest provider of vocational awards in the agricultural sector).
13. **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 and audit of control activities

14. Details of audit systems are provided in Appendix S.

Appendix M

Rural Inspectorate for Wales

Roles and responsibilities

1. The work of the Rural Inspectorate Wales (RIW) underpins the Rural Payments Wales (RPW) role as a payment agency.
2. The RIW undertakes a range of on-farm inspections, the majority of which are associated with the Common Agricultural Policy (CAP) Single Payment Scheme (SPS) to verify compliance with Statutory Management Requirements and to check claimant compliance. These include cattle identification inspections to validate the UK's cattle tracing database and sheep and goat identification inspections under EC Regulation 21/2004.¹⁸⁴ Other duties include the administration of Chernobyl Sheep Movement Restrictions and inspection of Trader Based Schemes. In total, the RIW conducts inspections on over 20 different schemes.

Organisation, management and resources

3. The RIW currently has staff located across Wales. The Field Inspectors are separated into seven management control areas and are managed by a team leader. The Central Management team located at Llandrindod Wells co-ordinates the activities of the branch as well as providing the Field Support Unit for all the inspectors. All Chernobyl activities are managed and co-ordinated from Caernarfon Divisional Office.

Control activities

4. The RIW carries out standalone statutory inspections under the bovine and sheep & goat records, identification and movement orders to ensure farmers and traders maintain appropriate records and conform to the animal

¹⁸⁴ Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC. Official Journal L5, 9.1.2004, 8-17.

identification and movement requirements. Inspectors check compliance by undertaking a physical inspection and examination of the livestock, records and supporting documentation to ensure a comprehensive traceability system is in place and therefore verify, in the case of cattle, the validity of the Cattle Tracing System (CTS).

5. Inspectors have powers to seize or amend cattle passports, take copies of records, place whole herd or individual restrictions on non compliant animals and if necessary serve a notice to slaughter un-identified animals.

Compliance with requirements in Regulation 882/2004

Control procedures

6. The RIW Inspectorate conducts inspections on over 20 different schemes. Detailed inspection instructions for each scheme are agreed with the relevant scheme managers in the RPW or Defra.

Reporting arrangements

7. All inspection activity is recorded on the RPW Computer database (CAPIT). Management reports are available on CAPIT that provide performance statistics, results and quality control analysis on a national, team and individual inspector basis.

Staff performing official controls

8. **Conflict of interest** – if any members of staff have what may be seen as a conflict of interest, i.e. being a part-time farmer etc, they must declare this.
9. **Qualifications** – Many RIW 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 Welsh Government Qualification, which focuses on customer service, management and communication skills.

10. **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 control checks and ongoing developmental support from his or her manager. Individual training needs are identified and addressed through the appraisal system. This is controlled through the IT system which checks field staff training prior to allocating the work.

Monitoring and audit of control activities

11. Details of audit systems are provided in Appendix S.

Appendix N

Bee health

Roles and responsibilities

1. Bee Health policy is administered by Fera in England, the WG RA in Wales, SG RED in Scotland and DARD in Northern Ireland. The NBU is delegated under contract to deliver the bee health programmes in England and Wales. In Scotland, delivery is undertaken by the Directorate's agricultural staff Bee Inspectors and DARD's agriculture inspectors in Northern Ireland. Additionally, the AHVLA is responsible for carrying out controls of bee imports from outside the EU at designated Border Inspection Posts (BIPs).
2. The Government funds bee health programmes to control the spread of notifiable pests and diseases of honey bees and to identify and manage the risks associated with new pests and diseases that may be introduced into the UK, thus protecting colonies for the pollination of commercial crops and wild plants as well as honey production. In addition, the programme protects consumers by minimising the risks of residues in harvested honey entering the food chain through the illegal or unauthorised use of medical treatments for honey bee pests and diseases. This is completed under statutory residue monitoring programmes for foodstuffs including honey.

Organisation, management and resources

National Bee Unit

3. The National Bee Unit (NBU) is part of Fera. It reports to Defra in England and the WG RA in Wales respectively, on all aspects of delivery to their Bee Health Programmes. Detailed information on the NBU is available at:
 - nationalbeeunit.com
4. In terms of human resources, the NBU comprises the following:
 - **full time** - one Head of Unit, one National Bee Inspector, eight Regional Bee Inspectors, one Commercial and Diagnostic Services Manager, two research co-ordinators, one Laboratory diagnostician, one apiary manager and supporting office and administrative personnel and
 - **part-time** - 46 Seasonal Bee Inspectors and supporting research from specialists across Fera.

5. The NBU uses a sophisticated database of beekeepers that enables work practices to be optimised and to be tracked and reported accurately. Fera has a range of facilities that are used to support strategic objectives to protect bee health. As well as the specific core NBU laboratories for disease diagnosis, the NBU also has access to and uses the services of laboratories in other Fera Groups e.g. for molecular diagnostics; Polymerase Chain Reaction (PCR) antibody based diagnostics; and residue analysis (pesticides and veterinary medicines). It also maintains bee colonies required for beekeeper training and R&D and trials work.

SG RED

6. In Scotland, the bee health programme is implemented by the SG RED and the operational aspects of the programme are delivered by the Government's Bee Inspectors and Science and Advice for Scottish Agriculture (SASA)¹⁸⁵ who offer a diagnostic service allowing beekeepers to submit samples for examination and assessment of notifiable pests and disease. The Scottish Government also provides funding to the Scottish Agricultural College (SAC)¹⁸⁶ to support the work of an Apiculture Specialist who offers advice, guidance and training on bee health and husbandry.
7. In terms of human resources, the programme involves a Branch Head, a Policy officer, a Principal Agricultural Officer and a Higher Agricultural Officer (Lead Bee Inspector), four (full-time equivalent) Bee Inspectors, a Scientific Branch Head, a Scientific Advisor and an Apiculture Specialist Consultant.
8. The Bee Inspectors are responsible for responding to notification of reports of notifiable diseases and subsequent control measures to contain and eradicate the disease.

DARD

9. In Northern Ireland, the bee health programme is implemented by DARD. The operational aspects of the programme are delivered by one Senior Bee Inspector and three Area Seasonal Bee Inspectors from the Department's Quality Assurance Branch (QAB). Courses on beekeeping are organised by the Greenmount Campus, College of Agriculture, Food and Rural Enterprise, at various centres throughout Northern Ireland to advise on disease recognition and control. A diagnostic service is available to both DARD staff and beekeepers who suspect the presence of bee diseases at AFBI at Newforge Lane.

Control Activities

¹⁸⁵ More information on SASA is available at: sasa.gov.uk/

¹⁸⁶ More information on the SAC is available at: sac.ac.uk/

10. Bee Health measures undertaken include colony inspections for notifiable pests and diseases; diagnostics; treatment or destruction of infected colonies; veterinary checks on imports; applied research; and education of beekeepers aimed at encouraging more self-sufficiency in the apiculture sector.
11. In terms of control methods and techniques used, colonies infected with American foul brood are destroyed while those infected with European foul brood may be destroyed or treated depending on the level of infection.
12. AHVLA officials are responsible for carrying out official controls of bee imports from outside the EU (i.e. documentary checks) at BIPs. Bee inspectors and NBU staff are empowered under veterinary legislation to ensure that importers comply with EU post import requirements aimed at reducing the risk of introduction and spread of notifiable exotic bee pests, as well as being responsible for assessing the health status of bees prior to export from the UK.
13. The NBU, Bee Officers in Scotland and DARD Bee Inspectorate also collect honey samples on behalf of the VMD under Council Directive 96/23.¹⁸⁷ The samples are analysed by the Food Science Group at Fera.

Control priorities and risk categorisation

14. The inspection programme in England and Wales is undertaken on a risk-basis, concentrating principally in areas where notifiable diseases (American foul brood and European foul brood) are known to be present and where colony density is high. A surveillance programme for notifiable exotic pests (small hive beetle and tropilaelaps mites) focuses on apiaries in areas considered most “at risk” of an introduction.

Compliance with requirements in Regulation 882/2004

Control procedures

15. Inspection procedures are stipulated in Good Laboratory Practice Standard Operating Procedures.

Reporting arrangements

16. All inspection activity is recorded and monitored through the NBU database, BeeBase, which has been specifically developed for the management of the statutory Bee Health Inspections Programme. Management information,

¹⁸⁷ Council Directive 96/23/EC on measures to monitor certain substances and residues thereof in live animals and animal products. Official Journal L 125, 23.5.1996, 10-32.

monthly and quarterly reports against performance indicators are regularly extracted from BeeBase and the Fera financial and accounting IT systems. The data on the inspections programme are available to stakeholders on the Beebase website.

Staff performing official controls

17. Conflict of interest - Staff within the NBU and DARD are bound by government rules and potential conflicts of interest must be declared.
18. Qualifications - There is a very rigorous recruitment and training programme in place as an integral part of the bee health programme to develop bee inspectors' skills and experience. A post-graduate degree in a biological subject and a minimum of two years relevant experience or a degree; or a degree or equivalent, preferably in a biological subject, or a related subject and at least three years relevant experience; or candidates without this level of qualification would need to have at least six years relevant experience in apiculture. Some inspectors have over 30 years experience in apiculture. In Scotland the Bee Inspectors are part of the Rural Payments and Inspections Directorate and have a core requirement to hold a base level qualification in agriculture. In addition most of the Bee Inspectors are beekeepers in their own right and are encouraged to develop their CPD by taking beekeeping qualifications.
19. Training - All NBU inspectors regularly attend training and require a range of specialist skills to implement bee health controls in England and Wales. Operational Instructions are set out in separate Good Laboratory Practice (GLP) Standard Operating Procedures, which are updated at least bi-annually. Comprehensive training records demonstrating competencies are maintained as part of GLP. There are also comprehensive and on-going training systems in place including an annual two day conference. In Northern Ireland, Bee Inspectors attend annually bee disease identification courses and also attend Bee Association events to improve and maintain their skills. The Agricultural Officers who carry out Bee Inspections in Scotland regularly attend an annual 2-3 day refresher training course and other events as available and work to the SGRPID Guidance Notes for Bee Diseases and Pests Control. They also attend bee association events and maintain contact with the SAC Bee advisor on bee related work.

Monitoring of control activities

20. NBU activities are subject to review and audit by both Fera's Quality Assurance Department and the UK GLP Monitoring Authority.
21. Field work undertaken by bee inspectors employed by Fera is checked periodically (spot checks) by Regional Bee Inspectors (RBIs) to see how targets are being met. RBIs also maintain at least weekly contact with their teams and report regularly to the NBU's National Bee Inspector. Outcomes of field visits are recorded and all results logged on NBU's beekeeper database.

Checks on visits and laboratory diagnosis are made regularly by the NBU's Field and Laboratory Managers. Laboratory diagnosis checks are carried out daily. In Northern Ireland, the area Bee Inspectors are supervised by the Senior Bee Inspector on an on-going basis. In Scotland the Lead Bee Inspector forms part of the inspection team and monitors and supervises for the most part in the field.

Appendix O

Aquatic Animal Health

Roles and responsibilities

1. The Fish Health Inspectorate (FHI) of Cefas is responsible for the enforcement of the EU aquatic animal health regime in England and Wales, on behalf of Defra and the Welsh Government. This includes statutory inspection, sampling and testing programmes at fish, shellfish and crustacean farms, investigation of disease outbreaks in wild and traded fish, shellfish and crustacean stocks, enforcement of statutory disease controls and implementation of controls on the import and export of live fish, shellfish and crustaceans.
2. In delivering its responsibilities on aquatic animal health the Inspectorate works closely with stakeholders in the aquaculture industry, the ornamental fish trade, fishery managers and their relevant trade associations. It provides an advisory service to the industry and the general public aimed at increasing the effectiveness of national aquatic animal health controls.
3. The Inspectorate provides additional services to Defra and the Welsh Government, as well as other government bodies where these can be integrated into farm inspection programmes; this includes taking samples for veterinary medicines testing, assessing water pollution impacts on stock marketing from fish farms, screening for non-notifiable diseases, assessing current fish welfare status on farms and controlling non-native fish species.
4. In Scotland, the Scottish Government's Marine Scotland is responsible for statutory measures under the Aquatic Animal Health (Scotland) Regulations 2009 and EU fish health legislation to prevent the introduction and spread of serious pests and diseases of fish and shellfish which may affect farmed and wild stocks. Marine Scotland also has wider responsibilities in relation to aquaculture in general, the protection of fish, fisheries and the marine environment.
5. Marine Scotland Science (MSS)¹⁸⁸ carries out a wide range of essential marine and freshwater fish farm research and offers advice on aspects of production and disease control on behalf of Marine Scotland. Its mission includes providing support for a healthy sustainable aquaculture industry and to safeguard the health of wild fish stocks, through regulation and scientific advice backed by high quality research. It advises the local authority planning departments on the implications for disease control, existing fishing interests

¹⁸⁸

scotland.gov.uk/Topics/marine/science

and the inshore marine environment of applications for marine fish farm leases, and is consulted by the Scottish Environment Protection Agency on discharge consent applications.

6. In Northern Ireland, DARD is responsible for statutory measures under the Aquatic Animal Health (Northern Ireland) Regulations 2009 and the related EU fish health legislation to prevent the introduction and spread of serious pests and diseases of fish and shellfish which may affect farmed and wild stocks. Responsibilities include statutory inspection, sampling and testing programmes of fish and shellfish farms and a programme of sampling and testing of wild fish. DARD Fisheries Inspectorate is also responsible for investigation of disease outbreaks in wild and farmed fish and implementation of fish disease control measures. The Veterinary Division of the AFBI provides specialist monitoring, diagnostic and research work on behalf of DARD and the FSA on fish and shellfish health, and shellfish hygiene respectively.

Organisation, management and resources

CEFAS

7. Cefas was established as an Executive Agency of Defra on 1 April 1997. It provides scientific research and advice to Defra on a broad range of issues related to the aquatic environment. It currently operates two main laboratory sites, from its headquarters in Lowestoft. The Cefas Weymouth laboratory provides specialist, monitoring, diagnostic and research work on behalf of Defra and the FSA on fish and shellfish health, and shellfish hygiene respectively.
8. The FHI, based at Cefas Weymouth has existed in its current format since 1992. It currently comprises 20 staff, including 10 field inspectors responsible for the monitoring programmes for aquatic animal health and investigation of disease outbreaks, six staff dealing with imports and support and a four person senior team responsible for programme management, high level advice to Defra and the industry, and the implementation and enforcement of disease control measures.
9. The work of the Inspectorate is supported by other teams at Cefas Weymouth, including diagnostic services, the research departments and an epidemiology group.

SG RED and MSS

10. MSS is a division of Marine Scotland, and provides expert scientific and technical advice to Government on marine and freshwater fisheries, aquaculture and the protection of the aquatic environment. Its precursor FRS was formed in April 1997 and incorporated the Marine Laboratory in Aberdeen, the Freshwater Laboratory in Pitlochry and outstations throughout

Scotland. The work MSS carries out on behalf of the Scottish Government is governed by a service level agreement (SLA), set out on an annual basis. MSS has formal accreditation for several areas of analytical and inspection work, under UKAS and other areas will follow.

11. MSS employs over 270 staff and incorporates the Fish Health Inspectorate (FHI). The FHI comprises 17 staff responsible for the implementation of domestic and European aquatic animal health regulations throughout Scotland.

DARD Aquaculture and Fish Health Inspectorate and AFBI

12. The DARD Aquaculture and Fish health Inspectorate currently comprises seven staff with three staff dedicated to the implementation of disease control measures. The Veterinary Sciences Division (VSD) of AFBI, a non-Departmental Public Body established in April 2006 (formerly Science Service, DARD), currently employs over 250 staff. VSD staff are responsible for monitoring programmes and investigation of disease outbreaks in fish and shellfish. VSD has formal accreditation for several areas of analytical work, under UKAS and the Medicines Health Products Regulatory Agency, and other areas will follow.

Control activities

Control priorities and risk categorisation

13. The principal aspects of the work of Cefas, FRS and DARD are:
 - the investigation of abnormal mortality incidents, control of notifiable diseases and the implementation of contingency plans for exotic and non-exotic listed diseases;
 - the monitoring of farms as required to maintain and improve the current health status of Britain and Northern Ireland under the EU aquatic animal health regime;
 - the issue of import or export documents to the industry, and the monitoring of imports to support the high health status of the industry in Britain and Northern Ireland; and
 - enforcement activities, principally to counter illegal fish imports.

CEFAS

14. The FHI at Cefas undertakes the control activities listed below on behalf of Defra and the Welsh Government.

- The statutory inspection and sampling of authorised aquaculture production businesses (APBs) in England and Wales as required to maintain or improve Britain's aquatic animal health status under the EU aquatic animal health regime.
- Maintenance of the register of authorised aquaculture production businesses, and the register of 'put and take' fisheries.
- The investigation of disease outbreaks on fish, shellfish and crustacean farms, in other marine, estuarine and inland waters and in the ornamental trade, in order to control notifiable or emergent diseases within England and Wales. This may involve serving movement controls in order to prevent the spread of infection.
- Monitoring the health status of imported stocks in conjunction with Animal Health staff at live animal BIPs, to prevent the introduction of notifiable diseases, or undesirable alien species to Britain.
- Operating an intelligence driven enforcement programme to detect and prevent any breaches of UK aquatic animal health legislation, particularly in respect of the illegal importation of fish. The Inspectorate works in close co-operation with other agencies, such as HM Police, HMRC/UKBA, Defra / the Welsh Government and the Environment Agency (EA) and with industry representative bodies and commercial companies to facilitate the success of this programme.
- Provision of advice on import certification and the issue of movement documents and health certificates for exports of live fish and shellfish to the aquaculture and related industries and to the general public as required. A comprehensive advisory service is operated in support of this function, in which the [Aquatic Animal Health and Movements website](#) - see para. 29 - plays an integral role.
- Licences for the keeping and release of certain non-native fish species (regulated under the Import of Live Fish Act 1980) are also administered by FHI through an electronic consultation and licensing system developed for the Starfish Database, a system developed by Cefas to make relevant data available to appropriate staff within the core agencies involved (Defra, the Welsh Government, EA and Cefas).
- Provision of advice on aquatic animal disease control matters to Defra and the Welsh Government, industry, the public and other bodies as required. The Inspectorate operates a Citizens' Charter which places targets for response to enquiries and the conduct of inspections for registration or fish export purposes.
- Provision of advice to Defra and the Welsh Government on the development of contingency plans, and implementation of agreed contingency plans in the event of a disease outbreak, including advice/instruction to industry on statutory controls, disposal and movement of fish, slaughter and eradication of disease.
- Sampling of fish on farms for veterinary medicine residues on behalf of VMD.
- Inspection of farms and provision of advice to Defra and the Welsh Government on plans for the withdrawal or marketing of farmed fish following pollution incidents.
- Provision of maps illustrating potential impact of water pollution events on fish and shell fish farms.

15. MSS FHI is responsible for the authorisation of all aquaculture production businesses (APB), aquaculture processing establishments (APE) and the registration of non-commercial undertakings, put and take fisheries and specialist transport businesses. A register of such operations is maintained for disease control purposes. Conditions of authorisation are imposed on all APB and APE.
16. MSS contributes advice, data and information in support of the Clean Seas Environmental Monitoring Programme (CSEMP) reporting to the Clean and Safe Seas Evidence Group (CSSEG) under the auspices of the UK Marine Monitoring and Assessment Strategy. The Green Book is the interactive manual of the current CSEMP that provides details on the aims, objectives and operational information. There are three main analytical quality control subgroups underpinning the work of CSSEG. These are:

National Marine Chemistry Advisory Group. The requirements of this scheme are fulfilled by

- Quality Assurance for Information for Marine Environmental Monitoring in Europe (QUASIMEME);
 - National Marine Biological Analytical Quality Control Scheme;
 - Biological Effects of Contaminants in the Marine Environment Group.
- The requirements of the last two schemes are largely met by the Biological Effects Quality Assurance in Monitoring Programmes (BEQUALM).

17. MSS aims to prevent the introduction and spread of serious fish and shellfish diseases in Scotland. Their main priorities include:
 - Risk based surveillance involving regular inspection of farms, appropriate sampling and diagnosis of disease
 - Assessment of the risk posed by farms in relation to the contracting and spreading of disease
 - Responding to increased mortality incidents and outbreaks of disease - certain diseases must be notified to the Department and formal procedures exist for the treatment and disposal of infected stock;
 - Provision of advice on fish and shellfish health;
 - Responding and investigating fish escape incidents;
 - Producing annual production surveys for fish and shellfish;
 - Participating in the consultation process for aquaculture site planning, several order and grant aid applications;

Trade in live aquaculture animals and products – the MSS Inspectorate is responsible for monitoring all imports of live fish and shellfish, including non-native species, into Scotland from outside the UK. They carry out on the spot checks on imports at points of entry and at destination points. They also provide movement documents in order to meet the requirements for fish and shellfish moving to other parts of the EU and to third countries as necessary;

Conditions of authorisation - Fish and shellfish farmers are required to keep a record of mortalities and movements of aquaculture animals on and off their farm. They are also required to maintain a bio-security measures plan. Records are inspected in the field and help MSS Inspectorate trace the source and spread of infection in the event of an outbreak of a notifiable disease;

Application of movement restrictions – If the FHI have reasonable grounds to suspect the presence of a notifiable disease on a farm, they may impose control measures by designating areas to prevent the spread of disease;

Veterinary medicines residues sampling – operations are undertaken under The Animal and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997, on behalf of the Veterinary Medicines Directorate. This involves inspecting fish farm medicine records, taking samples from farmed fish for veterinary medicines residue testing, and investigating any positive results.

Sea lice and containment inspections – An inspection programme relating to sea lice (*Lepeophtheirus salmonis* and *Caligus elongatus*) and containment in accordance with the Aquaculture and Fisheries (Scotland) Act 2007 is conducted. Where it is concluded that satisfactory measures are not in place to prevent, control or reduce sea lice on fish farms or where satisfactory measures are not in place to contain fish, prevent escapes or recover escaped fish, then powers to serve an enforcement notice exist and can direct the execution of specific work as necessary.

DARD and AFBI

18. DARD is responsible for the licensing of all marine, land-based and freshwater fish and shellfish farms in Northern Ireland under the Fisheries Act (Northern Ireland) 1966 and the authorisation of all aquaculture production businesses and registration of put and take fisheries and non-commercial installations in Northern Ireland under the Aquatic Animal Health Regulations (Northern Ireland) 2009. To ensure compliance with authorisation and licence conditions and for the purposes of disease control, the DARD FHI undertakes a programme of regular fish farm inspections together with a sampling and testing programme. Certain diseases must be notified to DARD and formal procedures exist for the treatment and disposal of infected stock and the control and eradication of diseases.

Compliance with requirements in Regulation 882/2004

Control procedures

Cefas

19. There is an MoU between Defra and the FHI for the Inspectorate's activity. An outline of the FHI work programme is set out in an Annex to the MoU.
20. An enforcement strategy is linked to annual enforcement plans with specific objectives.

21. The Inspectorate is working to improve quality standards across the range of its activities. For example, the collection and testing of statutory samples for viral haemorrhagic septicaemia virus, infectious haematopoietic necrosis virus and spring viraemia of carp virus was accredited under ISO 17025 in 2005. Since 2005 further diagnostic tests have been accredited to include koi herpesvirus, white spot syndrome virus, epizootic haematopoietic necrosis and *Gyrodactylus salaris*. In addition the accreditation of sample collection for diagnostic testing was extended in 2010 to include the sampling of fish, bivalve molluscs and crustaceans for full disease screen diagnostic testing. The scope of accreditation will be further extended to encompass testing for all of the aquatic animal diseases that are notifiable in England and Wales. The accredited quality systems at the Cefas Weymouth laboratory are audited annually by UKAS.
22. Field Inspectors' competency is a requirement of the above accreditation, and a formal framework has been developed to ensure that inspectors receive adequate training and assessment in inspection tasks throughout their career. New inspectors will typically take around one year to become competent to carry out their principal duties independently.
23. All inspection, sampling and disease diagnostic data are recorded on the Starfish database. This system contains a scheduling tool, which identifies all sites requiring particular types of inspection, and allows senior inspectors to create a schedule of visits for any given period. Each scheduled inspection is allocated a unique identifier which will apply to all work carried out in respect of that scheduled visit. The system generates all necessary paperwork for inspectors to carry on a particular scheduled visit. This allows all work carried out to be audited.
24. An access permissions system on the database ensures that users have access only to data essential for them to complete their work. For example all samples are blind tested within the laboratory to ensure that samples are treated in a uniform manner irrespective of any prior disease history on the site of origin. Access permissions also restrict the number of users able to input and edit particular data within the system.

MSS

25. MSS is accredited by the UKAS under the ISO 17025 standard to perform a range of chemical, microbiological and biological effects measurements. This includes laboratory chemical analysis for contaminants in marine and freshwater environments, microbiological assays for human pathogens, a range of diagnostic tests for fish diseases, and some of the associated field procedures. Accreditation has also been attained under ISO 17020 for aspects of work relating to MSS FHI, including the procedures of inspection and sampling in the field. Documented procedures and an internal audit programme are crucial components of the quality system.

AFBI

26. The VSD is the official laboratory for the monitoring of marine biotoxins, fish diseases and shellfish diseases on behalf of DARD in Northern Ireland. VSD

is currently accredited by UKAS under the ISO 17025 standard and by the Medicines Health Products Regulatory Agency for Good Laboratory Practice. ISO 17025 accreditation is currently being sought for all statutory fish and shellfish testing.

Reporting arrangements

Cefas

27. The Inspectorate produces quarterly and annual reports to the Defra Aquatic Animal Health policy customer, outlining progress against targets established in the MoU.
28. An annual report of Inspectorate activities and Citizens Charter compliance is published in Finfish News and Shellfish news (Cefas journals sent to the industry) and placed on the [Aquatic animal health and movements](#) website.
29. Reports on all site inspections, sampling and testing are generated from the Starfish Database and sent to the farmers or other industry personnel to whom they apply. Farmers are also sent copies of all farm data held on this system to check any amendments made following inspections.
30. The database has a reporting system which enables the Inspectorate to generate summary data for customer reports, or reports on for example farmed fish production in a format suitable to the industry, which meet both Data Protection Act¹⁸⁹ and Freedom of Information Act¹⁹⁰ requirements.

MSS

31. MSS staff have considerable experience in field experimentation and sampling in both the freshwater and marine environments, including ocean going marine surveys. Most of the scientific programme MSS conducts is on behalf of Marine Scotland.
32. Following inspections of all farms and other sites for disease control purposes where advice has been given or statutory action may be necessary, MSS Inspectorate will provide a follow-up letter within 10 working days. This will confirm in writing any points which were raised during the visit and any action which MSS or the SG RED require to be taken.

¹⁸⁹ An Act to make new provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information legislation.gov.uk/ukpga/1998/29/contents

¹⁹⁰ The Act provides a general right of access to all types of recorded information held by public authorities. This right is subject to certain exemptions most of which require case by case consideration of the balance public interest legislation.gov.uk/ukpga/2000/36/contents

33. MSS inspectors will provide a clear and concise written report on the results of any tests undertaken. Where a notifiable disease is found in the sample, they will, wherever practicable, give a verbal report within one working day of the confirmatory test. This will be confirmed in writing within five working days. Where no notifiable disease is found in the sample, this will be confirmed within ten working days of the full results becoming available.

DARD

34. DARD FHI aims, objectives and targets are published in the DARD Fisheries Division Annual Corporate and Business Plan. Inland inspections are carried out in the presence of licensed/authorised fish farmers and signed off by the farmer and the inspector on site. Marine inspection reports are posted out to licensed/authorised fish farmers. Where any issues are identified, appropriate follow-up inspections are undertaken. The information is collated on a database which has the facility to generate reports. Farmers receive a signed copy of statutory testing reports relating to their enterprises.

Staff performing official controls

35. **Conflict of interest** - Cefas FHI and MSS staff are not permitted to have any involvement or business interest in the industries for which they have any regulatory responsibilities. All Cefas staff are required to disclose any potential conflict of interest between their role and any personal business. Additionally, DARD FHI staff are required to submit a conflict of interest return on an annual basis. MSS maintain a register of interests which includes a summary of outcomes of discussions with line management.
36. **Qualifications** - Fish Health Inspectors are recruited generally with a minimum of a first degree qualification, and some relevant experience of work within the aquaculture or related industries. However, on-the-job and professional training may also be undertaken. In Northern Ireland, the minimum criteria for recruitment of Fish Health Inspectors are 5 GCSE "O" Levels and relevant experience of working in the fisheries sector.
37. **Training** - The FHI operates a competency framework to ensure that new Inspectors are properly and fully trained on all aspects of inspection activity, and their performance assessed before they can carry out independent inspection work. The competency framework is under further development to ensure that Inspectors develop a broad understanding of matters relevant to their work, such as an understanding of diseases and their control, fish health legislation and enforcement activities, (including awareness training under the Police and Criminal Evidence Act 1984¹⁹¹). Recruited inspectors for the MSS undertake up to a year's field, office and organised in-house training (when

¹⁹¹ Police and Criminal Evidence Act 1984 (PACE), c 60.

ongoing assessment is made) before being allowed to operate on their own. They are assessed in the field by their area manager when deemed to be of an appropriate standard by their peers and subsequently sampling audited to an accredited UKAS standard annually. A new professional qualification has been introduced and training for this is presented at the University of Stirling Institute of Aquaculture. All the inspectors will eventually go through this training. New recruits to the DARD FHI are subject to an induction programme including on-the-job training, fish health legislation and enforcement.

38. Recruited inspectors for MSS undertake up to a year's field, office and organised in-house training (when ongoing assessment is made) before being allowed to operate on their own. They are assessed in the field by a trained auditor when deemed to be of an appropriate standard by their peers. Subsequently sampling and inspections are audited to an accredited UKAS standard biennially. A professional qualification has been introduced and training for this is presented at the University of Stirling Institute of Aquaculture. All the inspectors will eventually go through this training. New recruits to the DARD Fish Health Inspectorate are subject to an induction programme including on-the-job training, fish health legislation and enforcement.

Monitoring of control activities

39. Senior fish health inspectors are responsible for monitoring progress of particular areas of work, and make reports at monthly Inspectorate meetings to advise inspectors of any need to re-assess progress or to target particular areas of work. In addition, DARD FHI are required to submit returns to monitor progress on achievement of targets set out in the annual corporate and business plan.
40. Individual inspector's performance is assessed through checks on paperwork and samples submitted to the laboratory for data inputting and testing respectively and through their reporting performance under the Citizens Charter.
41. For the MSS FHI, their UKAS audit system follows similar procedures to these, which are audited annually by UKAS.

Appendix P

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 set out in Council Directive 2000/29.¹⁹² Information about the Service is available at:
 - fera.defra.gov.uk/plants/plantHealth/

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 paras 3 to 10.

Fera's Plant Health Policy Programme and Team

3. Fera is an executive agency of Defra. More detailed information on Fera is available at: fera.defra.gov.uk/ The Fera's Plant Health Policy Team is the EU focal point for plant quarantine and plant certification policy 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 EU legislation. It issues scientific licences for work on prohibited pests and plants, and phytosanitary certificates for some plant products. The Policy team is based at Sand Hutton, near York.

¹⁹² 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.

4. The Head of the National Plant Protection Organisation for the UK is the Head of Fera's Policy Programme and reports via Fera's Director of Policy and Regulation to Defra's Secretary of State on plant health matters.

Plant Health and Seeds Inspectorate

5. The Plant Health and Seeds Inspectorate (PHSI) is also part of Fera, and 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 enforcement for Fera's Plant Variety and Seeds Team. The Chief Plant Health and Seeds Inspector works directly to the Fera Director responsible for implementation. There are c. 40 local PHSI offices around the country and a headquarters at Fera's Sand Hutton site near York. A list of these is available at
 - fera.defra.gov.uk/contactUs/contactPlh.cfm.

Scientific Services

6. Fera's Evidence and Analysis programme and the Pest and Disease identification programme provide scientific support to the Policy team 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. Fera also carries out a number of research and development projects linked to the needs of the UK Plant Health Service.

Scottish Government

7. SG RED is responsible for plant health policy and plant and seed certification within Scotland. The Scottish Government co-ordinates UK representation on matters relating to seed potato certification. SG RPID carries out monitoring and surveillance work, and undertakes inspections to ensure compliance with plant health controls. It also operates voluntary certification schemes. Scientific support is provided by SASA, a division of SG RPID, which 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 SG RED and RPID headquarters is in Edinburgh. More detailed information is available at: scotland.gov.uk/Home and sasa.gov.uk.

DARD

8. DARD is responsible for policy, technical and scientific matters relating to plant health and plant certification within Northern Ireland, including forestry matters. Specialist diagnostic functions are provided to DARD by the AFBI. DARD is based in Belfast. More detailed information is available at: dardni.gov.uk/index/fisheries-farming-and-food/plant-health-for-northern-ireland-title-page.htm.

Welsh Government: Environment and Sustainable Development Directorate

9. The Welsh Government Directorate for Environment and Sustainable Development is responsible for policy on the implementation of plant health measures in Wales. Relations with Fera's Plant Health Policy Programme and the certification and enforcement role of PHSI in Wales are governed by the England/Wales Plant Health Concordat. The Directorate for Environment and Sustainable Development is located throughout Welsh Government's offices in Wales. Detailed information is available at: wales.gov.uk/topics/environmentcountryside/farmingandcountryside/plantssee dsbiotechnology/plantshealth/?lang=en

Forestry Commission

10. The Forestry Commission's Plant Health Service is responsible within Britain 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 and represents forestry interests in certain international fora. Forest Research, an Agency of the Forestry Commission, provides scientific advice on the control of pests and diseases, carries out pest risk assessments and provides an identification service for pests and diseases intercepted at points of entry or at forest survey sites. It is also the official forest tree testing station for Britain. The Forest Research Agency also represents forestry interests in certain international fora. The Forestry Commission HQ is in Edinburgh. More information is available on its website at: 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 inspection. Around 250 inspection and support staff work for the Forestry Commission's Plant Health Service.
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 PHSI 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. The SG RED 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 Central Authority”, Fera’s Plant Health Policy Programme 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 and Seeds Inspectors

Legal powers

19. Legal powers are defined in the Plant Health (England) Order 2005 for inspectors in England, the Plant Health (Scotland) Order 2005 in Scotland, the Plant Health (Wales) Order 2006 in Wales, and the Plant Health Order (Northern Ireland) 2006 for Northern Ireland. Forestry inspectors’ legal powers in Britain are defined in the Plant Health (Forestry) Order 2005, and in Northern Ireland in The Plant Health (Wood and Bark) Order (Northern Ireland) 2006. Other legislation applies to controls related to *Phytophthora ramorum* and *P. kernoviae* and in respect of fees and charges for ceryain services.

Documented procedures

20. Plant Health and Seeds Inspectors all use Standard Operating Procedures (SOPs) which contain 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 these SOPs (the vade mecum contains guidelines for EU and National Inspectorates drawn up by the EU Food and Veterinary Office (FVO) 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. SG RPID inspectors have access to on-line guidance in addition to the usual operational manuals. All guidance is reviewed regularly to ensure that it remains correct.

23. Forestry Commission inspectors all work to the EU vade-mecum on inspections of wood and wood products and they are also issued, as appropriate, with instructions on specific aspects of their work.

Reporting official control results

24. 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 further action.

25. In Northern Ireland DARD inspectors complete written inspection reports which are transferred to a database, held centrally and available to managers. Separate databases are used to record results of Potato cyst nematode and Wart disease test results. Databases are currently being updated and linked to a Geographic Information System which is used to provide maps of disease locations.

26. Similar arrangements apply in Scotland.

27. Forestry Commission inspectors record details of their inspections on the Certificate of Clearance they issue to importers for presentation to customs. A copy is sent via the regional manager to head office where details are recorded on a central database which is available to all managers. In cases of non-compliance, details are recorded on the Statutory Notice which is served on the importer and which details the action to be taken. This information is also recorded on a central database. Where laboratory analysis is required, this is documented separately.

Training

28. Plant Health and Seeds Inspectors and their equivalents in Scotland and Northern Ireland 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.

29. In the Forestry Commission the inspectors (but not the Regional Managers) are all contractors rather than direct employees. Prior to the awarding of a

contract, each contractor is required to demonstrate their understanding of work procedures and phytosanitary requirements; thereafter they are provided with refresher briefing, either on the job or at formal seminars generally held at the Forest Research laboratory.

Appendix Q

National Reference Laboratories (NRLs)

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
Feed and food NRLs					
Milk and milk products	FSA	AFBI, Agriculture, Food & Environmental Science Division, Newforge Lane, Belfast BT9 5PX	The SLA between FSA and AFBI takes account of requirements in Regulation 882/2004. The FSA meet regularly with AFBI to discuss how they are meeting the requirements of the Regulation/SLA.	AFBI has UKAS accreditation to ISO/EC 17025:2005, testing number 1279. This covers management systems and quality control of testing. Representatives attend the relevant annual workshop of NRLs and training courses organised by the EURL.	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.

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
<p>Analysis and testing of zoonoses (Salmonella) (animals only)</p>	<p>Defra For food aspects: FSA</p>	<p>AHVLA, New Haw, Addlestone, Weybridge, Surrey, KT15 3NB Food: Health Protection Agency (HPA), Colindale Avenue, London NW9 5EQ</p>	<p>The SLA is being reviewed and the revised. The Agreement will require the AHVLA to be compliant with the requirements of Regulation 882/2004.</p> <p>The contract between the HPA and the FSA takes account of requirements in Regulation 882/2004. The specification document and regular meetings with FSA ensure NRL duties are fulfilled.</p>	<p>The laboratory testing facilities are UKAS accredited to ISO/EC 17025:2005 (Lab nos. 0941 & 1769) for an extensive range of tests. AHVLA is certified to BS EN ISO 9001:2008. This includes the provision of a range of specialist veterinary scientific services to the Government and other customers world-wide (Certificate No. LRQ 4000436). Additionally AHVLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Practice (Veterinary) quality standards.</p> <p>The HPA is accredited to ISO 17025 and necessary EN/ISO standards for all micro-organisms relevant to the NRL function. The HPA applies a total</p>	<p>AHVLA participates in proficiency tests as required including those arranged by the EURL.</p> <p>The AHVLA Proficiency testing unit is an accredited Proficiency testing provider (audited by UKAS to ILAC G13 and ISO/IEC Guide 43). This Unit provides regular Proficiency testing schemes to other UK laboratories for salmonella.</p> <p>The HPA will take part in/organise such activities as required by the EURL and organise UK ring trials or other initiatives for Official Control Laboratories (OCLs) as appropriate.</p>
<p>Page 174</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
Monitoring of marine biotoxins	FSA	AFBI Headquarters, 18a Newforge Lane, Belfast BT9 5PX	SLA between FSA and AFBI takes account of requirements in Regulation 882/2004. The FSA meets regularly with AFBI to discuss how they are meeting the requirements of the Regulation/SLA.	Laboratory operates to ISO/EC 17025. Methods are UKAS accredited. Representatives attend the relevant EURL briefing and training courses.	<u>AFBI participates in EURL ring trials, proficiency tests and the QUASIMEME Proficiency Scheme.</u> ¹⁹³
Monitoring the viral and bacteriological contamination of bivalve molluscs	FSA	Cefas, Weymouth Laboratory, Barrack Road, The Nothe, Weymouth, Dorset, DT4 8UB	SLA 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 EURL.	Cefas take part in a shellfish-specific European Quality Assurance Scheme ¹⁹⁴ and EURL-organised ring trials. The NRL would take part in these under the current contract arrangements.

¹⁹³ More information on the QUASIMEME Proficiency Testing Scheme is available at: marlab.ac.uk/Delivery/standaloneCM.aspx?contentid=503

¹⁹⁴ More information on the European Quality Assurance Scheme is available at: 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
Listeria monocytogenes	FSA	Health Protection Agency (HPA), Colindale Avenue, London NW9 5EQ	The contract between the HPA and the FSA takes account of requirements in Regulation 882/2004. The specification document and regular meetings with FSA ensures NRL duties are fulfilled.	The HPA is accredited to ISO 17025 and necessary EN/ISO standards for all micro-organisms relevant to the NRL function. The HPA applies a total Quality Management system to all laboratory activities to meet the relevant standards equivalent to BS EN ISO 9000.	The HPA will take part in/organise such activities as required by the EURL and organise UK ring trials or other initiatives for OCLs as appropriate.
Coagulase positive Staphylococci including Staphylococci aureus	FSA	Health Protection Agency (HPA), Colindale Avenue, London NW9 5EQ	The contract between the HPA and the FSA takes account of requirements in Regulation 882/2004. The specification document and regular meetings with FSA ensures NRL duties are fulfilled.	The HPA is accredited to ISO 17025 and necessary EN/ISO standards for all micro-organisms relevant to the NRL function. The HPA applies a total Quality Management system to all laboratory activities to meet the relevant standards equivalent to BS EN ISO 9000.	The HPA will take part in/organise such activities as required by the EURL and organise UK ring trials or other initiatives for OCLs as appropriate.

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)	FSA	Health Protection Agency (HPA), Colindale Avenue, London NW9 5EQ	The contract between the HPA and the FSA takes account of requirements in Regulation 882/2004. The specification document and regular meetings with FSA ensures NRL duties are fulfilled.	The HPA is accredited to ISO 17025 and necessary EN/ISO standards for all micro-organisms relevant to the NRL function. The HPA applies a total Quality Management system to all laboratory activities to meet the relevant standards equivalent to BS EN ISO 9000.	The HPA will take part in/organise such activities as required by the EURL and organise UK ring trials or other initiatives for OCLs as appropriate.
Campylobacter	FSA	Health Protection Agency (HPA), Colindale Avenue, London NW9 5EQ	The contract between the HPA and the FSA takes account of requirements in Regulation 882/2004. The specification document and regular meetings with FSA ensures NRL duties are fulfilled.	The HPA is accredited to ISO 17025 and necessary EN/ISO standards for all micro-organisms relevant to the NRL function. The HPA applies a total Quality Management system to all laboratory activities to meet the relevant standards equivalent to BS EN ISO 9000.	The HPA will take part in/organise such activities as required by the EURL and organise UK ring trials or other initiatives for OCLs as appropriate.

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
Parasites – Trichinella, Echinococcus and Anisakis	FSA	Trichinella and Echinococcus: AHVLA, New Haw, Addlestone, Surrey KT 15 3NB Anisakis: Cefas, Weymouth Laboratory, Barrack Road, The Nothe, Weymouth, Dorset, DT4 8UB	SLA requires the AHVLA to be compliant with the requirements of Regulation 882/2004. SLA 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.	AHVLA activities are accredited to ISO 9001:2000, a formal Management system. The laboratory facilities are UKAS accredited to ISO/EC 17025:2000. 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 EURL.	AHVLA participates in EURL- organised ring trials and organises ring trials for the UK official control laboratories. Cefas takes part in a shellfish-specific European Quality Assurance Scheme ¹⁹⁵ and EURL-organised ring trials. The NRL will take part in these under the current contract arrangements.

¹⁹⁵ More information on the European Quality Assurance Scheme is available at: 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
Antimicrobial resistance	FSA	Health Protection Agency (HPA), Colindale Avenue, London NW9 5EQ	The contract between the HPA and the FSA takes account of requirements in Regulation 882/2004. The specification document and regular meetings with FSA ensures NRL duties are fulfilled.	The HPA is accredited to ISO 17025 and necessary EN/ISO standards for all micro-organisms relevant to the NRL function. The HPA applies a total Quality Management system to all laboratory activities to meet the relevant standards equivalent to BS EN ISO 9000.	The HPA will take part in/organise such activities as required by the EURLand organise UK ring trials or other initiatives for OCLs as appropriate

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
Animal proteins in feedingstuffs	Defra	AHVLA, Whitley Road, Longbenton, Newcastle-upon-Tyne NE12 9SE	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 testing facilities are UKAS accredited to ISO/EC 17025:2005 (Lab nos. 0941 & 1769) for an extensive range of tests. AHVLA is certified to BS EN ISO 9001:2008. This includes the provision of a range of specialist veterinary scientific services to the Government and other customers world-wide (Certificate No. LRQ 4000436). Additionally AHVLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Practice (Veterinary) quality standards.	The AHVLA Proficiency testing unit is an accredited Proficiency testing provider (audited by UKAS to ILAC G13 and ISO/IEC Guide 43). This Unit provides quarterly Proficiency testing schemes to AHVLA Luddington and other International customers for detection of animal protein in animal feed. Participation in European ring trials is undertaken as appropriate.

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 B 3(d) to Council Directive 96/23/EC	VMD	<p>For A1, A2, A3, A4, : AFBI, Food & Environmental Science Div. Newforge Lane, Belfast, BT9,5PX, N.Ireland, UK</p> <p>For Group B 2(d) and B 3(d): Laboratory of the Government Chemist (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.	Laboratories operate to ISO/EC 17025. They also attend the relevant EURL briefing and training courses.	<u>The laboratories participate in a range of proficiency tests, some of which are co-ordinated by VMD.</u>

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 B 1 A6 and B 3 (e) and carbadox and olaquidox to Council Directive 96/23/EC	VMD	<p>For A 6 (Nitrofurans and nitroimidazoles): AFBI, Food & Environmental Science Div. Newforge Lane, Belfast, BT9,5PX, N.Ireland, UK</p> <p>For A 6 (Chloramphenicol and substances in honey) and B 3: Fera, Sand Hutton, York, YO41 1LZ</p> <p>For B3(e): Laboratory of the Government Chemist (LGC) Ltd, Queens Road, Teddington, Middlesex, TW11 0LY</p> <p>For Carbadox and olaquidox: AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD</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. SLAs between VMD and Fera, and VMD and AFBI..	Laboratories operate to ISO17025. They also attend the relevant EURL briefing and training courses.	Laboratories participate in a range of proficiency tests, some of which are co-ordinated by VMD.

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, and Group B 2 (a), (b), (e) to Council Directive 96/23/EC	VMD	For A5, ,B2(b) nicarbazin: AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD For B2(a), B2(b) ionophores: Fera, Sand Hutton, York, YO41 1LZ For B2(e): Laboratory of the Government Chemist (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. SLA between VMD and Fera, and VMD and AFBI.	Laboratories operate to ISO17025. They also attend the relevant EURL briefing and training courses.	<u>Laboratories participate in a range of proficiency tests, some of which are co-ordinated by the Competent Authority.</u>
Residues listed in Annex I, Group B 2 (c) and Group B 3 (a), (b), (c) to Council Directive 96/23/EC	VMD	Laboratory of the Government Chemist (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.	LGC operates to ISO17025. It also attends the relevant EURL briefing and training courses.	<u>LGC participate in a range of proficiency tests, some of which are co-ordinated by VMD.</u>

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
TSEs	Defra	AHVLA, New Haw, Addlestone, Surrey KT 15 3NB	Requirements laid down in contract (Contract E -TS5001) between Defra and AHVLA.	The laboratory testing facilities are UKAS accredited to ISO/EC 17025:2005 (Lab nos. 0941 & 1769) for an extensive range of tests. AHVLA is certified to BS EN ISO 9001:2008. This includes the provision of a range of specialist veterinary scientific services to the Government and other customers world-wide (Certificate No. LRQ 4000436). Additionally AHVLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Practice (Veterinary) quality standards.	AHVLA is the EURL for TSEs. The AHVLA Proficiency testing unit is an accredited Proficiency testing provider (audited by UKAS to ILAC G13 and ISO/IEC Guide 43). This Unit provides regular Proficiency testing schemes to other EU NRLs and to other UK testing laboratories for TSEs.

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
Additives for use in animal nutrition	FSA	LGC, Queens Road, Teddington, Middlesex, TW11 0LY	<p>The contract requires the laboratory to comply with the requirements set out in Article 33(2) and (3). For Article 33 (2) only part (a) applies in this case. The laboratory has provided assurance that it will collaborate with the EURL as required.</p> <p>For (3) it is difficult to see how accreditation can be given for a paper exercise.</p>	<p>Given that the work is not of a practical nature, this does not apply. However LGS has BS EN ISO 9001 (BS5750 Part 1) granted and is accredited to ISO/IEC 17025:2005 in relation to referee analyst of feedingstuffs.</p>	<p>Given that the work is not of a practical nature, this does not apply. However the NRL will take part in/organise such activities as required by the EURL.</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
GM Organisms	FSA	LGC Ltd., Queens Road, Teddington, Middlesex, TW11 0LY	The contract between LGC and FSA takes account of requirements in Regulation (EC) 882/2004.SLA. The core and ad hoc duties set out in the contract reflect the requirements of an NRL as set out in Regulation 882/2004.	Certification to ISO 9001:2000 for all activities and accreditation to ISO 17025 for the majority of its analytical testing and calibration activities. Participation in external quality assessment exercises. Adherence to Working Instructions and Performance Monitoring to ensure full traceability of results.	Participates in EURL ring trials and proficiency tests. Ad hoc requirement in the NRL contract. LGC is an active member of the European Network of GMO Laboratories.

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
Material intended to come into contact with foodstuffs	FSA	Fera, Sand Hutton, York YO41 1LZ	<p><u>Fera has set-up a Steering Group to cover all aspects of the chemical contaminants NRL issues. Four official control laboratories are invited to this Steering Group (one from each of the four UK countries) as well as FSA staff. The Steering Group has set up an open Website on which information is disseminated regarding the EURL-NRL network activities, including proficiency tests.</u></p>	<p>The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. Fera is currently working towards certification under ISO 9001/2000. Fera ensures that projects are carried out in compliance with the Defra/FSA Joint Code of Practice for Research.</p>	<p>As part of the requirements for accreditation, Fera participates in appropriate Food Analysis Performance Assessment Scheme (FAPAS) Series. It will also participate in proficiency tests arranged by the EURL.</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
<p>Pesticides residues in: Cereals and feedingstuffs</p> <p>Food of animal origin and commodities with high fat content</p> <p>Fruits and vegetables, including commodities with high water and high acid content</p> <p>Single residue methods</p>	<p>CRD</p>	<p>For pesticides in fruits and vegetables, pesticide single residue methods, and pesticides in cereals and feeding stuffs: Fera, Sand Hutton, York YO41 1LZ</p> <p>For pesticide residues in animal products and commodities with high fat content: LGC, Queens Road, Teddington, Middlesex, TW11 0LY</p>	<p>Fera provides its services to CRD under an MoU which is reviewed quarterly. In addition a quarterly update is provided to CRD at the Analytical Sub-Group where all official laboratories are in attendance. A contractual agreement is in place for the provision of services to CRD. <u>In addition a quarterly update is provided to CRD at the Analytical Sub-Group where all official laboratories are in attendance.</u></p>	<p>Fera operates to EN ISO/IEC 17025. All methods are UKAS accredited. LGC operates to EN ISO/IEC 17025 general requirements. All methods are UKAS accredited. Both laboratories attend the relevant EURL workshops.</p>	<p>As part of the requirements for accreditation both laboratories participate in proficiency tests as required including those arranged at community level by the EURL. In addition both laboratories participate in the relevant FAPAS rounds. The FAPAS programme for these Series in 2008/9 can be found on the FAPAS website: fapas.com/prog.cfm?currsch=fapas</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
Heavy metals in feed and food	FSA	<p>For feed: Laboratory of the Government Chemist (LGC), Queens Road, Teddington, Middlesex, TW11 0LY</p> <p>For food: Fera, Sand Hutton, York YO41 1LZ</p>	<p>The contract between LGC and FSA takes account of requirements in Regulation 882/2004 and that of an NRL.</p> <p>Fera has set up a Steering Group to cover all aspects of the chemical contaminants NRL issues. Four official control laboratories are invited to this Steering Group (one from each of the four UK administrations) as well as FSA staff. The Steering Group has set up an open Website on which information is disseminated regarding the EURL-NRL network activities, including</p>	<p>BS EN ISO 9001 (BS5750 Part 1) granted Accredited to ISO/IEC 17025:2005 in relation to referee analyst of feedingstuffs. The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. Fera is currently working towards certification under ISO 9001/2000. Fera ensures that projects are carried out in compliance with the DEFRA/FSA Joint Code of Practice for Research.</p>	<p><u>The laboratory will take part in/organise such activities as required by the EURL.</u> As part of the requirements for accreditation, Fera participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the EURL.</p>
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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
Mycotoxins	FSA	Fera, Sand Hutton, York YO41 1LZ	Fera has set up a Steering Group to cover all aspects of the chemical contaminants NRL issues. Four official control laboratories are invited to this Steering Group (one from each of the four UK countries) as well as FSA staff. The Steering Group has set up an open Website on which information is disseminated regarding the EURL-NRL network activities, including proficiency tests.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. Fera is currently working towards certification under ISO 9001/2000. Fera ensures that projects are carried out in compliance with the DEFRA/FSA Joint Code of Practice for Research.	As part of the requirements for accreditation, Fera participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the EURL.

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
Polycyclic aromatic hydrocarbons (PAHs)	FSA	Fera, Sand Hutton, York YO41 1LZ	Fera has set-up a Steering Group to cover all aspects of the chemical contaminants NRL issues. 4 official control laboratories are invited to this Steering Group (one from each of the 4 UK countries) as well as FSA staff. The Steering Group has set up an open Website on which information is disseminated regarding the EURL-NRL network activities, including proficiency tests.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. Fera is currently working towards certification under ISO 9001/2000. Fera ensures that projects are carried out in compliance with the DEFRA/FSA Joint Code of Practice for Research.	<u>As part of the requirements for accreditation, Fera participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the EURL.</u>

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
Dioxins and Polychlorinated Biphenyls (PCBs) in feed and food	FSA	Fera, Sand Hutton, York YO41 1LZ	Fera has set up a Steering Group to cover all aspects of the chemical contaminants NRL issues. Four official control laboratories are invited to this Steering Group (one from each of the four UK countries) as well as FSA staff. The Steering Group has set up an open Website on which information is disseminated regarding the EURL-NRL network activities, including proficiency tests.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. Fera is currently working towards certification under ISO 9001/2000. Fera ensures that projects are carried out in compliance with the DEFRA/FSA Joint Code of Practice for Research.	<u>As part of the requirements for accreditation, Fera participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the EURL.</u>
Animal health NRLs					

<p>Classical swine fever Avian influenza Newcastle disease Aujesky's Disease (pseudorabies) Equine Encephalomyelitis Equine Infectious Anaemia Enzootic Bovine Leucosis Anthrax</p> <p>Monitoring the effectiveness of rabies vaccination Brucellosis Rabies Teschen Disease West Nile Fever Rift Valley Fever Equine viral Arteritis Bovine Tuberculosis</p>	<p>Defra</p>	<p>AHVLA, New Haw Addlestone, Surrey KT15 3NB</p>	<p>SLA. This is being reviewed and the revised Agreement will require the AHVLA to be compliant with the requirements of Regulation 882/2004.</p>	<p>The laboratory testing facilities are UKAS accredited to ISO/EC 17025:2005 (Lab nos. 0941 & 1769) for an extensive range of tests. AHVLA is certified to BS EN ISO 9001:2008. This includes the provision of a range of specialist veterinary scientific services to the Government and other customers world-wide (Certificate No. LRQ 4000436). Additionally AHVLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Practice (Veterinary) quality standards.</p>	<p>The AHVLA Proficiency testing unit is an accredited Proficiency testing provider (audited by UKAS to ILAC G13 and ISO/IEC Guide 43). This Unit provides regular Proficiency testing schemes to AHVLA Laboratories and other International customers for these diseases (with the exception of Equine Encephalomyelitis and Teschen). Participation in European and International ring trials is undertaken as appropriate</p>
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<p>African horse sickness African Swine Fever Bluetongue Swine Vesicular Disease Foot and Mouth Disease Rinderpest Sheep and Goat Pox Lumpy Skin Disease Peste des Petits Ruminants Epizootic Haemorrhagic Disease Vesicular Stomatitis</p>	<p>Defra</p>	<p>Institute for Animal Health (IAH), Pirbright Laboratory, Ash Road, Pirbright, Woking, Surrey, GU24 0NF</p>	<p>To be considered as part of the annual review of the contract between Defra and IAH. The provision of services by IAH is now managed as a sub-contract to AHVLA.</p>	<p>IAH's overarching Management System is registered through British Standards Institute to ISO 9001:2008 and in addition many of its Testing and Diagnostic activities are accredited by United Kingdom Accreditation Service to ISO/IEC 17025:2005 (Laboratory No 4025).</p>	<p>IAH organises EU and broader International Proficiency testing schemes and is required to partake in EU ring trial initiatives as appropriate.</p>
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<p>Fish, bivalve mollusc and crustacean shellfish diseases</p>	<p>Defra in England and Wales Scottish Government in Scotland DARD</p>	<p>In England and Wales: Cefas, Weymouth Laboratory, Barrack Road, The Nothe, Weymouth, Dorset, DT4 8UB In Scotland: MSS Marine Laboratory, PO Box 101, 375 Victoria Road, Aberdeen AB11 9DB In Northern Ireland: AFBI, Fish Disease Unit, Stoney Road, Belfast BT4 3SD is the designated laboratory of the Competent Authority. DARD/AFBI also have access, if required, to the Cefas Weymouth Laboratory, the GB NRL for fish disease</p>	<p>SLA and MoU with Defra. SLA with the Scottish Government SLA with DARD</p>	<p>Cefas: UKAS accredited under ISO 17025 for sampling and diagnostic work on major diseases and seeking accreditation under ISO17020 for field surveillance. In addition the FHI operates a competency framework to ensure best practise by its field inspectors. FRS is UKAS accredited to ISO 17025 standard.</p>	<p>Ring tests on major notifiable and emerging diseases.</p>
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Campylobacter in animals	Defra	AHVLA, New Haw, Addlestone, Surrey KT 15 3NB	SLA	<p>The laboratory testing facilities are UKAS accredited to ISO/EC 17025:2005 (Lab nos. 0941 & 1769) for an extensive range of tests. AHVLA is certified to BS EN ISO 9001:2008. This includes the provision of a range of specialist veterinary scientific services to the Government and other customers world-wide (Certificate No. LRQ 4000436). Additionally AHVLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Practice (Veterinary) quality standards.</p>	<p>As a NRL proficiency or ring testing is carried out as appropriate. Also as a NRL the AHVLA is required to partake in EU ring test initiatives, carried out as appropriate.</p>
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<p>Antimicrobial resistance in animals</p>	<p>Defra</p>	<p>Currently we have no AMR in animals NRL as we are trying to get AHVLA's former NRL status restored. Once restored it will be AHVLA, New Haw, Addlestone, Surrey KT 15 3NB</p>	<p>At high level the SLA with AHVLA. Under this dealt with through surveillance contract B, project FZ2200.</p>	<p>The laboratory testing facilities are UKAS accredited to ISO/EC 17025:2005 (Lab nos. 0941 & 1769) for an extensive range of tests. AHVLA is certified to BS EN ISO 9001:2008. This includes the provision of a range of specialist veterinary scientific services to the Government and other customers world-wide (Certificate No. LRQ 4000436). Additionally AHVLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Practice (Veterinary) quality standards.</p>	<p>As a NRL proficiency or ring testing is carried out as appropriate. Also as a NRL the AHVLA is required to partake in EU ring test initiatives, carried out as appropriate.</p>
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Appendix R

UK 'control bodies'

Details of the control bodies involved with official 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
Feed and food controls			
FSA	Official feed and food control laboratories (Public Analyst and Agricultural Analyst and Food Examiner laboratories), including laboratories for marine biotoxins and shellfish viral and microbiological monitoring. See list at: food.gov.uk/enforcement/monitoring/foodlabs/foodcontrollabs	Chemical analysis and microbiological examination of official feed and food samples.	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 reporting the outcome of official controls.
FSA – Enforcement and Local Authority Delivery Division	Eclipse Scientific Group	Collection of samples, and testing of raw cows milk for drinking.	An SLA sets out performance targets, arrangements for supervision and monitoring (by AHDH) and reporting of results by Eclipse Laboratories in England and Wales (no raw milk is sold in Scotland or Northern Ireland).

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
CRD	Intel International Group Ltd	Sample collection for pesticide residues surveillance.	A contract is in place specifying work plans, review dates and reporting arrangements. HSE CRD is currently exploring the options for independent audit of Intel.
CRD	FERA LGC Ltd AFBI Eurofins SASA	Official laboratories used in the residue monitoring process.	Contracts and SLAs are in place specifying work plans, review dates and reporting arrangements for analysis and results.
VMD	<u>FERA</u>	Analysis of statutory veterinary residue surveillance samples.	FERA works to a Specification of Requirements laid down in its SLA with the VMD. As part of the SLA it undertakes to have appropriately qualified staff and equipment to carry out the analytical work. There is a nightly results download. FERA is accredited to ISO17025 Inspectors of UKAS, the FVO, the USDA and the VMD independent audit team audit FERA.
Defra - Livestock & Livestock Products	Government recognised independent verifiers ¹⁹⁶	Verifying claims under the Beef Labelling Scheme (as required by EC Regulation 1760/2000). ¹⁹⁷	The control bodies are accredited and audited for the purposes of carrying out beef labelling inspections by 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 for certification bodies (not available on-line). The control bodies report their findings, including any non-compliance, to the Rural Payments Agency.

¹⁹⁶ A list of these bodies is available at: rpa.gov.uk/rpa/index.nsf/0/C256DB965D95B47A802574C20047B8F9

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Defra - Stakeholder Engagement Behavioural Change and Better Regulation Core Function	Approved private organic inspection bodies ¹⁹⁸	Control and certification of organic production (as required by Council Regulation 834/2007, Commission Regulation 889/2008 and Commission Regulation 1235/2008). ¹⁹⁹	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. ²⁰⁰

¹⁹⁷ 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.

¹⁹⁸ A list of these bodies is available at: archive.defra.gov.uk/foodfarm/growing/organic/standards/certbodies/approved.htm

¹⁹⁹ Council Regulation (EC) No 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91. Official Journal L189, 20.7.2007, 1-23 Commission Regulation (EC) No 889/2008 laying down rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control. Official Journal L250, 18.9.2008, 1-84.

Commission Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) 834/2007 as regards the arrangements for imports of organic products from third countries. Official Journal L334, 8.12.2008, 25-52

²⁰⁰ The Control Manual is available at: archive.defra.gov.uk/foodfarm/growing/organic/standards/pdf/inspector-controlmanual.pdf

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Defra - Regional and Local Food Team, Food Policy Unit	Private and public inspection bodies (public inspection bodies in the form of Trading Standards Officers). ²⁰¹	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) ^{202, 203}	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.
Defra – Disease Mitigation, Control and Export Support Policy team	Approved industry independent control bodies	Delegated to carry out routine official sampling and inspection visits to members of approved industry control programmes on behalf of the competent authority	Official control sampling under the requirements of the <i>Salmonella</i> National Control Programmes (Regulation (EC) No. 2160/2003) in the laying hen and turkey industry sectors.
Animal health			
Defra (Animal Health)	Commercial transport carrier companies. ²⁰⁴	Basic checks of pet passports required under the UK Pet Travel scheme (PETS).	Management of approved carriers operating through seaports and airports is set out in the Animal Health Operations Manual (see Appendix K). This includes carrier training, carrier performance evaluation and review and quality assurance checks.

²⁰¹ 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 eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:317:0001:0110:EN:PDF

²⁰² Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed. Official Journal L 93, 31.3.2006, 1-11.

²⁰³ Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. Official Journal L93, 31.3.2006, 12 - 25.

²⁰⁴ defra.gov.uk/wildlife-pets/pets/travel/pets

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Defra (Animal Health)	Laboratories approved to undertake work in respect of The Control of Salmonella in Poultry Order 2007, The Control of Salmonella in Turkey Flocks Order 2009 and The Control of Salmonella in Broiler Flocks Order 2009 ²⁰⁵	Laboratory examination of samples for the detection of <i>Salmonella</i> , Enterobacteriaceae and <i>Clostridium perfringens</i> .	The list of designated laboratories is available on the Defra website: archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/zoonoses/ncp.htm
Defra	Cellmark	Genotyping of sheep in support of scrapie controls.	DNA testing organisation accredited to quality standard ISO 17025. Operates under contract to Defra
Defra	LGC, Exeter LGC, Runcorn	BSE testing for cattle slaughtered for human consumption	Approved under Transmissible Spongiform Encephalopathies (England) Regulations 2010 following satisfactory evaluation by the NRL (TSE). Approval criteria available at defra.gov.uk/vla/services/ser_bse_lab_approvals.htm and include ISO17025 accreditation.
Scottish Government	LGC, Edinburgh	BSE testing for cattle slaughtered for human consumption	Approved under Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010 following satisfactory evaluation by the NRL (TSE). Approval criteria available at defra.gov.uk/vla/services/ser_bse_lab_approvals.htm and include ISO17025 accreditation.

²⁰⁵ SI 2007/3574, SI 2009/3271 and SI 2009/260

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Welsh Government	IdentiGEN Ltd, Newport	BSE testing for cattle slaughtered for human consumption	Approved under Transmissible Spongiform Encephalopathies (Wales) Regulations 2008 following satisfactory evaluation by the NRL (TSE). Approval criteria available at defra.gov.uk/vla/services/ser_bse_lab_approvals.htm and include ISO17025 accreditation.

Appendix S

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 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 2009 (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:
 - 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 provides a means to identify under performance in local authority feed and food regulatory services and also to monitor continuous improvement. It also assists in the identification and dissemination of good practice, which aids consistency between authorities. In addition, it helps provide information to assist the formulation of Agency policy and promote conformance with the standards for these services by the FSA, and with any relevant central guidance or Codes of Practice.

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:
 - food.gov.uk/multimedia/pdfs/frameworkjuly04.pdf

This includes 'the Standard' that authorities are audited against (which reflects the requirements of European feed and food legislation, national legislation, Codes of Practice and guidance, and 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 published reports include recommendations arising from audit and an action plan prepared by the authority to address these. Depending on the scope of audit programmes, summary reports may also be published to examine trends.

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. These returns provide data on the number of interventions planned, number of planned inspections/interventions achieved, total number of inspections/interventions carried out, number of enforcement actions taken, number of samples taken and details of their analyses, and number of complaints handled. They also contain the numbers of staff and posts for food law enforcement, and details of risk rating scores for individual premises, from which the overall number of premises which are compliant with food law is calculated. 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. Risk-based annual audit plans are developed to reflect current and anticipated audit priorities. Local authority monitoring and performance data, together with relevant sources of wider information are used to inform national audit priorities, in consultation with FSA policy leads. The plan involves a combination of horizontal (or full/systems) audits across all areas of local authority feed and food law enforcement activity, and focussed audits (vertical or partial audits) looking in greater detail at more specific aspects of enforcement activity. The audit programmes are published in advance on the Agency's website.
7. The audit arrangements are operated and organised by Audit Teams in each of the FSA's devolved national offices. Current FSA local authority auditor staff resources comprise a total of 14 UK auditor posts (England –nine posts; Scotland –two posts; Northern Ireland –one post; Wales two posts), supplemented, when appropriate, by other qualified auditors that can be deployed from within the Agency, contract audit personnel and technical experts. These resources enable all local authorities in each of the devolved nations to be audited within a 5 year cycle, and 60 – 70 authorities per annum in England, depending on the nature and scope of audit priorities and the related programmes.

Audit procedures

8. A standard set of audit documentation (protocols and checklists) has been developed on a UK basis to ensure consistency between audits. These are published on the FSA website at the link below. The documentation is tailored, as appropriate, for each of the focused audit programmes.

food.gov.uk/enforcement/auditandmonitoring/auditscheme/.

Dissemination of good practice

9. The FSA works with the RSU206 to arrange for good practice identified through audit to be disseminated to the authorities and published on the FSA and LACORS websites. In addition, the findings from focused audit programmes have informed the development of national initiatives aimed at sharing best practice, and more generally, a wide range of good practice is disseminated through newsletters, regional food and feed group meetings and specific business initiatives.

Review of the Audit Scheme

10. The Framework Agreement and Audit Scheme have been in operation since April 2001. These arrangements were reviewed and subject to stakeholder consultation in 2007/08 to ensure these functions continue to meet the FSA's strategic aims and that the audit scheme accords with the Commission guidance on the conduct of audits.

Local authority animal health and welfare services

11. Local authorities have their own service plans which include broad corporate objectives. In England and Wales, there are agreed priorities between central and local government for a number of overarching themes and animal health and animal welfare work falls within these. Performance against these plans

²⁰⁶ This role is being reviewed.

is monitored by local authority management and beyond that by local auditors and Government inspection regimes.

12. Legislation introduced by Defra (The Official Controls (Animals, Feed and Food) (England) Regulations 2006) and the Welsh Government (The Official Controls (Animals, Feed and Food) (Wales) Regulations 2006), provided powers for the Secretary of State to impose audits on local authorities where necessary. Defra is also investigating other options for auditing local authorities and to implement its audit strategy including, for example, establishing a mechanism whereby the FSA will undertake joint audits of feed and food services and animal health and welfare services. The specifics of how Defra will get assurance from the local authorities will be discussed as part of the project to implement the Audit Strategy.

FSA Meat Hygiene Operations and DARD Veterinary Service - Veterinary Public Health Unit (VS-VPHU)

Introduction

13. The FSA operates a system of internal audits for meat hygiene controls in licensed/approved premises in Britain. The FSA's Internal Audit team is responsible for these audits. Audits are undertaken on behalf of a number of the different policy divisions within the FSA and FSA Executive. The audits determine whether FSA operations, practices and activities comply with the requirements specified in the Manual for Official Controls and relevant legislation and codes of practice.
14. FSA in Northern Ireland operates a system of audit of DARD (VS-VPHU) in relation to the work undertaken on behalf of the FSA. In addition to this, 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.

Audit of FSA Operations and VS-VPHU

15. The audit schemes currently in place have been developed to provide assurances as regards the official controls undertaken by the FSA and VS-VPHU in approved meat establishments. Auditors are qualified auditors, and/or EHOs with specialist feed and food law enforcement experience, qualified meat inspectors or veterinarians.
16. A systems based approach is employed. Controls are audited, as appropriate, against the requirements of the FSA or VS-VPHU Manual for Official Controls

(see link below), and other guidelines or legislative requirements relevant to the delivery of official controls in approved meat establishments.

food.gov.uk/foodindustry/meat/mhservice/mhsmanual2006/

17. The audit programmes are developed with reference to risks identified and prioritised through the application of FSA risk management policies and procedures, the SLAs 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). The programmes are drawn up annually and are subject to on-going review. They cover all activities undertaken by FSA and VS-VPHU operational teams responsible for delivery of official controls in approved establishments. The programmes include audit of headquarters and decentralised systems and structures for delivery of official controls.
18. The Internal Audit team responsible for audit of the FSA meat hygiene operations is accountable to the FSA's Director of Legal, International, Regulation and Audit provides reports to the FSA Audit Committee, which is a sub-committee of the FSA Board. It is also subject to the wider cross-Government auditing standards and process. With regard to VS-VPHU audit, the Audit Team is accountable to the Director of FSA in Northern Ireland.
19. Documented terms of reference, audit protocols and procedures have been developed and implemented to provide an agreed framework for the audit process. Similarly, reporting arrangements have been developed that include identification of good practice and which is disseminated through audit reports.
20. Following a review of the FSA's Audit Scheme for Local Authorities the UK audit arrangements remain essentially unchanged, although mechanisms are being developed to assist in the risk-based selection and prioritisation of competent authorities for audit, to give greater focus on the outcomes of official controls, and, where effective audit and peer review systems are being operated by the competent authorities, to factor these into the central/external audit process.

FSA Operations and VS-VPHU Internal Audit

Management of internal audit

21. The FSA Internal Audit team includes a team of 4 Veterinarians and two technical experts who are trained in systems auditing and are responsible for all audits of official controls delivered by the FSA in connection with meat hygiene. They are managed by a qualified auditor who reports to the FSA Head of Internal Audit. There is also a specialised Audit Team within the VS-VPHU in Northern Ireland whose 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

22. Where necessary, the FSA Head of Internal Audit has direct access to the FSA Chief Executive and the Chair of the FSA Audit Committee. Currently for VS-VPHU, the Audit Team reports directly to the VS-VPHUSPVO. 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 SLA as defined by relevant instructions in the 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

23. Independent scrutiny of the audit process is provided by the FSA Audit Committee, which operates as a sub-committee of the FSA Board with membership drawn from the FSA Board. The FSA Audit Unit in Northern Ireland will scrutinise the audits carried out by VS-VPHU Internal Audit Team.

Audit process

24. The FSA Internal Audit Team employs a systems approach to give a more detailed analysis of root causes 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.
25. Audit work includes advance preparatory 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, and observation of official control delivery activities 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 FSA or VS-VPHU records.
26. The annual programme of audits includes follow-up audits to assess implementation of agreed recommendations.

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

27. Reports are produced following each audit and provided to the senior operational and HQ 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.
28. Individual FSA Internal Audit reports once finalised are presented to the FSA Chief Executive, Chair of the FSA Audit Committee, and Director of Operations. Each report includes an action plan which summarises audit

findings, recommendations and agreed management action and dates for implementing recommendations. A report summarising the current status of all the audits in the annual programme and progress on implementation of audit recommendations that management have agreed to implement is presented to the FSA Audit committee on a quarterly basis.

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.

BIPs

30. A review by the Cabinet Office in 2002 recommended that the FSA and Defra must make a “step change” in their supervision of BIPs. As part of this “step change”, AHVLA staff must maintain an increased level of contact with local BIPs within Britain.²⁰⁷ As a result, guidance on procedures for carrying out compliance inspections at BIPs, reporting deficiencies and for implementing enforcement procedures has been provided to AHVLA technical and veterinary officers who audit BIPs. Officers also receive regular update training to ensure they are aware of current requirements.
31. AHVLA is responsible for audits of BIP facilities, documentation and procedures. AHVLA 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. AHVLA monitor progress against the plan. If the deficiencies found represent a serious risk to animal or public health or there is persistent failure to progress the plan for correction of deficiencies, AHVLA makes a recommendation to Defra or the FSA (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 the AHVLA Operations Manual - Veterinary Instructions, Procedures, and Emergency Routines - which is available to all veterinary, technical and administrative staff. A similar arrangement is in place for AHVLA-operated BIPs where the verification checks are carried out by the OVS and regional staff audit their controls.
32. DARD Veterinary Service undertakes inspection of BIPs in Northern Ireland.

²⁰⁷ In Northern Ireland, BIPs are operated by DARD not at local Government level.

Defra

33. Defra Internal Audit operates in line with UK Government Internal Audit Standards and provides an independent appraisal function across the department. Responsibility for commissioning and completion of official controls in areas where Defra has responsibility rests with the respective Policy Divisions and their delivery agents. The role of Defra Internal Audit is to ensure, through a programme of audit activity, that the work has been completed and meets relevant standards. Agency audit teams will carry out similar work within Defra's Agencies, where they have responsibilities for carrying out official controls.
34. Defra Internal Audit have developed an audit strategy to provide assurance on official control functions for which Defra is responsible. The strategy will ensure that all major aspects of this work are fully reviewed in risk-based audits at least once during a five year period. For each piece of work, a report, including any recommendations for improvements, will be produced and circulated as required. Defra audit reports are presented to the relevant Director and the Defra Audit and Risk Committee.
35. Audit programmes will be drawn up annually on a risk basis and will be subject to ongoing review.
36. The work will take into account compliance with Article 4(6) of Regulation 882/2004 by covering the relevant points of Article 2(6).
 - Verification of compliance with planned arrangements in order to provide assurances that official controls are carried out as intended and that any instructions or guidelines given to staff carrying out the controls are followed.
 - The audit work will also seek to assess whether the planned arrangements are suitable to achieve the objectives of Regulation 882/2004.
37. Defra Internal Audit will co-ordinate production of an Annual Report summarising audit activity and results.
38. To ensure a consistent approach to audit across the animal health and welfare elements of the National Control Plan, Defra Internal Audit will arrange discussions with auditors from its delivery partners, such as theAHVLA, RPA, Fera, and VMD as well as the Devolved Administrations, other government departments and local authorities. The objectives of these meetings are to co-ordinate audits of major enforcement bodies and to identify best practice.
39. A project has been proposed by the Food and Farming Group to ensure all the audit requirements needed to fully implement the strategy in Defra, its agencies and local authorities are put in place. The project may include the development of assurance and reporting arrangements for local authorities in association with the FSA. There has been a delay in taking the official controls audit strategy forward due to resources issues.

Scottish Government Rural Directorate

40. Scottish Government Internal Audit Division (SGIAD) operates in line with UK Government Internal Audit Standards and provides an independent appraisal function across the Rural Directorate (RD) which has responsibility for certain official controls functions. As part of its rolling programme of work, SGIAD undertakes regular reviews of controls in the different schemes operated by the RD. Annual internal audit plans for the coverage of these schemes, together with reports on the scope and outcome of audit reviews, are considered by the Department's Audit Committee. A separate Audit Strategy and five-year rolling audit programme are in place to cover SGIAD's work in line with EC Regulation 882/2004.

Welsh Government

41. Internal Audit Services (IAS) and the European Funds Audit Team (EFAT) form part of the Corporate Governance and Assurance Division and Finance Department. Their objective is to deliver a balanced assurance to their Accounting Officers, and their Audit Strategy aims to address areas of risk, in the course of a five-year period, including official controls functions.. Together, EFAT and IAS are responsible for delivering the annual audit plans for the RA, which is part of the Business, Enterprise, Technology and Science (BETS) Department. Their reports are considered by the Welsh Government and the BETS Corporate Governance Committees. IAS and EFAT operate in accordance with Government Internal Audit Standards issued by HM Treasury. In addition the EFAT ensures that it operates in compliance with the requirements of the European Commission.

DARD

42. DARD Internal Audit Unit operates in line with UK Government Internal Audit Standards and provides an independent appraisal function across the department. DARD Internal Audit has developed an audit strategy to provide assurance on official control functions for which DARD is responsible. The strategy will ensure that all major aspects of this work are fully reviewed in risk-based audits at least once during a five year period. For each piece of work, a report, including any recommendations for improvements, will be produced for senior management. A follow up on all recommendations is made to ascertain whether they have been implemented. Internal Audit also reports to the DARD Audit Committee who review annual plans, audit reports and recommendations.

Rural Payments Agency

43. The Internal Audit Unit within the Rural Payments Agency (RPA) is independent of the business and reports directly to the Accounting Officer. Internal Audit evaluates and gives 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.
44. A guideline to EU Regulation 885/06²⁰⁸ specifies that an internal audit service should plan to cover all significant systems at least once within a five-year timescale. Internal Audit applies 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 has audit responsibility for the British Cattle Movement Service.

Cefas

45. Cefas operates a system of internal control, which supports the achievement of Cefas' policies, aims and objectives. The internal control system has been designed to manage risk to a reasonable level. There is an Audit & Risk Committee constituted to give advice on the adequacy of internal and external audit arrangements, and on the implications of the assurances provided in respect of internal control and risk management. Regular reports are made by internal audit, to Government Audit Standards, which includes the Head of Internal audit's independent opinion on the adequacy of the Agency's system of governance, internal control and the system of risk management, together with recommendations for improvement.
46. For Cefas official control duties, the audit is at the level of UKAS (to ensure accredited standards are being met), management within Cefas (to ensure standards, timelines and objectives are met in accordance with the requirements in the MoU between Cefas and Defra) and external assessment

²⁰⁸ Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD. Official Journal L 171, 23. 6. 2006, 90-110.

of performance by the policy lead within Defra. Further details can be found in [Appendix O](#).

National Bee Unit (Fera)

47. Fera's financial accounts are audited annually by the NAO. Fera is also subject to audits by Defra auditors of its financial management and time recording systems. Specific audits on operational areas including staff utilisation, time recording, asset utilisation etc., are also undertaken according to Defra's Audit and Risk Management Controls. All this is in addition to the performance standards and checks undertaken at a more local level by Fera. Fera's quality team conducts regular internal audits of the NBU's operation under Good Laboratory Practice. The purpose of the Quality Systems Team is to ensure that the requirements of both internal and external quality systems are maintained, and that the systems are expanded in response to the business needs of Fera. This is achieved by providing guidance to the staff involved on the requirements of the respective regulations, by monitoring that the standards are being maintained and by the prompt reporting of deficiencies to management by a mixture of informal and formal meetings and reports. The aim is continually to evaluate the processes employed to meet these requirements in order to provide an effective service more efficiently, competently and in a timely manner.

Appendix T

Abbreviations

Acronyms and abbreviations are used extensively throughout this document - a list of these is provided below.

AFBI	Agri-Food Biosciences Institute for Northern Ireland
AHVLA	Animal Health and Veterinary Laboratories Agency
AMES	Animal Health & Welfare Management & Enforcement System
AMLS	Animal Movement Licensing System
APA	Association of Public Analysts
APB	Aquaculture Production Business
APE	Aquaculture Processing Establishments
BCMS	British Cattle Movement Service
BIP	Border Inspection Post
BSE	Bovine Spongiform Encephalopathy
CAP	Common Agricultural Policy
CD	Compact Disc
Cefas	Centre for Environment, Fisheries and Aquaculture Science
COSLA	Convention of Scottish Local Authorities
CPI	Customer Priority Indicator
CRD	Chemicals Regulation Directorate
CSEMP	Clean Seas Environment Monitoring Programme
CSSEG	Clean and Safe Seas Evidence Group
CTS	Cattle Tracing System
CVO	Chief Veterinary Officer
DARD	Department of Agriculture and Rural Development for Northern Ireland
Defra	Department for Environment, Food and Rural Affairs
DVD	Digital Video Disc
DVM	Divisional Veterinary Manager
DVO	Divisional Veterinary Officer
EA	Environment Agency
EC	European Community
EEA	European Economic Area
EEC	European Economic Community
EFAT	European Funds Audit Team
EHO	Environmental Health Officer
EMI	Egg Marketing Inspector
EPPO	European and Mediterranean Plant Protection Organisation
EU	European Union
EURL	European Union Reference Laboratory
FAFA	Food Alert for Action
FAPAS	Food Analysis Performance Assessment Scheme
FARE	Feed Additives, Research & Enforcement
FBO	Food Business Operator

Fera	The Food and Environment Research Agency
FHI	Fish Health Inspectorate
FRS	Fisheries Research Services
FSA	Food Standards Agency
FVO	Food and Veterinary Office
GLPMA	Good Laboratory Practice Monitoring Authority
GM	Genetically Modified
GMO	Genetically Modified Organism
GRAIL	Guidance and Regulatory Advice on Import Legislation
HACCP	Hazard Analysis Critical Control Point
HMRC	Her Majesty's Revenue and Customs
HPA	Health Protection Agency
HSE	Health and Safety Executive
IAH	Institute of Animal Health
IAS	Internal Audit Services
IPP	International Phytosanitary Panel
ISO	International Standardisation Organisation
LGR	Local Government Regulation
MHS	Meat Hygiene Service (now merged into the FSA)
MoU	Memorandum of Understanding
MPMMG	Marine Pollution Monitoring Management Group
MRL	Maximum Residue Level
MSS	Marine Scotland Science
NAO	National Audit Office
NBU	National Bee Unit
NCP	National Control Plan
NILGA	Northern Ireland Local Government Association
NPPO	National Plant Protection Organisation
NPTC	National Proficiency Tests Council
NRL	National Reference Laboratory
NVQ	National Vocational Qualification
OCL	Official Control Laboratory
OPI	Other Priority Indicator
OV	Official Veterinarian
PCBs	Polychlorinated biphenyls
PCR	Polymerase Chain Reaction
PETS	Pet Travel Scheme
PHA	Port Health Authority
PHSI	Plant Health and Seeds Inspectorate
POAO	Products of animal origin
PRiF	Expert Committee on Pesticide Residues in Food
PRIN	Product Recall Information Notice
QAB	Quality Assurance Branch
QUASIMEME	Quality Assurance of Information for Marine Environment Monitoring in Europe
RASFF	Rapid Alert System for Food and Feed
RBI	Regional Bee Inspector
REP	Retail Enforcement Pilot
RIW	Rural Inspectorate for Wales
ROD	Regional Operational Director
RPA	Rural Payments Agency
RPW	Rural Payments Wales
RSPCA	Royal Society for the Prevention of Cruelty to Animals

RSU	Regulatory Support Unit
SAC	Scottish Agricultural College
SASA	Science and Advice for Scottish Agriculture
SEARS	Scotland's Environmental and Rural Service
SFELC	Scottish Food Enforcement Liaison Committee
SFPA	Sea Fisheries Protection Organisation
SGIAD	Scottish Government Internal Audit Division
SG RED	Scottish Government Rural and Environment Directorate
SG RPID	Scottish Government Rural Payments and Inspections Directorate
SI	Statutory Instrument
SLA	Service Level Agreement
SMT	Senior Management Team
SMU	Scheme Management Unit
SOP	Standard Operating Procedure
SPVO	Senior Principal Veterinary Officer
SR	Statutory Rule
SRM	Specified Risk Material
SSI	Scottish Statutory Instrument
TRACES	Trade Control and Expert System
TSE	Transmissible Spongiform Encephalopathy
TSO	Trading Standards Officer
UK	United Kingdom
UKAS	United Kingdom Accreditation Service
UKBA	United Kingdom Border Agency
UKFSS	United Kingdom Food Surveillance System
UKNMPVM	United Kingdom National Monitoring Programme Veterinary Manager
VMD	Veterinary Medicines Directorate
VMP	Veterinary Medicinal Product
VO	Veterinary Officer
VRC	Veterinary Residues Committee
VS	DARD Veterinary Service
VSD	Veterinary Sciences Division of AFBI
VS-VPHU	DARD Veterinary Service – Veterinary Public Health Unit
WG RA	Welsh Government, Department for Rural Affairs
WIN	Product Withdrawal Information Notice