



FOOD  
STANDARDS  
AGENCY



Department for Environment  
Food and Rural Affairs



The Scottish  
Government



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



Department of  
Agriculture and  
Rural Development

[www.dardni.gov.uk](http://www.dardni.gov.uk)

# Single integrated national control plan for the United Kingdom

January 2007 to March 2011

**(Revision 3 – issued January 2009)**

## **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.

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## 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
AHDH	Animal Health Dairy Hygiene
AHDO	Animal Health Divisional Office
AMES	Animal Health & Welfare Management & Enforcement System
AMI	Animal Medicines Inspectorate
APA	Association of Public Analysts
APHA	Association of Port Health Authorities
ASP	Amnesic shellfish poisoning
BIP	Border Inspection Post
BSE	Bovine Spongiform Encephalopathy
CAP	Common Agricultural Policy
Cefas	Centre for Environment, Fisheries and Aquaculture Science
COSLA	Convention of Scottish Local Authorities
CRL	Community Reference Laboratory
CSL	Central Science Laboratory
CVO	Chief Veterinary Officer
DARD	Department of Agriculture and Rural Development for Northern Ireland
Defra	Department for Environment, Food and Rural Affairs
DSP	Diarrhetic shellfish poisoning
DVM	Divisional Veterinary Manager
DVO	Divisional Veterinary Officer
EA	Environment Agency
EC	European Community
EEC	European Economic Community
EHO	Environmental Health Officer
ELG	Enforcement Liaison Group
EMI	Egg Marketing Inspectorate
EU	European Union
FAPAS	Food Analysis Performance Assessment Scheme
FARE	Feed Additives, Research & Enforcement
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
HACCP	Hazard Analysis Critical Control Point
HMRC	Her Majesty's Revenue and Customs

HPA	Health Protection Agency
HSE	Health and Safety Executive
ISO	International Standardisation Organisation
LACORS	Local Authorities Co-ordinators of Regulatory Services
MHS	Meat Hygiene Service
MoU	Memorandum of Understanding
MRL	Maximum Residue Level
NAO	National Audit Office
NBU	National Bee Unit
NCP	National Control Plan
NIFLEG	Northern Ireland Food Law Enforcement Group
NILGA	Northern Ireland Local Government Association
NPTC	National Proficiency Tests Council
NRL	National Reference Laboratory
NVQ	National Vocational Qualification
OTM	Over thirty months
OV	Official Veterinarian
PCBs	Polychlorinated biphenols
PCN	Potato cyst nematode
PETS	Pet Travel Scheme
PHA	Port Health Authority
PHSI	Plant Health and Seeds Inspectorate
POAO	Products of animal origin
PRC	Pesticides Residues Committee
PSD	Pesticides Safety Directorate
PSP	Paralytic shellfish poisoning
QAB	Quality Assurance Branch
RA	Welsh Assembly Government, Department for Rural Affairs
RASFF	Rapid Alert System for Feed and Food
RIW	Rural Inspectorate for Wales
RPA	Rural Payments Agency
RPW	Rural Payments Wales
SAC	Scottish Agricultural College
SAHO	Senior Animal Health Officer
SASA	Scottish Agricultural Science Agency
SFBB	Safer Food Better Business
SFELC	Scottish Food Enforcement Liaison Committee
SG RD	Scottish Government Rural Directorate
SGRIP	Scottish Government Rural Payments and Inspections Directorate
SI	Statutory Instrument
SLA	Service Level Agreement
SPVO	Senior Principal Veterinary Officer
SR	Statutory Rule
SRM	Specified Risk Material
SSI	Scottish Statutory Instrument
TRACES	Trade Control and Expert System

TSEs	Transmissible Spongiform Encephalopathies
UKAS	United Kingdom Accreditation Service
UKBA	United Kingdom Border Agency
VAU	Verification and Audit Unit
VLA	Veterinary Laboratories Agency
VMD	Veterinary Medicines Directorate
VMHA	Veterinary Meat Hygiene Adviser
VO	Veterinary Officer
VS	DARD Veterinary Service
VSD	Veterinary Sciences Division of AFBI
VS-VPHU	DARD Veterinary Service – Veterinary Public Health Unit

## Contact point

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



## Chapter 1 - Introduction

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### Background

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

<http://www.food.gov.uk/multimedia/pdfs/offcqa-guidancenotes.pdf>

[http://www.defra.gov.uk/animalh/ahws/deliver/ncp/q&a\\_guidance.htm](http://www.defra.gov.uk/animalh/ahws/deliver/ncp/q&a_guidance.htm)

- 1.2 The NCP has been prepared jointly by the Food Standards Agency (FSA), the Department for Environment, Food and Rural Affairs (Defra), the Scottish Government Rural Directorate (SG RD), the Welsh Assembly Government Department for Rural Affairs (RA), and the Department of Agriculture and Rural Development for Northern Ireland (DARD).

### Scope of the NCP

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- 1.3 The NCP covers the official control systems in place in the UK in respect of 'feed law' and 'food law' (as defined for the purposes of EU Regulation 882/2004<sup>2, 3</sup>), and in respect of animal health (including fish and bee health)

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

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

and animal welfare rules.<sup>4</sup> In addition, the scope extends to plant health controls in respect of the rules included in Council Directive 2000/29/EC.<sup>5</sup>

## Content of the NCP

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

## Planning cycle

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- 1.5 The planning cycle for UK NCPs will follow that of the Westminster Government's Spending Review (this applies primarily to England and spending review cycles may vary in other parts of the UK). These Spending Reviews set firm and fixed Departmental expenditure limits and define the key improvements that the public can expect from these resources. The reviews cover three years although they generally take place every two years with a one year overlap. The latest spending review took place in 2007 and included

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<sup>3</sup> 'Food law' means the laws, regulations and administrative provisions governing food in general, and food safety in particular, whether at Community or national level; it covers all stages of production, processing and distribution of food - Article 3(1) of Regulation (EC) No 178/2002 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.

<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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.

spending plans for 2008-09, 2009-10 and 2010-11. The first UK NCP will, therefore, cover to the end of this period.

## **Implementation of the NCP**

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

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

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### Overall objectives

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- 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's objective is to deliver this by means of a flexible and proportionate, risk-based approach that protects public, animal and plant health, and consumer interests without imposing unnecessary burdens on the authorities that are responsible for undertaking official controls or on those that are subject to these controls. The aim is to achieve this by working across central Government and in partnership with our enforcement stakeholders, particularly with the various Government agencies involved and with local and port health authorities, and their representative and professional bodies, to ensure a committed and co-ordinated approach to enforcement. It will also be important for the competent authorities to work in partnership with industry and consumer stakeholders.

- 2.3 In meeting these objectives, we will follow the principles of proportionality, accountability, consistency, transparency and targeting in line with the Better Regulation Commission's *Principles of Good Regulation*<sup>7</sup>. We will take account of the Government's regulatory reform agenda<sup>8</sup> and, in particular, the Hampton principles of inspection and enforcement, which are set out in the Hampton Report,<sup>9</sup> and the work of the Local Better Regulation Office<sup>10</sup> where this does not run contrary to our obligations under EU legislation. We will also take account of the Regulators' Compliance Code, which came into force in April 2008, and to which central and local government competent authorities across the UK are required to have due regard. In addition, we will take account of the better regulation initiatives of the relevant 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 for more innovative means of securing regulatory compliance.<sup>11</sup>
- 2.4 We will 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 will also aim to contribute to Government-wide policy by taking sustainability into account in all our activities.

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## Specific objectives

### Feed and food sectors

- 2.6 Ensuring that there is a comprehensive and integrated system of official controls from 'farm to fork' will contribute to protecting public and animal health, and safeguarding consumer interests. During the period of the NCP, the aim is that such a system will contribute, in particular, to the following strategic objectives:
- Reducing foodborne illness;
  - Limit and monitor the risks to consumers from chemical and radiological contamination;
  - Making it easier for consumers to make informed choices; and,
  - Protecting consumers from food fraud and illegal practices.
- 2.7 These objectives link closely with achieving specific key targets in the Food Standards Agency's current Strategic Plan for the period to 2010, and that of the Meat Hygiene Service. The full texts of these are available at:

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<sup>7</sup> For further information see the Better Regulation Commission publication the Principles of Good Regulation at: <http://archive.cabinetoffice.gov.uk/brc/publications/principlesentry.html>

<sup>8</sup> Further information at: <http://bre.berr.gov.uk/regulation/reform/>

<sup>9</sup> Reducing administrative burdens: effective inspection and enforcement. March 2005. Philip Hampton - this is available at: <http://www.berr.gov.uk/files/file22988.pdf>

<sup>10</sup> Information on the Local Better Regulation Office is available on their website at: <http://www.lbro.org.uk/>

<sup>11</sup> More information on simplifications plans at: <http://www.berr.gov.uk/whatwedo/bre/policy/simplifying-existing-regulation/simplification-plans/page44063.html>

<http://www.food.gov.uk/multimedia/pdfs/strategicplan2010e.pdf>

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

- 2.8 They also link closely with objectives set out in the strategic or business plans for Defra, the SG RD, RA and DARD, and in annual business plans for the Veterinary Medicines Directorate and the Pesticide Safety Directorate (which are executive agencies of Defra). These plans are available at:

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

<http://www.scotland.gov.uk/Resource/Doc/143112/0036297.pdf>

<http://new.wales.gov.uk/topics/environmentcountryside/?lang=en>

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

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

<http://www.vmd.gov.uk/About/busplan.pdf>

- 2.9 The Food Standards Agency has responsibility at central Government level for the main body of feed and food law in the UK, and other Government agencies and local authorities have responsibility for monitoring and verifying compliance with this and for enforcing its requirements. Partnership working between the Agency and these agencies and local authorities is key to meeting the objectives outlined above. 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 21<sup>st</sup> 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 specific 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 environment and society by preventing, controlling and eradicating disease, and to encourage international trade. These link closely to the objectives set out in the strategic plans of Defra, the SG RD, RA and DARD (see links at para 2.8 above).

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

[DEFRA Animal Health & Welfare Strategy](#)

[The Scottish Government Animal Health & Welfare Strategy](#)

[The Welsh Assembly Government Health & Welfare Strategy](#)

[The Department for Agriculture and Rural Development Northern Ireland: Animal Health & Welfare Strategy](#)

- 2.12 Since publication of Defra's Animal Health and Welfare Strategy there have been requests from stakeholders for more detail on what this means for welfare. The Animal Welfare Delivery Strategy has been prepared to address this need in England. It confirms the Government's commitment to improve animal welfare and sets out a new approach to the delivery of animal welfare through the sharing of responsibility by stakeholders and Government. The Animal Welfare Delivery Strategy envisages an Action Plan, developed in partnership with stakeholders, which will set out short, medium and longer term objectives. Details are available at:

<http://www.defra.gov.uk/animalh/ahws/pdf/awdelivery-strategy.pdf>

### **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:

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

## Chapter 3 - The regulatory landscape: who does what

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### Background

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- 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 Food Standards Agency (FSA), Defra (and its agencies), and the Agriculture/Rural Affairs Departments in the Devolved Administrations (the SG RD, RA and DARD). At local level, the monitoring and enforcement of feed and food law is carried out by local authorities 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 Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations.
- 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 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

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#### 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/EC<sup>12</sup> requires that a single and central authority is designated to have responsibility for matters related to plant health within the context of that Directive. In the UK, Defra and, its Plant Health Division in particular, 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 organisms, TSEs, veterinary medicine and pesticide residues, imported foods, standards for organic foods and use of protected names.

- 3.9 The primary food legislation in Great Britain is the Food Safety Act 1990,<sup>13</sup> and in Northern Ireland is the Food Safety (Northern Ireland) Order 1991.<sup>14</sup> For feed, the primary legislation throughout the UK is provided by the Agriculture Act 1970.<sup>15</sup> Secondary legislation is also made under the European Communities Act 1972,<sup>16</sup> the Consumer Protection Act 1987,<sup>17</sup> and directly under European Community Regulations. Following devolution, most feed and food legislation is now made separately in England, Scotland, Wales and Northern Ireland.

- 3.10 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 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

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<sup>12</sup> 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.

<sup>13</sup> Food Safety Act 1990, c 16.

<sup>14</sup> Food Safety (Northern Ireland) Order 1991, SI 1991/1762 (NI 7).

<sup>15</sup> Agriculture Act 1970, c 40.

<sup>16</sup> European Communities Act 1972 c 68.

<sup>17</sup> Consumer Protection Act 1987, c 51.

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 Community legislation and domestic legislation that gives effect to Community obligations.
- 3.13 As regards animal health, the principal domestic legislation in Great Britain is the Animal Health Act 1981<sup>18</sup> (as amended), and in Northern Ireland is the Diseases of Animals Order (Northern Ireland) 1981<sup>19</sup> (as amended),<sup>20</sup> 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.
- 3.14 In England and Wales, Community obligations in relation to animal welfare are also frequently given effect under the Animal Health Act 1981 and the European Communities Act 1972, but also the Protection of Animals Act 1911.<sup>21</sup> The Animal Welfare Act in England and Wales, which received Royal Assent on 8 November 2006 has updated and replaced the 1911 Act. It has also provided a basis for future legislation to implement Community obligations in this area. Further information about the Animal Welfare Act is available at: <http://www.defra.gov.uk/animalh/welfare/act/index.htm>.
- 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) 1972<sup>22</sup> and the Diseases of Animals Order (Northern Ireland) 1981.
- 3.16 In Scotland, a new Animal Health and Welfare Act received Royal Assent on 11 July 2006. For animal health, the primary purposes of the Act are to provide supplemental powers to prevent the spread of diseases, to make provision for the establishment of a breeding programme to breed resistance

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<sup>18</sup> Animal Health Act 1981, c 22.

<sup>19</sup> Diseases of Animals Order (Northern Ireland) 1981, SI 1981/1115 (NI) as amended.

<sup>20</sup> Further amendments are currently being considered by the Northern Ireland Assembly and an amending Bill is expected to come into force in the first quarter of 2009.

<sup>21</sup> More information is available at: <http://www.defra.gov.uk/animalh/welfare/domestic/index.htm#1911>

<sup>22</sup> Welfare of Animals Act (Northern Ireland) 1972, c.7.

to TSEs in livestock, and to aid the enforcement of the Animal Health Act 1981. For welfare, the Act consolidates and modernises animal welfare legislation for Scotland. The main purposes are to introduce a duty of care on keeping animals, and to allow animals either suffering or in danger of suffering to be removed from that place of danger. The Act is available at:

<http://www.opsi.gov.uk/legislation/scotland/acts2006/20060011.htm>

- 3.17 For fish health, in particular, the principal legislation in Great Britain is the 1937 and 1983 Diseases of Fish Acts<sup>23, 24</sup> and in Northern Ireland it is the Diseases of Fish Act (Northern Ireland) 1967.<sup>25</sup> These provide powers to inspect and place controls on inland waters and farms on fish health grounds. Secondary legislation made under the European Communities Act 1972 provides for inspection and sampling of farms in accordance with EC Directive 91/67/EEC<sup>26</sup> and for the control and eradication of serious fish diseases.
- 3.18 National legislation made under the Bees Act 1980<sup>27</sup> (e.g. the Bee Diseases and Pests Control (England) Order 2006<sup>28</sup> and equivalent legislation in Scotland and Wales) underpins the control of notifiable pests and diseases of bees in Great Britain and implements post import controls of bees from the countries required by Commission Decision 2003/881/EC.<sup>29</sup> In Northern Ireland, the legislation is made under the Bees (Northern Ireland) Order 1980.<sup>30</sup>
- 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 RD, RA and DARD and their inspectors have important statutory functions in animal health and animal welfare legislation. Local authorities in Great 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.

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<sup>23</sup> Diseases of Fish Act 1937, c 33.

<sup>24</sup> Diseases of Fish Act 1983, c 30.

<sup>25</sup> Diseases of Fish Act (Northern Ireland) 1967, c 7.

<sup>26</sup> Council Directive 91/67/EEC concerning the animal health conditions governing the placing on the market of aquaculture animals and products. Official Journal L 46, 19.2.1991, 1-18.

<sup>27</sup> Bees Act 1980, c 12.

<sup>28</sup> SI 2006/342.

<sup>29</sup> 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.

<sup>30</sup> SR1980/869 (NI7).

## **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 2005<sup>31</sup> and separate but parallel legislation in Scotland, Wales and Northern Ireland.<sup>32</sup> Plant health inspectors covering England implement the Order in Wales on behalf of the National Assembly for Wales. The Plant Health (Forestry) Order 2005<sup>33</sup> implements the Directive in relation to forestry materials, while in Northern Ireland the related legislation is the Plant Health (Wood and Bark) Order (Northern Ireland) 2006.<sup>34</sup>
- 3.22 The domestic legislation imposes restrictions and requirements on material imported from third countries and provides internal Community controls on the movement of material from other Member States. Plant health inspectors have the power to enter premises to check compliance with the provisions of the Orders and to take samples and inspect records. Where an inspector has reasonable grounds for suspecting the Order has been contravened, he may serve a notice prohibiting the landing of any plant pest or material or require its treatment, destruction or re-exportation.

## **Division of responsibility**

### **Developing and implementing feed and food law**

- 3.23 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, 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, public health issues relating to TSE rules, 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 Community. Details of this legislation are available at (Note - the food law guide is currently being updated):

<http://www.food.gov.uk/foodindustry/farmingfood/animalfeed/animalfeedlegislation>

<http://www.food.gov.uk/foodindustry/regulation/foodlaw/foodlawguidebranch/>

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<sup>31</sup> Plant Health (England) Order 2005, SI 2005/2530.

<sup>32</sup> 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).

<sup>33</sup> Plant Health (Forestry) Order 2005, SI 2005/2517.

<sup>34</sup> SR 2006/66.

- 3.25 Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations have responsibility between them for feed and food legislation that falls outside the FSA's remit. Details are given at Appendix B. In summary, this includes, beef labelling, standards for organic products, protected food names; animal by-products (in relation to feed); animal health and animal feed aspects of TSE rules; imports from third countries of products of animal origin as regards the animal health requirements; medicated feed<sup>35</sup> and specified feed additives;<sup>36</sup> and veterinary drugs.
- 3.26 Defra Ministers have overall responsibility for pesticide policy in the UK. but policy is implemented by the Pesticides Safety Directorate (PSD), an Agency of the Health and Safety Executive (HSE)<sup>37</sup>. The role, responsibilities, organisation and activities of PSD with regard to the monitoring and enforcement of pesticide residues in food and feed, is described in Appendix K.
- 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.

### **Developing and implementing animal health and animal welfare rules**

- 3.28 Responsibility for developing and implementing animal health and welfare rules in the United Kingdom is divided between Defra (and its Executive Agencies), the Welsh Assembly Government RA, the SG RD and DARD.

### **Monitoring compliance with, and enforcement of feed and food law**

- 3.29 There are approximately 140,000 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

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<sup>35</sup> 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.

<sup>36</sup> A specified feed additive is a substance which is added to animal feedingstuffs routinely, without prescription, for the prevention of coccidiosis or histomonosis, or to favourably affect the growth of animals.

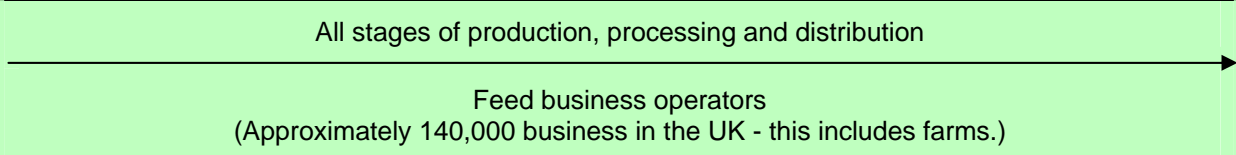
<sup>37</sup> More information is available at: <http://www.hse.gov.uk/>

monitoring and enforcement within Great Britain, this is delegated to local authorities (205 authorities are involved).

**Figure 1 - Division of responsibility for official food controls - at a glance**

<p><b>Developing and Implementing food law</b></p>	<p><b>FSA</b></p> <ul style="list-style-type: none"> <li>• General - traceability, rapid alert system (RASFF), official controls</li> <li>• Import controls - public health aspects, fish/fishery products and products of non-animal origin</li> <li>• Labelling - general, nutritional, health claims</li> <li>• Composition and standards - e.g. bottled waters, fat spreads, chocolate, foods for particular nutritional use, irradiation</li> <li>• Biological safety - e.g. food hygiene, TSEs.</li> <li>• Chemical safety - e.g. additives, contaminants, food contact materials,</li> <li>• Biotechnology - GM food</li> </ul>		<p><b>Defra (and its agencies), the SG RD, RA and DARD</b></p> <ul style="list-style-type: none"> <li>• Imports controls - animal health aspects for products of animal origin</li> <li>• Labelling - beef labelling and protected food names</li> <li>• Composition and standards - organic produce</li> <li>• Biological safety - certain rules relating to TSEs</li> <li>• Residues of pesticides</li> <li>• Residues of veterinary products (VMD)</li> </ul>				
<p><b>Ensuring that food satisfies the requirements of food law</b></p>	<p>Farm</p>	<p>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>				<p>Fork</p>	
<p><b>Official controls in respect of food law</b></p>	<p style="text-align: center;"><b>Central level</b></p> <p><b>FSA</b></p> <ul style="list-style-type: none"> <li>• Inspection and approval of food irradiation facilities</li> <li>• Approval of fresh meat premises</li> <li>• Classification of shellfish harvesting areas</li> <li>• Recognition natural mineral waters from non-EEA countries</li> </ul> <p><b>MHS</b></p> <ul style="list-style-type: none"> <li>• Hygiene controls - fresh meat</li> <li>• SRM controls</li> </ul> <p><b>AHDH (on behalf of the FSA)</b></p> <ul style="list-style-type: none"> <li>• Hygiene controls - milk production holdings</li> </ul> <p><b>EMI/SGRPID (on behalf of the FSA)</b></p> <ul style="list-style-type: none"> <li>• Hygiene controls - egg production units</li> </ul>		<p><b>Defra (on UK-wide basis)</b></p> <ul style="list-style-type: none"> <li>• Organisation of protected food names scheme</li> <li>• Overseeing system for certification of organic produce</li> <li>• Policy on beef labelling system</li> </ul> <p><b>VMD</b></p> <ul style="list-style-type: none"> <li>• Veterinary medicine drug residue surveillance</li> </ul> <p><b>HSE (PSD)</b></p> <ul style="list-style-type: none"> <li>• Pesticide residue monitoring and enforcement</li> </ul> <p><b>RPA</b></p> <ul style="list-style-type: none"> <li>• Overseeing beef labelling system</li> </ul>	<p><b>DARD</b></p> <ul style="list-style-type: none"> <li>• Hygiene controls primary production</li> <li>• fresh meat, milk production holdings/liquid milk premises, egg production units/packing stations</li> <li>• SRM controls</li> <li>• Overseeing system for certification of organic produce</li> <li>• Beef labelling</li> </ul>	<p><b>SG RD</b></p> <ul style="list-style-type: none"> <li>• Beef labelling</li> </ul> <p><b>Local authorities in England and Wales</b></p> <ul style="list-style-type: none"> <li>• 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)</li> </ul>	<p><b>Local authorities in Scotland</b></p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• AHDH role - hygiene controls at milk production holdings</li> </ul>	<p><b>District Councils in Northern Ireland</b></p> <ul style="list-style-type: none"> <li>• Official controls and enforcement of the main body of food law (all food law except that enforced by DARD)</li> </ul>

**Figure 2 - Division of responsibility for official feed controls - at a glance**

<b>Developing and Implementing feed law</b>	<b>FSA</b> <ul style="list-style-type: none"> <li>• General - traceability, rapid alert system (RASFF), official controls</li> <li>• Import controls</li> <li>• Labelling</li> <li>• Composition and standards</li> <li>• Biological safety - e.g. feed hygiene</li> <li>• Chemical safety - prohibited and undesirable substances</li> <li>• Biotechnology - GM feed</li> </ul>		<b>Defra (and its agencies), the SG RD, RA and DARD</b> <ul style="list-style-type: none"> <li>• Animal by-products - feed ban, <i>Salmonellas</i> etc.</li> <li>• Medicated feed</li> <li>• Chemical safety - specified feed additives</li> </ul>			
<b>Ensuring that feed satisfies the requirements of feed law</b>	Farm	All stages of production, processing and distribution 			Fork	
<b>Official controls in respect of feed law</b>	<b>Central level</b>			<b>Local level</b>		
<b>VMD</b>	<b>PSD</b>	<b>Animal Health</b>	<b>DARD</b>	<b>Local authorities in England and Wales</b>	<b>Local authorities in Scotland</b>	
<ul style="list-style-type: none"> <li>• Medicated feed</li> <li>• Specified feed additives</li> <li>• Veterinary medicine drug residue surveillance</li> </ul>	<ul style="list-style-type: none"> <li>• Pesticide residue monitoring and enforcement</li> </ul>	<ul style="list-style-type: none"> <li>• Animal protein in feed ban</li> </ul>	<ul style="list-style-type: none"> <li>• All feed law controls in Northern Ireland</li> </ul>	<ul style="list-style-type: none"> <li>• Official controls and enforcement of the main body of feed law, including imported feed (all feed law not enforced by Defra and its Agencies)</li> </ul>	<ul style="list-style-type: none"> <li>• Official controls and enforcement of the main body of feed law, including imported feed (all feed law not enforced by Defra and its Agencies)</li> </ul>	



3.30 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 competent authority in the UK for recognition of non-EEA natural mineral water sources is the FSA.
- The FSA's executive agency, the Meat Hygiene Service (MHS), is responsible in Great Britain for official 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, Animal Health Dairy Hygiene<sup>38</sup> - AHDH - 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 and in Scotland, milk production holdings are inspected by local authority food law enforcement services. The Animal Health Egg Marketing Inspectorate (EMI), 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 the Scottish Government's Rural Payments and Inspections Directorate and, in Northern Ireland, by DARD Quality Assurance Branch.
- The Health and Safety Executive is responsible for enforcement of certain food related provisions in the Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995<sup>39</sup> within territorial waters.
- Defra is directly responsible for organising in the UK, schemes that permit the use of protected food names, and for overseeing the work of the bodies responsible for certification of organic produce (enforcement responsibility lies with local authorities).
- Defra is also responsible for beef labelling policy in the UK though implementation in England is by the Rural Payments Agency and in other UK countries, by the relevant Agriculture Department. Responsibility for enforcement is shared: in England and Wales between local authorities and the Rural Payments Agency; in Scotland, between the SG RD and local authorities; and in Northern Ireland, between DARD and district councils; for imported beef between port health authorities in Great Britain and DARD Veterinary Service in Northern Ireland.
- The Pesticide Safety Directorate (PSD) is responsible for the national monitoring and surveillance programmes for pesticide residues in food and drink, and the Veterinary Medicines Directorate (VMD) for the veterinary drug residue surveillance programmes.

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<sup>38</sup> AHDH was formerly the Dairy Hygiene Inspectorate. It is part of Animal Health, an Executive Agency of Defra.

<sup>39</sup> SI 1995/738.

- The VMD, and in particular, its Animal Medicines Inspectorate, is also responsible for monitoring and enforcing feed law as it relates to medicated feed and specified feed additives. This function extends to Great Britain only. DARD provides the same service in Northern Ireland.
- Animal Health (formally the State Veterinary Service)<sup>40</sup> is responsible for ensuring compliance with the prohibition on the use of animal protein in animal feed in Great Britain under legislation on TSEs, though prosecutions are normally taken by local authorities.
- In Northern Ireland, DARD has responsibility for monitoring and verifying compliance with, and enforcement of all feed law.

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

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

3.32 Responsibility for conducting official controls in Great Britain is divided between Animal Health, the Rural Payments Agency (both Executive Agencies of Defra), the Meat Hygiene Service and local authorities (149 in England, 22 in Wales, and 32 in Scotland). In addition, agricultural staff of the SG RD and inspectors of Rural Payments Wales 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.

3.33 More detailed information on the activities of the various competent authorities is provided at Appendices D to F, I and L to P. This includes information about their organisation, structure, resources, and how they meet the requirements set out in Regulation 882/2004.

3.34 With regard to monitoring of zoonosis and zoonotic agents, Defra, the Devolved 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 research programmes are used together with that obtained from specimens and samples submitted to government veterinary laboratories for testing and diagnoses. 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:

<http://www.defra.gov.uk/animalh/diseases/zoonoses/trends-sources.htm>

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<sup>40</sup> Animal Health is an Executive Agency of Defra. It became 'Animal Health' on 1st April 2007 following the merger of the State Veterinary Service, the Dairy Hygiene Inspectorate, the Egg Marketing Inspectorate and the Wildlife Licensing and Registration Service.

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

<p><b>Policy and Development and implementation of animal health and animal welfare legislation</b></p>	<ul style="list-style-type: none"> <li>• Department for Environment, Food and Rural Affairs (Defra)</li> <li>• Scottish Government Rural Directorate (SG RD)</li> <li>• Welsh Assembly Government, Department for Rural Affairs (RA)</li> <li>• Department of Agriculture and Rural Development for Northern Ireland (DARD)</li> </ul>					
<p><b>Official controls (Delivery landscape)</b></p>	<p><b>Defra Executive Agencies</b></p> <ul style="list-style-type: none"> <li>• Animal Health (including local veterinary inspectors)</li> <li>• Rural Payments Agency (including the British Cattle Movement Service)</li> <li>• Veterinary Laboratories Agency</li> <li>• Veterinary Medicines Directorate</li> <li>• Central Science Laboratory - Bee Health Unit</li> <li>• Cefas Fish Health Inspectorate</li> </ul>	<p><b>Devolved Administrations</b></p> <ul style="list-style-type: none"> <li>• SG RD (Scottish Government Field Officers and Fisheries Research Services)</li> <li>• RA (Rural Payments Wales)</li> <li>• DARD (Veterinary Service and Grants and Subsidies Division)</li> </ul>	<p><b>Other Government Departments</b></p> <ul style="list-style-type: none"> <li>• Food Standards Agency (Meat Hygiene Service)</li> <li>• Her Majesty's Revenue and Customs/United Kingdom Border Agency</li> </ul>	<p><b>Local Government</b></p> <ul style="list-style-type: none"> <li>• Local authorities in Great Britain</li> <li>• Port health authorities</li> <li>• LACORS (Local Authority Co-ordinators of Regulatory Services) - co-ordination role</li> </ul>	<p><b>Non-departmental Public Bodies</b></p> <ul style="list-style-type: none"> <li>• Environment Agency</li> <li>• Meat and Livestock Commission</li> </ul>	<p><b>Other bodies</b></p> <ul style="list-style-type: none"> <li>• Royal Society for the Prevention of Cruelty to Animals</li> </ul>

## Plant health controls

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

- Defra's Plant Health Division
- Defra's Plant Health and Seeds Inspectorate
- Central Science Laboratory
- Scottish Government Rural Directorate
- Welsh Assembly Government
- DARD Quality Assurance Branch
- Forestry Commission

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

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

## National Reference Laboratories

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

3.37 CRLs are appointed by the Commission.<sup>41</sup> 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 field of expertise, as well as co-ordinating practical arrangements needed to apply new analytical/diagnostic methods.

3.38 To complete the framework, each Member State must designate an NRL to correspond to each CRL although the NRL does not have to be in the designating Member State. These laboratories must collaborate with the CRLs in their particular area of expertise and disseminate nationally information provided by the CRL. NRLs are responsible for co-ordinating the activities of official laboratories and should, where appropriate, organise

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<sup>41</sup> The CRLs 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.

comparative tests between them. In addition, they provide scientific and technical assistance to the central competent authorities.

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

## **Official laboratories**

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### **Introduction**

- 3.40 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.
- 3.41 Designation may only be granted if the laboratory meets certain standards (i.e. is accredited to the European Standards specified in Regulation 882/2004). Where accreditation was not required under previous Community legislation, laboratories have been given a transitional period until 31 December 2009 to gain the necessary accreditation. In the UK, accreditation is undertaken by the United Kingdom Accreditation Service (UKAS). Detailed information on UKAS is available at: <http://www.ukas.com/>.
- 3.42 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 Q](#)).

### **Official feed and food laboratories**

- 3.43 In the UK, official feed and food laboratories include Public and Agricultural Analyst Laboratories, the Health Protection Agency (HPA)<sup>42</sup> and hospital trust laboratories that undertake work for local authorities. Official laboratories must employ staff who possess qualifications which are defined by national legislation. In addition, Public Analysts must be formally appointed by a local authority. Laboratories that undertake work for the central competent authorities and their agencies, such as the Pesticide Safety Directorate and the Veterinary Medicines Directorate, are also designated official laboratories.

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<sup>42</sup> More information on the Health Protection Agency is available at: <http://www.hpa.org.uk/>

## Laboratories designated by the Food Standards Agency

- 3.44 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),<sup>43</sup> the representative body for most food and feed control laboratories in the UK, with the Health Protection Agency and with UKAS to define the scope of accreditation and the audit requirements for the official laboratories. In the case of feed control laboratories, this is on-going as the requirement for accreditation in Regulation 882/2004 was new (whilst for food it was a requirement under previous Community legislation).
- 3.45 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.
- 3.46 A list of FSA designated official laboratories is published at:  
<http://www.food.gov.uk/enforcement/monitoring/foodcontrollabs>
- Most of these laboratories are privately owned. Others fall under local authority control but can undertake private work for other 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 S. It is recognised that there are a number of laboratories which undertake control work in a limited area (e.g. monitoring and classification of shellfish harvesting areas - see para below) and these will be separately identified in an updated list of control laboratories.
- 3.47 The FSA in England and Wales designates laboratories for the purposes of monitoring and classification of shellfish harvesting areas. For microbiological (classification) monitoring these are mainly Health Protection Agency laboratories but in some cases they are privately owned. In Scotland, classification is undertaken directly by the Agency and laboratory testing is undertaken by Integrin Advanced Biosystems.<sup>44</sup> For toxicological monitoring, these are again designated laboratories with which the FSA has contractual arrangements to carry out the testing requirements as set out in Community hygiene legislation. All the laboratories concerned have had their methods accredited by UKAS. Some of these constitute control bodies (such as one of those employed by FSA Scotland) and details of how the FSA ensures that these laboratories bodies meet the requirements in Regulation 882/2004 for control bodies are given at Appendix S.

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<sup>43</sup> Detailed information on the Association of Public Analysts is available at: <http://www.the-apa.co.uk/>

<sup>44</sup> More information can be obtained at: <http://www.integrin.co.uk/>

### **Laboratories designated for pesticide residue analysis**

3.48 Five laboratories are employed by the Pesticide Safety Directorate for Maximum Residue Level (MRL) analysis. These are:

- LGC Ltd;<sup>45</sup>
- Central Science Laboratory (CSL);<sup>46</sup>
- Agri-Food Biosciences Institute for Northern Ireland (AFBI);<sup>47</sup>
- Scottish Agricultural Science Agency (SASA);<sup>48</sup> and
- Eurofins Ltd.<sup>49</sup>

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**

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

- LGC Ltd;<sup>50</sup>
- Central Science Laboratory (CSL); and,
- Agri-Food Biosciences Institute for Northern Ireland (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 residues programme. The analytical methods employed also meet the requirements of Commission Decision 2002/657.<sup>51</sup> All laboratories are subject to audits by UKAS.

### **Laboratories designated for analysis of medicated feedingstuffs and specified feed additives**

3.50 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 Yorkshire<sup>52</sup> which is accredited by UKAS in accordance with the requirements of Regulation 882/2004. DARD delegate responsibility for analysis of statutory samples to

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<sup>45</sup> More information on LGC Ltd is available at: <http://www.lgc.co.uk/>

<sup>46</sup> More information on CSL (an executive agency of Defra) is available at: <http://www.csl.gov.uk/>

<sup>47</sup> AFBI is a Government laboratory. More information is available at: <http://www.afbini.gov.uk/>

<sup>48</sup> More information on SASA is available at: <http://www.sasa.gov.uk/>

<sup>49</sup> More information on Eurofins Ltd is available at: <http://www.eurofins.co.uk/>

<sup>50</sup> LGC Ltd was appointed following an open tender exercise.

<sup>51</sup> 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.

<sup>52</sup> More information is available at: <http://www.applegate.co.uk/company/11/91/492.htm>

the designated Public Analyst who operates to a Memorandum of Understanding (which is reviewed annually). In addition screening samples are analysed by the AFBI (Northern Ireland) in adherence to a sampling and analysis plan drawn up by DARD.

### **Laboratories designated for the analysis of organic produce**

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

### **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:

- Veterinary Laboratories Agency (VLA - 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 VLA sub-contracts the laboratory work/testing to other appropriate laboratories which meet certain specified standards and which are imposed and monitored by the VLA.<sup>53</sup>).
- Institute for Animal Health, Pirbright (IAH).<sup>54</sup>

### **Official laboratories for bee health controls**

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

- CSL;
- Scottish Agricultural Science Agency (SASA); and
- AFBI.

CSL laboratory and fieldwork is carried out in accordance with the Principles of Good Laboratory Practice and is subject to periodic spot checks both by CSL's Quality Assurance Team, and externally by the UK Good Laboratory Practice Monitoring Authority (GLPMA).<sup>55</sup> CSL is also accredited to ISO 17025 and ISO 9001. SASA (an executive agency of the SG RD) is working towards accreditation 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.

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<sup>53</sup> More information on the VLA is available at: <http://www.defra.gov.uk/corporate/vla/default.htm>

<sup>54</sup> More information on the IAH is available at: <http://www.iah.bbsrc.ac.uk/>

<sup>55</sup> 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: [http://www.mhra.gov.uk/home/idcplg?IdcService=SS\\_GET\\_PAGE&nodeId=614](http://www.mhra.gov.uk/home/idcplg?IdcService=SS_GET_PAGE&nodeId=614)



## **Official laboratories for fish and shellfish health**

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

- The Centre for Environment, Fisheries and Aquaculture Science (Cefas) Weymouth Laboratory;<sup>56</sup>
- Fisheries Research Services (FRS) Aberdeen Laboratory;<sup>57</sup>
- Agri-Food and Biosciences Institute (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**

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### **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.<sup>58, 59, 60</sup>

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

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<sup>56</sup> More information on CEFAS is available at <http://www.cefasc.co.uk/>

<sup>57</sup> More information on FRS is available at: <http://www.marlab.ac.uk/>

<sup>58</sup> Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs. Official Journal L 198 , 22.7.1991, 1-15.

<sup>59</sup> Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialties guaranteed. Official Journal L 93, 31.3.2006, 1-11.

<sup>60</sup> 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.

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 2002/29/EC also permits the use of independent private bodies to undertake control tasks. In the UK, however, all tasks are undertaken by the Plant Health Service.

### **Control bodies employed by the UK authorities**

- 3.59 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 Defra's 'Beef Labelling Scheme' also constitute control bodies. As regards animal health, various commercial carrier companies are approved by Animal Health 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 S](#).

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

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### **Background**

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- 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 too it is important that the various units making up the UK Plant Health Service co-operate together and with colleagues in the other Member States of the European Community in order to protect the environment and agricultural and horticultural production industries. This Chapter also outlines the mechanisms in place to facilitate this.

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

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#### **Introduction**

- 4.4 Local and port health authorities together provide the framework of official controls in the UK in respect of the main body of food law, and in Great Britain, in respect of the main body of feed law. Responsibility for official controls in these sectors also lies with central Government Departments and their agencies. Local and port health authorities, as appropriate, work and liaise closely with these Departments and agencies through a range of both formal and informal mechanisms. Informal contact takes place at all levels on a day-to-day basis and through regular meetings. The main more formal mechanisms are outlined in the following paragraphs.

## **Local Authorities Co-ordinators of Regulatory Services (LACORS)**

- 4.5 LACORS is a local government central body created by the UK Local Authority Associations i.e. the Local Government Association,<sup>61</sup> Welsh Local Government Association,<sup>62</sup> Convention of Scottish Local Authorities<sup>63</sup> and Northern Ireland Local Government Association.<sup>64</sup> Detailed information on LACORS and its activities may be found at: <http://www.lacors.gov.uk/pages/trade/lacors.asp>
- 4.6 LACORS plays a key role in facilitating effective communication and co-ordination across local authorities in the UK. It aims 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 4.33 to 4.36). LACORS also play a key role in representing local authorities to the FSA, Defra and other relevant central Government Departments and Agencies.

### **LACORS 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 the Meat Hygiene Service, Animal Health Dairy Hygiene, the Animal Medicines Inspectorate, analytical experts and other specialists (for example from the Health Protection Agency and Health Protection Scotland<sup>65</sup>). These Regional Groups and Local Groups are consulted by LACORS and the FSA on various issues including changes to legislation and national sampling plans. In turn, the regional groups will raise problems with the interpretation of legislation or enforcement matters with LACORS.
- 4.9 In Scotland, there are four Regional Food Liaison Groups whose memberships comprise Environmental Health Officers, Public Analysts and representatives of FSA 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

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<sup>61</sup> More information on the Local Government Association is available at: <http://www.lga.gov.uk/>

<sup>62</sup> More information on the Welsh Local Government Association is available at: <http://www.wlga.gov.uk/>

<sup>63</sup> More information on the Convention of Scottish Local Authorities is available at: <http://www.cosla.gov.uk/>

<sup>64</sup> More information on the Northern Ireland Local Government Association is available at: <http://www.nilga.org/>

<sup>65</sup> More information on Health Protection Scotland may be found at: <http://www.hps.scot.nhs.uk/>

and microbiological samples. The four liaison groups are represented in the Scottish Food Enforcement Liaison Committee (see para 4.15). There is also a product specific group dealing with enforcement matters relating to fish and shellfish, the Scottish Fish Hygiene Working Group (membership comprises representatives of food authorities with a significant fish/shellfish industry located in their area, and FSA Scotland).

- 4.10 LACORS has 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.

### **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. Further information on the Home Authority Principle is available at:

<http://www.lacors.gov.uk/lacors/static.aspx?N=0&Ne=0+2000+3000+4000+5000+6000+7000+8000+9000+10000+11000&groupid=1&id=&pageid=112&tl=&prev>

- 4.12 LACORS supports and acts as a steward of the Home Authority Principle by providing framework advice and guidance on its operation, monitoring its use and where possible resolving disputes and providing an extensive database of companies, brand names and local authority contact information to facilitate effective communications. Although the principle does not have any strict legal status, the need to follow it is clearly highlighted by LACORS and is endorsed by the FSA. This is reflected in the statutory 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](#).

### **Memoranda of understanding on feed law enforcement**

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

## **Food Standards Agency support mechanisms**

4.14 The FSA provides central co-ordination of enforcement of feed and food safety and standards legislation by local authorities in the UK. Specific arrangements for co-ordination and co-operation relating to the enforcement of food safety and standards legislation is set out in Food Law Codes of Practice and associated Practice Guidance (separate but parallel codes/practice guidance apply in each of the four UK countries). For feed law enforcement, arrangements are set out in the Feed Law Enforcement Code of Practice which was published in December 2006. Further details of the Codes are provided at [Appendix C](#).

4.15 The FSA has also set up a number of groups for facilitating co-ordination and co-operation.

- Enforcement Liaison Group - The Enforcement Liaison Group is a UK-wide stakeholder group which was established to strengthen and develop links between the FSA and local authority food law enforcement services. As well as representatives from enforcement authorities, membership comprises representatives from consumer, professional and industry bodies. The Group provides a forum for discussion of strategic food law enforcement issues. Detailed information can be found at:

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

- Animal Feed Law Enforcement Liaison Group – This Group was established on the recommendation of the Advisory Committee on Animal Feedingstuffs<sup>66</sup> to discuss animal feed law and related matters and identify common problems and agree a co-ordinated approach to feed law enforcement. Membership of the Group comprises representatives from all of the competent authorities with responsibility for feed law enforcement in the UK, as well as LACORS. Detailed information on the Group is available at

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

- Scottish Food Enforcement Liaison Committee (SFELC) – This is a non - statutory advisory Committee formed under the auspices of the FSA. It provides a forum for the Agency in Scotland to maintain and develop links with key stakeholders who can provide the necessary expertise to contribute to the development, implementation and maintenance of the Agency's policies in respect of the safety of food supplied in Scotland and the protection of consumer interests 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.
- Northern Ireland Food Law Enforcement Group (NIFLEG) – In general terms, the role of this Group mirrors that of the SFELC in Scotland. Membership comprises representatives from the enforcement authorities in Northern Ireland, including district councils, DARD Veterinary Service –

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<sup>66</sup> More information on the Advisory Committee on Animal Feedingstuffs is available at <http://www.food.gov.uk/science/ouradvisors/animalfeedingstuffs/>

Veterinary Public Health Unit (VS-VPHU) and DARD Quality Assurance Branch (QAB).

- FSA Wales/Local Authority Working Group - The Group provides a forum for discussion of all aspects of food law enforcement. The membership includes representatives from relevant specialist 'all Wales enforcement groups' (Food Safety, Communicable Disease, Port Health and Food and Agriculture Standards), plus LACORS, Welsh Local Government Association and food examiners and public analysts.

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

- Dedicated enforcement portal on FSA website - this provides a single point of access to enforcement-related information, to which all enforcement practitioners have access.
- Low cost training programme - This is designed to provide a continuing programme of quality update training for local authority food law enforcement practitioners at a cost that is affordable to local authorities. More information on the scheme can be found at:

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

- 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 light of practical experience, the need for further training is currently being considered.
- Training for feed law enforcers - This has also been provided by the FSA's Animal Feed Unit 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:

<http://www.food.gov.uk/foodindustry/guidancenotes/>

<http://www.food.gov.uk/foodindustry/farmingfood/animalfeed/animalfeedlegislation>

- Grants and expertise - These are made available by the FSA to establish and support specific and targeted enforcement activities and the application of new legislation and initiatives, such as assistance for local authorities investigating food fraud, and for the promotion of food safety management systems based on HACCP principles. An example relates to the enforcement of food hygiene legislation on-farm in England. Since the normal route by which money to local authorities is made available (the Revenue Support Grant) was fixed until the next spending round of 2008/09, the FSA allocated grants under Section 31 of the Local

Government Finance Act 1992<sup>67</sup> to local authorities. Over the 18 months to the start of the 2008/09 financial year, £1.5 million was distributed on the basis of numbers of primary production holdings in each local authority area. Over the same period £300,000 was available to fund training and other central support requirements. A further £1.5 million, per year, was transferred to the Revenue Support Grant in England from 2008/2009.

- Food sampling and surveillance database - This system is in development and will enable the electronic transfer of standardised and accurate sampling data (both chemical and microbiological for food and animal feed) between local authorities, official laboratories and ultimately to be stored in a central database that can be accessed by all local authorities and the FSA. This will be used to identify trends and will enable better targeting of resources and prevention of sampling duplication.
- FSA presence in Regional Government Offices in England - As part of the FSA's work to strengthen links with local and regional organisations, the Agency has established a presence in four of the nine English Government regions. Teams of two officers are working in the Government Offices of the East Midlands, South East, South West and North West. 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. Options for the future of the Regional Unit are being considered in the context of a wider exercise on how best the Agency can work in partnership with its key stakeholders. This exercise is scheduled for completion in early 2009.

## **Food Alerts**

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

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

## **Statutory regional groups in Northern Ireland**

- 4.18 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.

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<sup>67</sup> Local Government Finance Act 1992, c 14.



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

- 4.19 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)/United Kingdom Border Agency (UKBA).<sup>68</sup>, <sup>69</sup> There is regular liaison between these authorities at the quarterly formal meetings between the FSA, Defra, HMRC/UKBA and Animal Health. 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 4.15).
- 4.20 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),<sup>70</sup> for example via its Imported Food and Feed, and Border Inspection Post Technical Committees, and LACORS, and through routine meetings with representatives from the major ports where food and feed is entering into the UK.
- 4.21 In addition to the above, the FSA has developed or participated with partners to deliver the following initiatives:
- Imported Food Control Resource Pack - This provides guidance on enforcement approach and complements a programme of basic and intermediate training on imported food controls for enforcement practitioners. Over 3,000 officers, with at least one from each UK local/port health authority, have attended relevant training. More information is available at:  
[http://www.food.gov.uk/foodindustry/imports/enforce\\_authorities/resourcepack](http://www.food.gov.uk/foodindustry/imports/enforce_authorities/resourcepack)
  - Training on illegal imports of products of animal origin - This provides specific material relating to the control of illegally introduced products of animal origin that have evaded border controls.
  - Training of Border Inspection Post staff – This is organised by Animal Health.
  - Imported Food Sampling Group - This facilitates the co-ordination of food sampling activity. Membership comprises representatives of APHA, Defra, the Health Protection Agency, regional local authority co-ordinators, as well as LACORS and FSA officials. A Sampling Co-ordinator has been appointed to gather and disseminate information and to improve communications in this area.
  - GRAIL - This is an electronic database of all legislation, import conditions and guidance relating to imported foods of non-animal origin, fishery products and bivalve molluscs. It enables enforcement practitioners at UK

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<sup>68</sup> HMRC do not currently have a role in Northern Ireland in relation to imported food. DARD performs the equivalent role

<sup>69</sup> More information about the United Kingdom Border Agency is available at: <http://www.bia.homeoffice.gov.uk/>

<sup>70</sup> More information on APHA is available at: <http://www.apha.org.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:

<http://www.food.gov.uk/foodindustry/imports/>

- National Animal Feed Ports Panel – This is a sub-group of AFLELG (referred to in paragraph 4.15 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.

### **Food hygiene controls from farm to fork**

- 4.22 New food hygiene legislation, applying horizontally from 'farm to fork' came into force across the UK (and the rest of the European Community) on 1 January 2006. Its enforcement is the responsibility of a number of different authorities and agencies - local authorities, the Meat Hygiene Service, DARD QAB and Veterinary Service - Veterinary Public Health Unit, Animal Health Dairy Hygiene, the Egg Marketing Inspectorate, and the Scottish Government Rural Payments and Inspections Directorate. This legislation is important from a public health perspective and good co-ordination and co-operation between these authorities is critical. This is achieved mainly through regular but informal contacts between enforcement officers through shared conferences and meetings etc. It is also achieved via LACORS and its Food Liaison Committees (see paras 4.5 to 4.10).
- 4.23 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 and funding arrangements for its application and enforcement. Following careful consideration and consultation with relevant stakeholders, it has been agreed that local authorities in England and Wales, and DARD Quality Assurance Branch in Northern Ireland, will be responsible for this work. In Scotland, enforcement is carried out by a combination of local authority officers and Scottish Government staff (Rural Payments and Inspections Directorate) 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.
- 4.24 The current arrangement for primary production food hygiene enforcement in Scotland is through coordination of both SGRPID 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 SEARS project.<sup>71</sup> 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).

- 4.25 The Food Law Code of Practice in Scotland, out to consultation until early January 2009, has been 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, SGRPID, National Farmers Union Scotland and Food Standards Agency 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.

### **TSE (Transmissible Spongiform Encephalopathies) controls**

- 4.26 Responsibility for TSE controls is divided between the Meat Hygiene Service, Animal Health and local authorities in Great 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, Animal Health and the British Cattle Movement Service (BCMS)<sup>72</sup> on animal identification issues, which includes established procedures for the exchange of information and scheduled meetings.

### **Monitoring of zoonosis and zoonotic agents**

- 4.27 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 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:

<http://www.defra.gov.uk/animalh/diseases/zoonoses/index.htm>

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<sup>71</sup> 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.

<sup>72</sup> More information on the British Cattle Movement Service (BCMS) is available at: <http://www.defra.gov.uk/animalh/id-move/cattle/index.htm>

### **Veterinary medicines residues monitoring**

- 4.28 To ensure the smooth running of this programme, the Veterinary Medicines Directorate 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, Animal Health, Meat Hygiene Service, the National Reference Laboratories and representatives of the independent Veterinary Residues Committee (VRC)<sup>73</sup> 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**

- 4.29 For pesticide residues, bilateral exchange of information takes place within regular meetings of a Liaison Group which includes representatives of PSD, the Health and Safety Executive, the FSA, the Rural Payments Agency (RPA), the Environment Agency<sup>74</sup> and local authorities.
- 4.30 In addition, PSD has quarterly meetings with an independent committee, the Pesticides Residues Committee (PRC)<sup>75</sup> that oversees and advises upon the UK residue monitoring programme. Officials nominated by DARD and the SG RD, together with officials from the FSA, also attend these meetings which consider the overall progress of the plan together with the results.
- 4.31 The draft proposals for the forward plan are published on the PSD website to enable comments from stakeholders to be considered as part of this process. An annual planning meeting is held with members of the PRC and FSA to discuss the programme for the following years taking into account stakeholder comments.

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

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### **LACORS**

- 4.32 As for feed and food controls, LACORS plays a key role as regards local authority animal health and welfare regulatory services in representing them to Defra and the other Agriculture/Rural Affairs Departments.

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<sup>73</sup> More information on the Veterinary Residues Committee is available at: <http://www.vet-residues-committee.gov.uk/>

<sup>74</sup> More information on the Environment Agency is available at: <http://www.environment-agency.gov.uk/>

<sup>75</sup> More information on the PRC is available at: <http://www.pesticides.gov.uk/approvals.asp?id=831>

## Framework Agreement

4.33 Through LACORS, all local authorities with responsibility for animal health and welfare in England and Wales are signed up to a Framework Agreement on the delivery of services. This Agreement, which is supported financially by Defra, is designed to support close and effective working partnership between local authorities and Animal Health, including a shared risk assessment and agreement of priorities. Animal Health provides veterinary input as required in the production of an agreed local service delivery plan. It also has minimum targets for local liaison or welfare meetings. The Framework Agreement is available at:

<http://www.defra.gov.uk/animalh/ahws/pdf/frameworkagreement5-1.pdf>

4.34 During 2007-2008 Defra, the Welsh Assembly Government, Animal Health and LACORS reviewed the Framework Agreement with the aim of improving partnership working between Animal Health and local authorities as well as between local authorities themselves. The revised Framework Agreement will complement and support the National Performance Indicator (190)<sup>76</sup> in England from April 2009 and the National Performance Indicators in Wales for local authorities. Animal Health will liaise closely with each local authority to agree an annual Service Delivery Plan to reflect their work in relation to the Framework and National Indicator. The aim of the National Indicator is to improve standards of animal health and to encourage a more consistent universal level of performance and approach to the work. It will incorporate the full range of animal health enforcement work carried out by the local authorities.

## Regional meetings and National Animal Health and Welfare Panel

4.35 LACORS has established a coordination structure that enables local authorities with responsibility for animal health and welfare controls to attend quarterly regional meetings to discuss common concerns, emerging trends, and national requirements. Each region has a structure to encourage ongoing communication. 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. The links between the National Panel and regional groups are used by LACORS to seek views and communicate information. This is supported by the LACORS website and LACORS specialist e-mails, which are sent to local authorities across England, Wales and Scotland. Representatives from wider delivery partners are often invited to participate in both national and regional meetings to promote transparency and partnership working.

4.36 In Scotland, there is a Scottish Enforcement Working Group, which includes local authorities, Animal Health, 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.

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<sup>76</sup> More information on National Performance Indicator 190 is available at: <http://www.defra.gov.uk/environment/localgovindicators/NI190.htm>

## **Other mechanisms**

### **Chief Veterinary Officer meetings**

- 4.37 Joined up processes and data sharing between Defra and its delivery partners is critical to ensuring an effective control system. To facilitate this, the Chief Veterinary Officer (CVO) chairs annual meetings with Heads of Delivery Partners to discuss how the relationships are working and to share information on practices for animal health and welfare. The meetings also provide an opportunity to update on various issues such as emergency preparedness. In addition, the CVO chairs the bi-monthly Animal Health and Welfare Delivery Board with Defra Directors, Animal Health, the Veterinary Laboratories Agency, VMD and the Meat Hygiene Service. The aim of the meetings is to provide an interface between Defra and the main bodies responsible for the delivery of policies to implement the Animal Health and Welfare Strategy, ensuring the delivery chain is working effectively on agreed priorities to deliver desired outcomes.
- 4.38 Co-ordination meetings on animal health and welfare policy matters are held on a monthly basis between Defra, the SG RD, the Welsh Assembly Government RA and DARD at Chief Veterinary Officer level. These meetings are supported on the trade aspects of animal health and welfare by quarterly meetings at official level. Additionally, these formal discussions are supported by daily contact at a working level on matters of detail. The CVO also holds regular discussions on animal health and welfare with consumer organisations and representatives. These discussions foster a sense of partnership between the Department and the consumer organisations to share ideas and contribute to balanced decision-making. This is important because consumer views are key to the success of the Animal Health and Welfare Strategy, especially as the public has a more questioning attitude and rightly looks for independence and openness from Government.

### **Liaison between Animal Health and local authorities**

- 4.39 Local authorities work closely with Animal Health. All Animal Health Divisional 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 of regular and formal liaison meetings to discuss enforcement of animal health and welfare rules is being encouraged.

### **Fish health co-ordination**

- 4.40 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.
  - National Reference Laboratory 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.

- [efishbusiness.co.uk](http://efishbusiness.co.uk) - 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, FRS and DARD provide advice both through contact during inspection and monitoring programmes and through Advisory Services from the laboratories.
- Border Inspection Post workshops - These are organised bi-annually by Cefas and provide a forum for internal and industry concerns and problems to be addressed, resolved or actioned, and have helped streamline liaison between Border Inspection Post staff, industry and the Fish Health Inspectorates.

### **Bee health co-ordination**

- 4.41 An annual meeting is held between Defra, the Devolved Administrations and the main beekeeping associations to discuss apiculture issues.

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

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- 4.42 As the 'single authority' for the UK under the plant health Directive (2000/29/EC), Defra's Plant Health Division keeps in close touch with the other services. There are co-ordination meetings every six months and frequent meetings on specific issues which involve representatives from all authorities as appropriate.
- 4.43 With regard to the European Community and working with the equivalent services in the other Member States, notifications of interceptions of pests and diseases and other instances of non-compliance are sent to the European Commission using the Europhyt notification system (European Network of Plant Health Information Systems)<sup>77</sup> as required under Directive 2000/29/EC. If the interception is of immediate concern and/or if emergency action is being taken, the Commission is informed by letter. This system ensures that issues are brought to the attention of all Member States. The UK uses the same system to notify interceptions in material moving within the EC.
- 4.44 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.

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<sup>77</sup> More information on Europhyt is available at: <http://ec.europa.eu/idabc/en/document/2267/580>

## Emergency and contingency planning

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### **Feed and food emergencies**

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

### **Food Standards Agency**

- 4.46 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 April 2008, 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:

<http://www.food.gov.uk/news/newsarchive/2008/apr/protocol>.

Training is provided as appropriate. FSA Northern Ireland has a parallel 'Food Alert Protocol' in place.

- 4.47 The Protocol contains provisions for incidents where the FSA are not 'leading' the response but will nevertheless have a key supporting role usually to another government Department. It would also be used if and when the European Commission is required to put its Crisis Management Plan into operation (the arrangements for this are specified at Article 55 of the General Food Law Regulation – 178/2002<sup>78</sup>).
- 4.48 Close links have also been established with a number of other Departments/Agencies to ensure a rapid and co-ordinated response during incidents/emergencies (there are Service Level Agreements or Memoranda of Understanding with many of them). This includes Defra, the Environment Agency, the Veterinary Laboratories Agency, the Rural Payments Agency and the Scottish Agricultural College.<sup>79</sup> Information and instructions are transmitted to local authorities via the Food Alert system (see para 4.17).
- 4.49 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:

<http://www.food.gov.uk/news/newsarchive/2007/apr/incidents>

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<sup>78</sup> 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.

<sup>79</sup> More information on the Scottish Agricultural College is available at: <http://www.sac.ac.uk/>



- 4.50 FSA Scotland holds a Contingency Response Handbook for use in dealing with routine or major feed or food incidents or emergencies in Scotland. This incident plan provides advice to FSA Scotland staff on how to handle an incident should it occur. It sets out the key responsibilities and duties which must be undertaken by FSA Scotland staff in the event of a routine incident, major incident or emergency with food safety implications. FSA Wales holds a Divisional Incident Plan which serves a similar purpose to the Contingency Response Handbook in Scotland.

### **Meat Hygiene Service**

- 4.51 The MHS has in place, practiced contingency arrangements for dealing with outbreaks of modifiable diseases such as Foot and Mouth Disease, Avian Influenza and Blue Tongue and work continues to formalise these. The MHS contingency plans will outline the procedures currently followed by MHS staff involved in handling such outbreaks. These contingency plans, which will be reviewed and tested on a regular basis, form part of the MHS's overall business continuity strategy. The MHS Senior Management Team acts as the strategic decision making body, and the MHS Risk Co-ordinators Group acts as the tactical decision making body.

### **Veterinary Medicines Directorate**

- 4.52 With regard to medicated feedingstuffs and specified feed additives, contingency planning is included in the Animal Medicine Inspectorate (AMI) Standard Operating Procedures. Inspectors who discover a feed safety incident involving animal feedingstuffs placed on the market, should inform the Head of Inspectorate 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 Veterinary Laboratories Agency, 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.

### **Pesticides Safety Directorate (PSD)**

- 4.53 PSD 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 PSD generally has lead responsibility. These include emergency action resulting from monitoring and enforcement activities and arising from spillages (including into waterways), misuse or abuse of pesticides, or contamination from an unknown origin. It also details procedures for dealing with acute safety implications arising from contaminated imports, normally reported via RASFF (see para 4.62) for which FSA takes lead responsibility, but involving PSD in risk assessment and dissemination of information.
- 4.54 Copies of the plan have been distributed to all bodies potentially involved in its implementation. This includes the FSA, Welsh Assembly Government RA, DARD, the SG RD, Defra's Rural Development Service, the Health and Safety

Executive, the Environment Agency, the Drinking Water Inspectorate,<sup>80</sup> CSL, LGC Ltd, LACORS, APHA, and the Fresh Produce Consortium (a trade association for the fresh fruit, vegetable and flower industries).

## **DARD**

- 4.55 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**

- 4.56 Local authorities are required by the relevant Code of Practice (see Appendices C and E) to set up and implement documented procedures for dealing with incidents and emergencies in respect of food or feed. Serious incidents resulting in, for example, an outbreak of foodborne illness should be immediately notified to the appropriate agency or agencies such as the Health Protection Agency 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**

- 4.57 As part of Defra's emergency strategy for exotic animal diseases Animal Health has produced a Contingency Plan for Exotic Animal Diseases. It covers arrangements for responding to an outbreak of Foot and Mouth Disease, Avian Influenza, Newcastle Disease, Classical Swine Fever, African Swine Fever and Swine Vesicular Disease. The Contingency Plan comprises two elements:

- an overview of Emergency Preparedness which provides details of the Departments have prepared for the operational response; and
- the Framework Response Plan which is an operational manual for those involved in managing the response and policy information by specific animal disease, setting out current policy on how each of these diseases will be dealt with.

These are available at the following link

<http://www.defra.gov.uk/animalh/diseases/control/contingency/exotic.htm>

The Contingency Plan is for England only but Scotland, Wales and Northern Ireland have similar and complementary plans. It will be subject to ongoing revision based on the latest developments in science and epidemiological modelling, and comments from stakeholders and operational partners. It will be reviewed annually.

- 4.58 In accordance with the requirements of relevant EU legislation, the Generic Contingency Plan is tested and validated at least once every two years by means of a major national exercise. Animal Health has enhanced its arrangements for contingency exercises by developing a programme of co-

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<sup>80</sup> More information on the Drinking Water Inspectorate is available at: <http://www.dwi.gov.uk/>

ordinated animal disease exercises for the Animal Health Divisional Offices (AHDOs) in order to demonstrate Animal Health's emergency preparedness to deal effectively with outbreaks of animal disease. This programme encompasses full-scale exercises planned and delivered with Defra, the Devolved Administrations, other Government Departments, operational partners and with key stakeholders. Each AHDO must take part in at least one full-scale exercise a year and test the plans for one of the eight diseases that are deemed to be a high priority for contingency planning.

- 4.59 Local authorities have their own local contingency plans based on a template provided by LACORS and closely linked to the Animal Health Plan.

### **Fish health contingency plans**

- 4.60 Cefas, FRS and DARD have contingency plans in place for England, Wales, Scotland, and Northern Ireland to deal with outbreaks of serious exotic diseases of fish (e.g. *Gyrodactylosis*) and aquatic animal diseases (e.g. infectious haematopoietic necrosis and viral haemorrhagic septicaemia). Defra, the SG RD, the Welsh Assembly Government and DARD are responsible for the maintenance and testing of these plans, together with Cefas, FRS and the Environment Agency. 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.

### **Bee health contingency plans**

- 4.61 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 Defra and the Welsh Assembly Government RA and, following confirmation, the SG RD, DARD and relevant stakeholders. Defra 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. Defra, the Welsh Assembly Government (RA) 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 the Scottish Government Rural Directorate. DARD is currently developing a Bee Health contingency plan for Northern Ireland, which is due to be completed by the middle of 2009.

## **Working across the EU**

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- 4.62 Arrangements are in place in the UK to fulfil the requirements set out in Articles 34 to 40 of Regulation 882/2004 on administrative assistance and co-operation in the areas of feed and food. These requirements aim to ensure

mutual assistance and co-operation between the competent authorities of the different Member States and with the Commission so that they may work together where the results of enforcement controls indicate that action is needed in more than one country. This is separate to the arrangements concerning food hazards and incidents that are communicated via the Commission's RASFF system (Rapid Alert System for Feed and Food<sup>81</sup>) but is rather for dealing with more routine matters.

- 4.63 The arrangements, for the most part, are administrative in nature and are effectively set out for UK local authorities dealing with food law enforcement in the Food Law Codes of Practice and associated Practice Guidance for each of the four UK countries (these are available by following the links at: <http://www.food.gov.uk/enforcement/foodlaw/>). For those local authorities in Great Britain dealing with feed, similar advice is included in the Feed Law Enforcement Code which was published in December 2006, and for DARD, in the Feed Law Enforcement Guidance in Northern Ireland which was published in January 2008.
- 4.64 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,<sup>82</sup> Defra has regular contact with the FSA on such issues where they have an impact on feed or food safety.
- 4.65 As Northern Ireland has a land border with the Republic of Ireland, the FSA has regular contact and partnership working arrangements with the Republic's Food Safety Authority and Department of Agriculture and Food.

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<sup>81</sup> More information on RASFF is available at: [http://ec.europa.eu/food/food/rapidalert/index\\_en.htm](http://ec.europa.eu/food/food/rapidalert/index_en.htm)

<sup>82</sup> 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

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### Background

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- 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.<sup>83</sup> 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

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#### 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 (including the Meat Hygiene Service), Defra (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations, and local and port health authorities.
- 5.3 The FSA has various statutory powers in respect of monitoring and auditing the performance of the authorities that enforce the legislation for which it is responsible. Based on these powers, established Audit Schemes for local and port health authorities and for the Meat Hygiene Service (MHS) and DARD Veterinary Service - Veterinary Public Health Unit (VS-VPHU) are in place. In addition, the MHS and DARD VS-VPHU operate their own audit schemes. Further information on these schemes is provided at [Appendix T](#). These audit schemes assess the performance of local and port health authorities, the MHS and DARD VS-VPHU against specific standards and also aim to identify

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<sup>83</sup> 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.

good practice. The various schemes are subject to independent scrutiny and measures are in place to ensure transparency for relevant stakeholders.

- 5.4 Where the FSA has direct 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 - Animal Health Dairy Hygiene, the Egg Marketing Inspectorate, and DARD Quality Assurance Branch - audit arrangements are being established as outlined in [Appendices G, H and I](#) respectively. In all these cases, the audit schemes will be designed to assess whether the competent authorities meet the operational criteria set out for them in Regulation 882/2004. In developing them, account is being taken of the Commission's guidelines mentioned above, and also of accepted good audit practice. Authorities will be audited using a systematic process (which will be subject to independent scrutiny), and against an agreed standard, and at a frequency based on risk. Reporting will be balanced, such that it includes positive findings as well as areas for improvement, and good practice will be identified and disseminated. Measures will be included to ensure that the audit process in each case is transparent for all relevant stakeholders.
- 5.5 With regard to those areas where Defra and the Agriculture/Rural Affairs Departments in the Devolved Administrations are responsible for the legislation, there is an established system in place for the inspection of Border Inspection Posts by Animal Health and DARD Veterinary Service, and a scheme for audit. Details are also provided at [Appendix T](#).
- 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 J and K](#) respectively, the Veterinary Medicines Directorate has drawn up a programme of on-site audits and the Pesticides Safety Directorate is currently assessing the audit arrangements that are required 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 RD, the Welsh Assembly Government RA, DARD, the Meat Hygiene Service and local and port health authorities. Details of audit systems in place or being developed are included in [Appendix T](#).
- 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 T.

- 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 Great Britain. More information is available on the FSA website at:

<http://www.food.gov.uk/enforcement/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, development of new training opportunities for enforcement officers and work to engage enforcers, consumers and industry in identifying and combating 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:

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

- 5.13 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.
- 5.14 As regards animal health and welfare controls, the internal audit functions of Defra, the SG RD, the Welsh Assembly 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 - the next four years

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### Background

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- 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

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#### Local and port health authorities

- 6.3 Under the terms of the Framework Agreement on Local Authority Food Law Enforcement (see [Appendix C](#), paras 18 and 19), local and port health authorities must have service delivery plans in place which set out details of the services 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.

#### Food Standards Agency

##### **Vision for feed and food law enforcement and enforcement strategy**

- 6.4 The FSA's vision for enforcement is:

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

- 6.5 The FSA will build on the existing official control framework in order to move towards achieving this vision and with the aim of moving towards a system based on outcomes rather than inputs. This managed evolutionary approach will allow flexibility, but will be driven by ongoing research and an evidence

base to improve compliance and protection of public health. This will be achieved through the development of an enforcement strategy. This strategy is currently at an early draft stage, and key stakeholders have been consulted informally. It will build on the recommendations of the Hampton report and operate alongside other initiatives for co-ordinating functions across central regulators for local environmental health and trading standards services. Details of this how the work on this is being taken forward and how relevant stakeholders are being involved is available at:

<http://www.food.gov.uk/multimedia/pdfs/pro061002.pdf>

## **Implementing the FSA strategic plan**

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

- monitor and review the Framework Agreement on Local Authority Food Law Enforcement, by end March 2009;
- 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 findings from the Agency's enforcement research programme;
- provide guidance and technical advice on enforcement issues;
- develop ways to measure the outcomes of food law enforcement work and improve timeliness and relevance of local authority performance data, by December 2007, and implemented by local authorities from 1 April 2008;
- 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**

6.7 The FSA will review the arrangements for official controls on all food-producing farms with the relevant enforcement authorities and other stakeholders from 1 December 2007, to ensure that the arrangements are proportionate and effective. The FSA Board discussed the future delivery of official controls in meat premises in the UK at its July 2007 meeting and decided that controls in Great Britain would continue to be carried out by the

Agency, through a Transformed Meat Hygiene Service. More information is available at:

<http://www.food.gov.uk/multimedia/pdfs/fsa070706.pdf>

## **Liaison activities**

6.8 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 Teams in the Regional Government Offices in England - see paras 4.15 and 4.16.

## **Priorities for local authorities**

6.9 In order to provide clear direction to local authority regulatory services about the enforcement activities that the FSA believe will best protect public health and consumers' other interests in relation to food, five high priority areas and five low priority areas have been identified. These priorities were agreed by the FSA Board in October 2005 and were subject to public consultation during 2006.

6.10 The top five priorities are set out below. These priorities link to the targets in the FSA Strategic Plan for the period to 2010 and also to the Central Local Partnership Framework which is a commitment by central Government and the Local Government Association to work together in order to strengthen and sustain local elected government in England and improve local service provision.<sup>84</sup>

### **Top priorities**

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

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<sup>84</sup> More information on the Central Local Partnership Framework is available at: <http://www.communities.gov.uk/localgovernment/performanceframeworkpartnerships/centrallocalpartnership/>

6.11 The activities which are not priorities are outlined below.

**Bottom priorities**

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

6.12 With regard to feed law enforcement by local authorities in Great Britain, the priority also is to pro-actively provide support to animal feed businesses and take targeted, proportionate risk-based enforcement action, including inspections (in accordance with the provisions of the Code of Practice on Feed Law Enforcement), to protect feed safety. To assist local authorities in targeting their feed control activities, guidance on particular priorities is provided by the FSA on an annual basis. The priorities are based on 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 2007/2008 (parallel guidance was issued for feed authorities in Scotland and Wales) is available at:

<http://www.food.gov.uk/multimedia/pdfs/enfe07010.pdf>.

**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.

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

<http://www.food.gov.uk/multimedia/pdfs/premisesurvey05.pdf>

**Performance targets for and audit of the MHS, DARD (VS-VPHU and QAB), AHDH and EMI/Scottish Government Rural Payments and Inspections Directorate**

6.15 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**

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

## **FSA official control functions**

- 6.17 The FSA has responsibility for the approval of food irradiation facilities in the UK, the approval of fresh meat premises, recognition in the UK of natural mineral water sources located in non-EEA countries 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 intends to complete the re-approval of establishments that were licensed under the previous sector specific hygiene legislation and the approval of establishments requiring approval for the first time by the end of September 2009. This process is providing the FSA with an opportunity to identify non-compliant premises and withhold approval until such time as compliance is achieved.

## **Official controls on-farm**

- 6.18 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**

- 6.19 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.
- 6.20 An important part of the FSA's remit over the period of the plan will be to ensure that any recommendations made by the European Commission's Inspection Services (the Food and Veterinary Office) with regard to the UK official control system will be considered fully and implemented as

appropriate. In order to achieve this, the FSA will work with the Commission and with the relevant competent authorities and associated bodies.

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

#### **Veterinary medicines residues surveillance and pesticides residues monitoring and enforcement**

6.21 During the period of the plan, the Veterinary Medicines Directorate will continue to operate its statutory surveillance programme and provide the annual surveillance plans and results to the European Commission. Similarly, the Pesticides Safety Directorate will continue its non-statutory monitoring programmes. In addition, it is expected that a mandatory programme (for 2008) will be required under Community legislation on Maximum Residue Levels.<sup>85</sup> UK pesticide enforcement programmes will also continue and will take account of adverse findings from the national monitoring programmes.

#### **Import controls for product of animal origin**

6.22 During the period of the plan, inspection programmes for Border Inspection Posts 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.

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<sup>85</sup> 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.

## **Animal health and welfare controls**

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### **Defra**

#### **Enforcement policy**

6.25 In Defra's Prospectus, Working for the Essentials of Life (2002)<sup>86</sup> the Department set out its vision for the future. This included a world in which "the promotion of animal welfare and protection against animal disease is at the core of the way in which we farm and live". The Department's five year strategy (Delivering the Essentials of Life: Defra's Five Year Strategy - see link below) reported on progress in making this vision a reality. This also identified five strategic priorities and a number of specific outcomes for the Department. The priorities include a sustainable farming and food sector including animal health and welfare, with the specific outcome of helping to create a sustainable food and farming supply chain serving the market and environment and putting in place systems to reduce the risks of animal diseases, and being ready to control them when they occur.

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

6.26 Enforcement of legal obligations is seen as part of the toolbox for achieving the strategic outcomes. To this end, Defra published an Enforcement Policy Statement in July 2005 setting out the general principles the Department intends to follow in relation to regulation. This follows the principles of Better Regulation (proportionality, consistency, transparency, and targeting) and Defra will operate in accordance with the Cabinet Office Enforcement Concordat. The Enforcement Policy is available at:

<http://www.defra.gov.uk/corporate/enforcement/>

#### **Whole Farm Approach**

6.27 Defra is also piloting a "Whole Farm Approach" for regulation. This will transform the way in which farmers may interact with the Department and other regulators. A part of the Whole Farm Approach includes a project looking at on-farm inspections. This work aims to develop a smarter approach to regulation, inspection and enforcement. The inspections teams are currently looking at a number of ways to develop and maintain a register of all the inspections (and corresponding regulations) that take place on-farm. This information would be made available to all the inspectorates and to farmers, and should help identify potential overlaps, which could be addressed to reduce the burden of inspections. The aim is to provide a source of information for those who may be inspected so that they have a greater understanding of why the inspections are necessary, the type of information required, who will be carrying out the inspection, information required by the inspector and any post inspection processes. Shared inspections data would help reduce duplication of inspection effort and the burden on farmers. It should enable regulators to build up a risk profile for individual farm

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<sup>86</sup> This is available at: <http://www.defra.gov.uk/corporate/what-do-we-do/defrawork.pdf>

businesses and improve scheduling of necessary visits where possible, including increased cross department/agency co-ordination to reduce the impact of visits on farmers. Further details on the 'Whole Farm Approach' are available at:

<http://www.defra.gov.uk/farm/wholefarm/index.htm>

## **Eves Review**

- 6.28 The Eves 'Review of the Animal Health and Welfare Delivery Landscape' was published in June 2006, and is available at:

[http://www.defra.gov.uk/animalh/ahws/deliver/ahw\\_review\\_report280606.pdf](http://www.defra.gov.uk/animalh/ahws/deliver/ahw_review_report280606.pdf).

The review examined the multiplicity of parties involved in the animal health and welfare delivery landscape in England. The review makes a number of wide-ranging recommendations, including greater clarity of roles and responsibilities, better co-ordination and improving performance management. Defra has considered the recommendations with Animal Health, LACORS and other delivery bodies, and consulted publicly on the proposed approach to take these issues forward. The summary of responses to the consultation on the Eves Review is available at:

<http://www.defra.gov.uk/animalh/ahws/deliver/responses-summary.pdf>.

Defra's Action Plan which sets out in detail how the Department will take forward each of Eves' 55 recommendations is available at:

[http://www.defra.gov.uk/animalh/ahws/deliver/action\\_plan180108.pdf](http://www.defra.gov.uk/animalh/ahws/deliver/action_plan180108.pdf)

## **Scottish Government Rural Directorate (SG RD)**

- 6.29 The SG RD is committed to: growing Scotland's economy; delivering excellent public services; supporting stronger, safer communities; and developing a confident, democratic Scotland. The SG RD contributes to the Scottish Government's 5 Strategic Objectives – Wealthier and Fairer, Healthier, Safer and Stronger, Smarter and Greener. SG RD'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,<sup>87</sup> ensuring disease preparedness and resilience and implementation of the animal health and welfare strategy.

## **Welsh Assembly Government RA**

- 6.30 The health and welfare of farm animals is central to the work of the Department for Rural Affairs. The Welsh Assembly 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.

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<sup>87</sup> Animal Health and Welfare (Scotland) Act 2006



## **Animal Health**

- 6.31 During the period of the NCP, Animal Health will continue to undertake its control activities and to work towards achieving its main objectives (see [Appendix L](#)). Further details of goals, performance targets, strategy and future plans are included in the Animal Health Corporate Plan 2007-2010 at <http://www.defra.gov.uk/animalhealth/publications/Corporate0710.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 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:

<http://www.defra.gov.uk/corporate/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 2008/09 to 2010/11 which is available at:

<http://www.rpa.gov.uk/rpa/index.nsf/UIMenu/4E593511D3F3559C80256FCD003B5954?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 Framework Agreement 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**

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- 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, Defra has developed a notification system linked to Her Majesty's Revenue and Customs 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**

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### **Background**

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- 7.1 The UK NCP has been implemented since 1 January 2007 and progress has been monitored on an on-going basis. Annual reports will be prepared and sent to the European Commission. This Chapter describes how the review and reporting process will be managed and outlines the monitoring activities that will be undertaken.

### **Management of the review and reporting process**

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

### **Monitoring activities**

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

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

## **What we will be reporting**

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- 7.6 Reporting will be based around the strategic priorities set out in Chapter 2. It will be supplemented by information on the control activities of the relevant competent authorities and will take account of Commission guidelines to assist Member States in preparing the annual report.<sup>88</sup> Annual reports on the progress towards implementing the NCP will be published on the FSA website at:

<http://www.food.gov.uk/foodindustry/regulation/europeleg/feedandfood/ncpuk>

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<sup>88</sup> 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.<sup>89</sup> Copies of all legal instruments may be downloaded from the website of the Office of Public Sector Information at: <http://www.opsi.gov.uk/>

Responsible Department	Relevant legislation	Designated competent authorities
Food Standards Agency	The Official Feed and Food Controls (England) Regulations 2007 (SI 2007/3185)	<ul style="list-style-type: none"> <li>• Food Standards Agency</li> <li>• Feed authorities (local authorities in England with responsibility for feed law enforcement)</li> <li>• Food authorities (local authorities in England with responsibility for food law enforcement)</li> </ul>
Food Standards Agency (Scotland)	The Official Feed and Food Controls (Scotland) Regulations 2007 (SSI 2007/522)	<ul style="list-style-type: none"> <li>• Food Standards Agency</li> <li>• Feed authorities (local authorities in Scotland with responsibility for feed law enforcement)</li> <li>• Food authorities (local authorities in Scotland with responsibility for food law enforcement)</li> </ul>
Food Standards Agency (Wales)	The Official Feed and Food Controls (Wales) Regulations 2007 (SI 2007/3294 (W.290))	<ul style="list-style-type: none"> <li>• Food Standards Agency</li> <li>• Feed authorities (local authorities in Wales with responsibility for feed law enforcement)</li> <li>• Food authorities (local authorities in Wales with responsibility for food law enforcement)</li> </ul>
Food Standards Agency (Northern Ireland)	The Official Feed and Food Controls Regulations (Northern Ireland) 2007 (SR 2007/482)	<ul style="list-style-type: none"> <li>• Food Standards Agency</li> <li>• Feed authority (Department of Agriculture and Rural Development for Northern Ireland)</li> <li>• District councils</li> </ul>

<sup>89</sup> 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
Department for Environment, Food and Rural Affairs (Veterinary Medicines Directorate)	The Veterinary Medicines Regulations 2008 (SI 2008/2297)	<ul style="list-style-type: none"> <li>• Secretary of State (Defra) - for medicated feed and specified feed additives</li> </ul>
Department for Environment, Food and Rural Affairs	The Official Controls (Animals, Feed and Food) (England) Regulations 2006 (SI 2006/3472)	<ul style="list-style-type: none"> <li>• Secretary of State (Defra)</li> <li>• Local authorities</li> </ul>
Scottish Government, Rural Directorate	The Official Controls (Animals, Feed and Food) (Scotland) Regulations 2007 (SSI 2007/91)	<ul style="list-style-type: none"> <li>• Scottish Ministers</li> <li>• Local authorities</li> </ul>
Welsh Assembly Government, Department for Rural Affairs	The Official Controls (Animals, Feed and Food) (Wales) Regulations 2007 (SI 2007/196) (W 15)	<ul style="list-style-type: none"> <li>• Welsh Assembly Ministers</li> <li>• Local authorities</li> </ul>
Department of Agriculture and Rural Development for Northern Ireland	The Official Controls (Animals, Feed and Food) Regulations (Northern Ireland) 2007 (SR 2007/133)	<ul style="list-style-type: none"> <li>• Department of Agriculture and Rural Development for Northern Ireland</li> <li>• District councils</li> </ul>

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## **Appendix B**

### **Feed and food responsibilities of the Agriculture/Rural Affairs Departments**

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The Department for Environment, Food and Rural Affairs (and its agencies) and the Agriculture/Rural Affairs Departments in the Devolved Administrations have responsibility in their respective 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: <http://www.opsi.gov.uk/> Copies of Community legislation are available from the European Commission website at: [http://europa.eu.int/eur-lex/en/search/search\\_lif.html](http://europa.eu.int/eur-lex/en/search/search_lif.html)

#### **Organic products**

- The regulation of organic products under:
  - the Organic Products (Imports from Third Countries) Regulations 2003;<sup>176</sup> and,
  - the Organic Products Regulations 2004.<sup>177</sup>

#### **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.<sup>178</sup>
- 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.<sup>179</sup>

#### **Beef labelling**

- The regulation of beef labelling under:
  - The Beef and Veal Labelling Regulations 2008 (England);<sup>180</sup>
  - The Beef and Veal Labelling Regulations 2008 (Scotland);<sup>181</sup>
  - the Beef Labelling (Enforcement) (Wales) Regulations 2001;<sup>182</sup> and,
  - the Beef and Veal Labelling Regulations (Northern Ireland) 2009 .<sup>183</sup>

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<sup>176</sup> SI 2003/2821.

<sup>177</sup> SI 2004/1604 (as last amended by SI 2006/2075).

<sup>178</sup> Official Journal L93, 31.3.06, 1-11.

<sup>179</sup> Official Journal L93, 31.3.06, 12-25.

<sup>180</sup> SI 2008/3252

<sup>181</sup> SSI 2008/418

<sup>182</sup> SI 2001/1360 (W.88).

<sup>183</sup> SR 2009/2

## Imported products of animal origin

- The regulation of the import of and trade in products of animal origin under:
  - the Products of Animal Origin (Import and Export) Regulations 1996,<sup>184</sup> with the exception of the execution and enforcement of regulation 3 which is the responsibility of the Food Standards Agency;
  - the Products of Animal Origin (Import and Export) Regulations (Northern Ireland) 1998,<sup>185</sup> with the exception of the execution and enforcement of regulation 3 which is the responsibility of the Food Standards Agency;
  - the Products of Animal Origin (Third Country Imports) (England) Regulations 2006,<sup>186</sup> with the exception of the execution and enforcement of regulation 5 which in part is the responsibility of the Food Standards Agency;
  - the Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007,<sup>187</sup> with the exception of the execution and enforcement of regulation 5 which in part is the responsibility of the Food Standards Agency;
  - the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2007,<sup>188</sup> with the exception of the execution and enforcement of regulation 5 which in part is the responsibility of the Food Standards Agency; and,
  - the Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2007,<sup>189</sup> with the exception of the execution and enforcement of regulation 4 which in part is the responsibility of the Food Standards Agency.

## Transmissible spongiform encephalopathies

- The regulation of transmissible spongiform encephalopathies (TSE) in relation to testing (including sampling) controls on bovine, ovine and caprine animals slaughtered for human consumption under:
  - the Transmissible Spongiform Encephalopathies (England) (No. 2) Regulations 2006,<sup>190</sup> and European Parliament and Council Regulation 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies;<sup>191</sup>
  - the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006,<sup>192</sup> and European Parliament and Council Regulation 999/2001;
  - the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006,<sup>193</sup> and European Parliament and Council Regulation 999/2001; and,
  - the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006,<sup>194</sup> and European Parliament and Council Regulation 999/2001.

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<sup>184</sup> SI 1996/3124 (as last amended by SI 2003/3177).

<sup>185</sup> SR 1998/45 (as last amended by SR 2004/464).

<sup>186</sup> SI 2006/2841 (as amended by SI 2007/1605).

<sup>187</sup> SSI 2007/1 (as amended by SSI 2007/304).

<sup>188</sup> SI 2007/376 (W. 36) (as amended by SI 2007/1710 (W. 148)).

<sup>189</sup> SR 2007/199 (as amended by SR 2007/314).

<sup>190</sup> SI 2006/1228 (as amended by SI 2007/1998).

<sup>191</sup> Official Journal L 147, 31.5.2001, 1-40 (as amended).

<sup>192</sup> SSI 2006/530 (as amended by SSI 2007/357).

<sup>193</sup> SI 2006/1226 (W.117) (as amended by 2007/2244 (W.176)).

<sup>194</sup> SR 2006/202 (as amended by SR 2007/339).



## 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;<sup>195</sup> and,
  - the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations (Northern Ireland) 1998.<sup>196</sup>
- The regulation of residues of pesticides under:
  - the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (England and Wales) Regulations 2005;<sup>197</sup>
  - the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) (Scotland) Regulations 2005;<sup>198</sup> and,
  - the Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuff) Regulations (Northern Ireland) 2006.<sup>199</sup>

## Feed

- The Regulation of medicated feedingstuffs under the Veterinary Medicines Regulations 2008 and the regulation of specified feed additives under the Veterinary Medicines Regulations 2008.<sup>200</sup>
- The regulation of transmissible spongiform encephalopathies (TSE) in relation to the bovine spongiform encephalopathy (BSE) related feed ban under:
  - the Transmissible Spongiform Encephalopathies (England) (No.2) Regulations 2006;
  - the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2006;
  - the Transmissible Spongiform Encephalopathies (Wales) Regulations 2006;
  - the Transmissible Spongiform Encephalopathies Regulations (Northern Ireland) 2006.

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<sup>195</sup> SI 1997/1729 (as last amended by SI 2006/755).

<sup>196</sup> SR 1998/237.

<sup>197</sup> SI 2005/3286 (as last amended by SI 2006/2998).

<sup>198</sup> SSI 2005/599 (as last amended by 2006/151).

<sup>199</sup> SR 2006/220.

<sup>200</sup> SI 2008/2297.

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## Appendix C

### Food Standards Agency

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#### Organisation and structure

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1. The Food Standards Agency (FSA) was established by Act of Parliament, the Food Standards Act 1999,<sup>201</sup> 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 the FSA's overall strategic direction within the framework of the Food Standards Act 1999. This includes ensuring that the Agency's legal obligations are fulfilled, and that decisions and actions take proper account of scientific advice as well as the interests of consumers and other stakeholders. Further information about the Board, including details of its current membership are available at:  
<http://www.food.gov.uk/aboutus/ourboard/>
3. The day to day operations of the Agency are managed by its Chief Executive and its staff are civil servants. Feed and food safety and standards are devolved matters in the UK, so in addition to its headquarters in London, the FSA has offices in Scotland, Wales and Northern Ireland. Each of these offices is headed by a Director accountable to the FSA's Chief Executive. An up-to-date high level organisation chart for the FSA is available at:  
[http://www.food.gov.uk/multimedia/pdfs/organisation\\_chart\\_large.pdf](http://www.food.gov.uk/multimedia/pdfs/organisation_chart_large.pdf)
4. FSA Scotland, Wales and Northern Ireland provide advice to their respective Ministers on food safety and standards policy and legislation. There is also a statutory Food Advisory Committee within each country which provide the FSA with independent information and advice on food safety and standards issues in the respective countries. Details of these Committees are available on the FSA website at:  
[http://www.food.gov.uk/scotland/aboutus\\_scotland/advisorycommittee/](http://www.food.gov.uk/scotland/aboutus_scotland/advisorycommittee/)  
[http://www.food.gov.uk/wales/aboutus\\_wales/advisorycommitteewales](http://www.food.gov.uk/wales/aboutus_wales/advisorycommitteewales)  
<http://www.food.gov.uk/northernireland/aboutfsani/advisorycommittee/>

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<sup>201</sup> Food Standards Act 1999, c 28.

## **Roles and responsibilities**

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

### **FSA official control functions**

#### **Inspection and approval of food irradiation facilities**

8. The FSA itself has direct responsibility for the inspection and approval of food irradiation facilities in the UK under Directive 1999/2/EC<sup>202</sup> and, as required, has notified the European Commission of this. Enforcement of other legislation relating to irradiated food such as labelling regulations and import controls is the responsibility of local and port health authorities. The Agency's enforcement function lies within its Emergency Planning, Radiation and Incident Response Division which is part of the Food Safety Policy Group.
9. At present, there is only one facility in the UK that is approved for the irradiation of food. This is inspected by FSA officials against the provisions of its approval at least once every two years. This frequency is proportionate to

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<sup>202</sup> 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.

the amount of food treated. This will be kept under review and possibly revised if the volumes of food being irradiated increase significantly.

10. With regard to the FSA officials undertaking the inspection and approval visits, they are not permitted to own shares in the inspected and approved food irradiation facility, or to have a vested interest in the commercial success of irradiated food. With regard to qualifications, they have science degrees and specific expertise in issues relating to food irradiation and radiation issues generally. On-going training requirements in relation to this enforcement role are identified as part of the individual's standard training and development management and any relevant training that is undertaken is recorded and evaluated as part of the appraisal process.
11. The procedure for approval of an irradiation facility is detailed in Food (Control of Irradiation) Regulations 1990.<sup>203</sup> FSA officials use a standard checklist for their inspection visits so that a consistent protocol is followed on each occasion. After each inspection a written report is produced and a letter is sent to the company concerned. On granting approval or varying the terms of approval, details are published in the London, Edinburgh and Belfast Gazettes (official newspapers of record in the UK). In addition, and as required by Directive 1999/2/EC, details of approved facilities are notified to the European Commission and annual submissions are made providing the results of the inspections carried out.
12. With regard to internal monitoring, inspections are carried out by one official who is always accompanied by another from the Agency. An audit programme for food irradiation facility inspections and arrangements for independent scrutiny of this are being developed. The next inspection of the one UK food irradiation facility will take place in 2009 and it will be audited.

### **Approval of fresh meat establishments**

13. The FSA has direct responsibility for approving establishments subject to veterinary control under food hygiene legislation,<sup>204</sup> i.e. slaughterhouses, cutting plants placing fresh meat on the market and game handling establishments, as well as any co-located cold stores, meat products, minced meat, meat preparations, mechanically separated meat and edible co-products establishments. Responsibility for this function within Great Britain lies with the Agency itself, whilst in Northern Ireland, this function is carried out for the Agency by the Department of Agriculture and Rural Development, Veterinary Service - Veterinary Public Health Unit (DARD VS-VPHU).
14. Approval assessment visits in Great Britain are carried out by Veterinary Meat Hygiene Advisers (VMHAs). They are qualified veterinary surgeons with specific expertise in the structural, equipment and operational requirements applying to meat establishments. As well as approving new establishments, VMHAs are responsible for the approval of all previously licensed meat plants, as well as certain catering butchers and game handling establishments that were exempt from licensing under the previous legislation. Approvals are kept

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<sup>203</sup> SI 1990/2490, as amended.

<sup>204</sup> Detailed information on this legislation is available at:  
<http://www.food.gov.uk/foodindustry/regulation/hygle/>

under review by the FSA through liaison with the Meat Hygiene Service, who are responsible for day-to-day enforcement of the relevant legislation and, if appropriate, make recommendations to the FSA for the suspension or withdrawal of approvals. With regard to monitoring, VMHAs are managed by senior officers within the FSA who are themselves veterinarians. Whenever possible they are accompanied on assessment visits by a veterinarian from the Meat Hygiene Service. Audit of the approval function was carried out in 2008 and additional ongoing assurance is provided by a lead VMHA who is required to monitor approval decisions made by the team to ensure they are appropriate and consistent. Those assessed for approval are also being asked to complete a feedback questionnaire.

15. In Northern Ireland, approval assessment visits are carried out by Divisional Veterinary Officers (DVOs) within DARD VS-VPHU. Recommendation to approve is made to FSA Northern Ireland. DVOs conducting approval assessment visits are accompanied by the VS-VPHU veterinarian responsible for the plant.

### **Designation and classification and monitoring of shellfish harvesting areas**

16. The FSA is directly responsible for establishing the UK monitoring programmes for shellfish harvesting areas as required under Community legislation on food hygiene. Shellfish harvesting areas must be designated, classified and monitored on a regular basis in relation to the specified levels of microbiological contamination of the 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-EEA countries**

17. The FSA has direct responsibility for the assessment of any application made in the UK for the recognition of a natural mineral water source located in a non-EEA country under Directive 80/777.<sup>205</sup> This Directive is implemented by The Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007<sup>206</sup> and parallel legislation in Scotland,<sup>207</sup> Wales,<sup>208</sup> and Northern Ireland.<sup>209</sup> Staff carrying out assessments hold at

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<sup>205</sup> Council Directive 80/777/EEC of 15 July 1980 on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters. Official Journal L229, 30.8.1980, 1-10 – Amended by Directives 96/70/EC and 2003/40/EC

<sup>206</sup> SI 2007/2785

<sup>207</sup> The Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) Regulations 2007 (SSI. 2007/435)

<sup>208</sup> The Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2007 (SI. 2007/3065 W.276)

<sup>209</sup> The Natural Mineral Water, Spring Water and Bottled Drinking Water (Northern Ireland) Regulations 2007 (SR. 2007/420)

least a graduate degree (or Masters Degree) in chemistry or a related discipline with a strong 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.<sup>210</sup>

18. If 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 be informed.
19. The Agency has an internal monitoring system in place to review decisions to not recognise or to revoke recognition for a non-EEA source. With regard to a formal audit programme of the FSA's function, options are currently being considered.

### **Working in partnership with local authorities**

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

### **Framework Agreement on Local Authority Food Law Enforcement**

21. The mechanism by which the Agency influences official control activity by local and port health authorities is the Framework Agreement on Local Authority Food Law Enforcement. This was developed in close liaison with LACORS (Local Authorities Co-ordinators of Regulatory Services) and the Local Government Association<sup>211</sup> and came into effect on 1 April 2001. It reflects the partnership between the Agency and local and port health authorities and the shared aim of maintaining high and consistent standards of enforcement to protect public health and consumers' interests in relation to food. It covers feed law enforcement as well as food law enforcement. The Agreement is UK-wide and is available at:

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

22. 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 is currently undergoing a review which is due to be completed by the end of March 2009. 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

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<sup>210</sup> Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 2007 Guidance Note <http://www.food.gov.uk/foodindustry/guidancenotes/foodguid/waterguidance>

<sup>211</sup> More information on the Local Government Association is available at: <http://www.lga.gov.uk/>

performance of local and port health authorities (further details of this are provided in Chapter 5 of this NCP).

### **Codes of Practice and associated Practice Guidance**

23. Direction and guidance on the approach to food enforcement is provided in statutory Codes of Practice. These aim to ensure enforcement consistency by setting out instructions and criteria to which local and port health authorities should have regard when engaged in the enforcement of food law. Separate but parallel Codes, and associated Practice Guidance, have been developed for England, Scotland, Wales and Northern Ireland. The Codes/Practice Guidance documents were updated following the introduction of Regulation 882/2004 to reflect its requirements and, in particular, those relating to official control of feed and food of non-animal origin imported from outside the Community. The Codes/Practice Guidance are published and are available by following the links at: <http://www.food.gov.uk/enforcement/foodlaw/>
24. With regard to feed law enforcement, the Agency has developed a similar statutory Code of Practice and Practice Guidance which applies in Great 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 of 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 J](#), para 13).

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

25. The RASFF system, which is run by the European Commission, was established in 1979 to provide the control authorities in the Member States with an effective tool for exchange of information on measures taken to ensure food safety. The RASFF network comprises the Member States, the Commission and the European Food Safety Authority. The FSA is a member and its Incident Branch is the UK contact point for RASFF notifications. More information on RASFF is available at:  
[http://ec.europa.eu/food/food/rapidalert/index\\_en.htm](http://ec.europa.eu/food/food/rapidalert/index_en.htm)
26. Food Alerts are the Food Standard Agency's way of letting local authorities and consumers know about problems associated with feed and food and, in some cases, provide details of specific action to be taken. These are issued under two categories, 'Food Alerts: for Action' and 'Food Alerts: for Information'. More information on the Food Alert system is available at:  
<http://www.food.gov.uk/enforcement/alerts/>

### **Guidance and support**

27. The FSA also provides a wide range of other guidance to local and port health authorities which is made available via the Enforcement Portal of the FSA website at: <http://www.food.gov.uk/enforcement/>. It also provides support by

means of training initiatives, additional funding and grants, and by providing advice and information etc. As regards food imports, in particular, guidance and resources for these enforcement authorities are available on the FSA's website at

[http://www.food.gov.uk/foodindustry/imports/enforce\\_authorities/](http://www.food.gov.uk/foodindustry/imports/enforce_authorities/)

This includes a guidance booklet on imported food regulation which is available at:

[http://www.food.gov.uk/foodindustry/imports/enforce\\_authorities/importsbooklet](http://www.food.gov.uk/foodindustry/imports/enforce_authorities/importsbooklet)

More details of this aspect of the FSA's work are provided in Chapter 4.

### **Powers of intervention**

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

### **Working with the Meat Hygiene Service and DARD Veterinary Service**

29. The FSA's executive agency, the Meat Hygiene Service (MHS) carries out the Agency's functions in approved fresh meat premises in Great Britain. Details of the accountability and governance arrangements between the FSA and MHS are set out in the 'Meat Hygiene Service - Framework Document' (see <http://www.food.gov.uk/multimedia/pdfs/mhsframework.pdf>.) The functions of the MHS include official controls in respect of meat hygiene legislation and in respect of those aspects of TSE legislation for which the FSA is responsible. These functions are set out in the Framework Document between the Agency and the MHS (see above).
30. In line with Cabinet Office requirements for Executive Agencies, the MHS Framework Document requires the setting of annual performance targets. Such targets or objectives must be linked to the objectives of the MHS and cover quality and delivery of service, financial performance, and efficiency. Responsibility for setting such objectives for the MHS, and assessing performance against them, rests with the MHS Board, acting on behalf of the FSA Board.
31. In Northern Ireland, DARD Veterinary Service - Veterinary Public Health Unit provides a similar service to the MHS under a Service Level Agreement with the FSA.



32. Detailed information on the structure and organisation of MHS and DARD and on the control activities that they carry out is provided at [Appendix F](#) and [Appendix I](#) respectively.

### **Working with Animal Health Dairy Hygiene and DARD Quality Assurance Branch**

33. Animal Health Dairy Hygiene - AHDH - 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 untreated cows' milk on behalf of the FSA. The terms and conditions for this are set out in a Service Level Agreement with AHDH 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. Arrangements for audit of the performance of AHDH are underway. A pilot audit was carried out in July 2007 and the first full audit is due to take place in March 2009.
34. In Northern Ireland, food hygiene at milk production holdings is enforced by DARD Quality Assurance Branch - QAB (in Scotland, this role is fulfilled by local authorities). A Service Level Agreement which includes performance targets that will be monitored and audited by the FSA is in place.
35. Detailed information on the structure and organisation of AHDH and DARD QAB, and on the control activities that they carry out is provided at [Appendix G](#) and [Appendix I](#) respectively.

### **Working with the Egg Marketing Inspectorate and the Scottish Government's Rural Payments and Inspections Directorate**

36. The Egg Marketing Inspectorate (EMI), which is part of Animal Health acts on behalf of the FSA in England and Wales in respect of on-farm enforcement of food hygiene legislation at egg production units. In Scotland, the EMI's function is fulfilled by the Scottish Government's Rural Payments and Inspections Directorate (SGRPID) and, in Northern Ireland, by DARD QAB. As with AHDH, the terms and conditions for this are set out in Service Level Agreements which are reviewed annually. Again, the FSA is currently developing plans for the audit of the performance of these bodies.
37. Detailed information on the structure and organisation of the EMI and SGRPID and on the control activities that they carry out is provided at [Appendix H](#). DARD QAB is covered at [Appendix I](#).

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## Appendix D

### The Agriculture/Rural Affairs Departments

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#### Organisation and structure

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1. The four UK Agriculture/Rural Affairs Departments are:
  - the Department for Environment, Food and Rural Affairs (Defra);
  - the Scottish Government Rural Directorate (SG RD);
  - the Welsh Assembly Government Department for Rural Affairs (RA); and
  - the Department for Agriculture and Rural Development for Northern Ireland (DARD - given its specific official control functions, further information is provided separately in [Appendix I](#)).
  
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 and global policy making, so that its work has a strong international dimension.

Detailed information on the structure and organisation of the Department, including the current organisational chart, is available at:

<http://www.defra.gov.uk/corporate/index.htm>
  
3. The SG RD, the Welsh Assembly 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:
  - <http://new.wales.gov.uk/about/departments/depc/?lang=en>
  - <http://new.wales.gov.uk/about/departments/depc/?lang=cy>
  - <http://www.scotland.gov.uk/Topics/Agriculture>
  - <http://www.dardni.gov.uk/>
  
4. DARD also has some specific official control functions and these are described in more detail in [Appendix I](#).
  
5. Defra operates the majority of its official controls through delivery agents, such as Animal Health, the Rural Payments Agency (RPA), the Meat Hygiene Service (MHS) and local authorities. More details about these delivery agents

are provided in Appendices E, F, L and M respectively. The SG RD and the Welsh Assembly 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 RD additionally carries out official controls in respect of animal identification and traceability on farm and in respect of beef labelling.

## Roles and responsibilities

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### 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 Food Standards Agency (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 I), 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 certification body and subject to regular inspection. In the UK, Defra has responsibility for the organic inspection and certification system. Certification is undertaken by approved certification bodies which must meet the requirements of (be accredited to) the European Standard on general requirements for bodies operating product certification systems (EN45011).<sup>212</sup> 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 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 port health authorities 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.<sup>213</sup> These are independent bodies and under Regulation 882/2004, constitute 'control bodies' (see Appendix S). Defra's Organic Branch, on behalf of the four Agriculture/Rural Affairs Departments, is responsible for approving these bodies in accordance with its Organic

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<sup>212</sup> More information on European standards is available at: <http://www.cenorm.be/cenorm/index.htm>

<sup>213</sup> Details are available at: <http://www.defra.gov.uk/farm/organic/standards/certbodies/approved.htm>

Certification Body and Inspection Approval Control Manual.<sup>214</sup> 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 509/2006<sup>215</sup> and 510/2006.<sup>216</sup> 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. Defra handles applications from UK producers for recognition under these schemes. The UK currently has 36 protected food name products some of which are only made by one producer (e.g. Dorset Blue) and others which are produced by thousands of producers (e.g. Welsh Lamb). Once registered, all products are subject to inspection at least once a year to ensure that the specifications are met and applicants must nominate an inspection body (which may be public or private bodies) to undertake this function. Defra is responsible for approving these bodies within the UK and for monitoring their performance. Under Regulation 882/2004, these bodies constitute 'control bodies' and further details of how Defra works with them is provided at [Appendix S](#). More detailed information on the operation of the protected food names schemes within the UK is available at:

<http://www.defra.gov.uk/foodrin/foodname/pfn/index.htm>

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<sup>214</sup> A copy of the manual is available at <http://www.defra.gov.uk/farm/organic/standards/pdf/inspector-controlmanual.pdf>

<sup>215</sup> Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed. Official Journal L93, 31.3.06, 1-11.

<sup>216</sup> 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.

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 1760/2000<sup>217</sup>. 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 Rural Payments Agency 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:

<http://www.rpa.gov.uk/rpa/index.nsf/search/beef%20labelling>

<http://www.defra.gov.uk/foodrin/beeflab/beeflab.htm>.

<http://www.scotland.gov.uk/Publications/2005/05/03111623/16250>

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 S).

15. With regard to carrying out official controls in respect of beef labelling, responsibility is shared as follows:

At abattoirs and cutting plants:

- in England and Wales (at abattoirs and cutting plants with an MHS presence) by the Rural Payments Agency's (RPA) Technical Inspectors on behalf of Defra;
- 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

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<sup>217</sup> 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.

16. Controls in respect of beef imported into the UK are the responsibility of port health authorities in Great Britain. DARD Veterinary Service is responsible in Northern Ireland.

### **Import controls for products of animal origin**

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 products of animal origin (POAO). The official controls or checks are carried out at Border Inspection Posts (BIPs) which must meet standards and follow procedures set out for them in Council Directive 97/78/EC.<sup>218</sup> Responsibility for carrying out these checks in Great Britain is devolved to local and port health authorities and details of their work is provided at [Appendix E](#). In Northern Ireland, responsibility for fish and fishery products has been devolved to district councils with responsibility for all other POAO imports remaining with DARD.
18. Defra's International Animal Health Division is responsible for the policy aspects of the veterinary checks regime. BIPs are operated by local authorities and Animal Health. The operation of local authority run BIPs is monitored by Animal Health through a programme of liaison visits. Reports of these visits are sent to Defra to enable them to monitor overall standards at BIPs and progress in dealing with problems.

### **Legislation on animal feed related to animal disease**

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

### **Medicated feed and specified feed additives**

20. 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.
21. Details of local authority feed law enforcement services, Animal Health, the VMD and DARD are provided at [Appendices E, L, J, and I](#) respectively.

### **Pesticide residue monitoring**

22. There is a wide range of pesticides that may be used in agriculture and food production within the EU and in other countries. PSD, in liaison with other Government Departments, is responsible for the regulation of pesticides in the UK. This includes responsibility for national monitoring programmes for pesticide residues in food and drink and follow up enforcement action. This

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<sup>218</sup> 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.

responsibility is devolved but there are central arrangements for the delivery of official controls. Details of how PSD undertakes these programmes are given at Appendix K.

23. Local and port health authorities may conduct their own surveillance of pesticide residues, referring to PSD, in consultation with the FSA, for consumer risk assessments, and take enforcement action where necessary under general food safety legislation. Local authorities have an obligation to send returns on such food related incidents to the FSA.

### **Veterinary medicine residues**

24. VMD acts as the competent authority for surveillance of veterinary residues in the UK under Council Directive 96/23/EC<sup>219</sup> on behalf of the UK's Chief Veterinary Officer. It is responsible for the operation in Great Britain of the residues surveillance programme. DARD undertakes this role in Northern Ireland. Details of how these functions are fulfilled are given at Appendix J.
25. Local authorities also have powers under the Animals and Animal Products (Examination for Residues and Maximum Residue Limits) Regulations 1997<sup>220</sup> (and equivalent legislation in Northern Ireland) to take samples from animals and animal products for analysis.

### **Animal health and welfare**

26. 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 RD in Scotland, the Welsh Assembly Government in Wales, and DARD in Northern Ireland.
27. Details of the animal health and animal welfare legislation that Defra, the SG RD, the Welsh Assembly Government and DARD are responsible for, which falls within the scope of Regulation 882/2004, are available at:  
<http://www.defra.gov.uk/animalh/ahws/deliver/ncp/legislation.htm>

### **Bee Health**

28. As regards bee health, in particular, policy responsibility lies with Defra in England, the Welsh Assembly Government in Wales, the SG RD in Scotland and DARD in Northern Ireland. The National Bee Unit (NBU), part of the Central Science Laboratory (CSL), 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 officers of the respective Departments. Further information on the Bee Health Unit is provided at Appendix O.

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<sup>219</sup> 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.

<sup>220</sup> SI 1997/1729 (as last amended by SI 2004/147).

## **Fish Health**

29. As regards fish health, the Fish Health Inspectorate at Cefas is responsible for implementation of fish health matters on behalf of Defra and the Welsh Assembly Government. The Inspectorate operates under a Memorandum of Understanding with Defra which outlines the duties to be carried out to fulfil UK obligations under the EU fish health programme. Further information on the Fish Health Inspectorate is provided at [Appendix P](#). In Northern Ireland, DARD Fisheries Division is responsible for the implementation of fish health policy and, with support from AFBI, in meeting its obligations under the EU fish health programme.
30. In Scotland, the SG RD'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 Fish Health Inspectorate 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 the Meat Hygiene Service**

31. The Meat Hygiene Service (MHS), an executive agency of the Food Standards Agency, is responsible for official controls in approved meat premises in Great Britain, including those relating to the health and welfare of animals at slaughter.
32. Defra, the SG RD and the Welsh Assembly Government RA have a joint Service Level Agreement (SLA) with the MHS. Details of the control activities that the MHS 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 Animal Health and the relevant local authority. The SLA with the MHS 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**

33. Defra and the Welsh Assembly Government, together with LACORS, have developed an Animal Health and Welfare Framework Agreement. The aim is to provide structured delivery of services in animal health and animal welfare. The Agreement provides a base line for comprehensive service planning and delivery that considers the needs of the individual community while ensuring that national aims of central Government are achieved. The Framework



Agreement has formalised the important partnership between Defra, the Welsh Assembly Government, Animal Health and local authorities. All local authorities in England and Wales responsible for delivery of services in animal health and animal welfare are now signed up to the Agreement through LACORS. The Agreement is available at the following link:

<http://www.defra.gov.uk/animalh/ahws/pdf/frameworkagreement5-1.pdf>

34. Under the Framework Agreement, a service delivery plan is agreed annually between the local authority and the relevant Divisional Office of Animal Health. Each 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.
35. As part of the Framework Agreement Defra manages a web-based secure enforcement database - AMES (Animal Health & Welfare Management & Enforcement System). This allows local authorities to enter information in relation to the enforcement services that they deliver, and provides management information to all those involved in the Framework Agreement.

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## Appendix E

### Local and port health authorities

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#### Roles and responsibilities

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

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4. There are 469 local authorities in the UK. A map showing their boundaries is available at:  
[http://www.statistics.gov.uk/geography/downloads/uk\\_cty\\_ua.pdf](http://www.statistics.gov.uk/geography/downloads/uk_cty_ua.pdf)  
The Local Authorities Co-ordinators of Regulatory Services (LACORS)<sup>221</sup> is the representative body for all local authorities within the UK.
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.

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<sup>221</sup> More information on LACORS and its activities is available at: <http://www.lacors.gov.uk/pages/trade/lacors.asp>

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 Community are responsible for official controls on food products being imported from third countries. These include local authorities specifically constituted as port health authorities (PHAs) for this function under Act of Parliament.<sup>222</sup> 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)<sup>223</sup> is the representative body for PHAs.
8. BIPs are facilities within a port or airport designated as a place dedicated to veterinary checks on products of animal origin (POAO) imported into the EU from outside the community. BIP facilities are usually privately owned but local and port health authorities are responsible for checks at BIPs which have been approved for checks of POAO intended for human consumption. In Northern Ireland, this function in relation to district councils is restricted to fish and fishery products.
9. With regard to feed, responsibility lies with 150 local authorities and one port health authority in England, 32 local authorities in Scotland and 22 in Wales.
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 animal health and welfare inspectors are usually Trading Standards 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 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 Food Standards Agency 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

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<sup>222</sup> Public Health (Control of diseases) Act 1984, c 22.

<sup>223</sup> More information on APHA is available at: <http://www.apha.org.uk/>

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. As regards animal health and welfare services, in England and Wales, the Framework Agreement with Defra and the Welsh Assembly Government RA (see para 27) sets out service delivery principles with benchmarks for standards of performance. It aims to be robust enough to produce comprehensive plans and data, sufficient to link with outcomes, and to provide assurance on compliance with legislation at senior levels in Government. It 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. It recognises that local authorities are autonomous bodies, with a wide range of different functions, where accountability to the public, and decision making, ultimately rests with elected members.
15. In Scotland, a Framework Agreement currently does not exist, though work has begun on drawing one up. However, local authorities in Scotland and the Scottish Government still 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, port health authorities collect administrative charges in respect of checks on imported organic products, and those authorities with BIPs recover the costs of veterinary checks of imported products of animal origin.
17. In addition to centralised funding, there is also currently a degree of direct funding from Defra available to local authorities in England and Wales for animal health and welfare controls. This is managed through the Framework Agreement (see above). This direct funding of local authorities has been in operation since the 2001 outbreak of Foot and Mouth Disease and was developed to cover the additional costs that were incurred. Defra secured programme funding of up to £10 million a year for this enforcement activity for the duration of the Spending Review 2004 to March 2008.

## **Human resources**

18. It is estimated that in the 469 UK local authorities approximately 1,500 Environmental Health Officers and 500 Trading Standards Officers (full time equivalents) are authorised to undertake food law enforcement. These officers are supported by technical and administrative staff.
19. Environmental Health Officers have specialist skills and knowledge in the implementation and enforcement of food legislation. They are required to hold an honours degree or postgraduate qualification in environmental health that is accredited by the Chartered Institute of Environmental Health<sup>224</sup> (for England, Wales and Northern Ireland) or by the Royal Environmental Health Institute of Scotland.<sup>225</sup> Trading Standards Officers are qualified, trained and skilled in providing legal advice, investigating consumer complaints and ensuring compliance with relevant aspects of food and feed legislation. All Trading Standards Officers hold a degree in consumer protection or an equivalent qualification from a university approved by a Trading Standards Institute.<sup>226</sup> Environmental Health and Trading Standards Officers may be assisted by other officers that are appropriately qualified, competent, experienced and authorised to enforce food and feed law.
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**

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### **Feed and food**

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 new EU food hygiene legislation<sup>227</sup> (in Northern Ireland, this is the responsibility of the Quality Assurance Branch of the Department of Agriculture and Rural

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<sup>224</sup> More Information on the Chartered Institute of Environmental Health is available at: <http://www.cieh.org/>

<sup>225</sup> More information on the Royal Environmental Health Institute for Scotland is available at: <http://www.royal-environmental-health.org.uk/>

<sup>226</sup> More information on the Trading Standards Institute is available at: <http://www.tsi.org.uk/>

<sup>227</sup> Detailed information on this legalisation is available at: <http://www.food.gov.uk/foodindustry/regulation/hygleg/>

Development, and arrangements for Scotland are still to be finalised and agreed), and also the new EU feed hygiene Regulation.<sup>228</sup> At other stages in the production chains, local authorities are responsible not only for monitoring and enforcing feed and food safety legislation but also for enforcing rules on labelling and compositional standards. Port health authorities provide controls for products entering the UK from outside the Community. Where local and port health authorities find non-compliance, they work with the business concerned in accordance with their enforcement policies and, where necessary, take formal enforcement action to ensure that compliance is achieved.

22. Each individual authority's planned control activities are set out in their service delivery plan. This includes:
- the number of premises inspections 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, on 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 of feed and food premises, inspections of feed and food itself, and sampling and chemical analysis and microbiological examination. Inspection frequencies are determined by reference to the inspection rating scheme in the relevant Code of Practice (see paras 32 to 35). Businesses presenting a higher risk will attract more frequent inspection. It also, where necessary, includes follow-up action to ensure that issues of concern have been addressed. Authorities are involved in investigating complaints, control and investigation of outbreaks and food related infectious disease, and in providing advice to businesses.
24. At BIPs, control activities on imported POAO are carried out in accordance with Directive 97/78/EC<sup>229</sup> and Regulation 136/2004/EC.<sup>230</sup> This includes the checking of manifests to confirm that consignments have been correctly

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<sup>228</sup> Regulation (EC) No 1831/2003 of the European Parliament and of the Council laying down requirements for feed hygiene. Official Journal L35, 8.2.2005, 1-22.

<sup>229</sup> 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.

<sup>230</sup> 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.

notified; documentary checks, including the examination of veterinary certificates accompanying a product; identity checks by visual inspection to ensure that documents provided for veterinary inspection tally with the product; and, physical checks on products, including sampling and laboratory testing. Information regarding non-compliant products and the onward movement of third country products from BIPs is passed to the competent authorities in other Member States using the TRACES computer system.<sup>231</sup>

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.

### **Retail Enforcement Pilot**

26. 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.

### **Animal health and welfare**

27. Local authorities in England and Wales responsible for delivery of services in animal health and animal welfare are, through LACORS, signed up to a Framework Agreement (see para 13) with Defra and the Welsh Assembly Government. This includes 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 35).
28. 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

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<sup>231</sup> 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.

planning. A full list of the relevant legislation is provided on the Defra website at: <http://www.defra.gov.uk/animalh/ahws/deliver/ncp/legislation.htm>

29. 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.
30. Local authorities also respond reactively to referrals from other agencies such as Animal Health, the Meat Hygiene Service, and the Rural Payments Agency. They also respond to complaints from members of the public and non-governmental bodies such as welfare organisations and similar groups.
31. 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**

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### **Control procedures - feed and food**

#### **Food Law Codes of Practice and Food Law Practice Guidance**

32. 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 will be published in the first half of 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:



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

33. 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**

34. With regard to feed, the FSA has issued a Feed Law Code (and in due course will issue Practice Guidance) to which relevant local authorities (i.e. those in Great Britain) will be required to have regard in carrying out their duties. The Code available at:

<http://www.food.gov.uk/news/newsarchive/2006/dec/feedlaw>

35. 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 Great Britain. Similarly, the Veterinary Medicines Directorate, 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:

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

#### **Framework Agreement on Local Authority Food Law Enforcement**

36. This covers food law enforcement services in local authorities throughout the UK and feed law enforcement services in Great Britain. The Agreement is available at:

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

37. 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.

38. 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**

39. The BIP Manual provides guidance on the implementation of legislation concerning checks on products of animal origin imported from third countries. It covers both EU legislation and national rules applicable at BIPs and sets out the division of responsibilities and the procedures for the enforcement authorities carrying out veterinary checks. This includes, for example, the level of checks, procedures for the disposal and 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.
40. 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 [Bwww.lga.gov.uk/IP](http://www.lga.gov.uk/IP) manual and OVS notes are available at the following links:

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

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

## **Control procedures - animal health and welfare**

41. Control procedures are set out for local authorities in England and Wales within the appropriate service delivery plan, agreed between local DVMs and each local authority. Service delivery plans for each local authority are required under the Framework Agreement with Defra and the Welsh Assembly Government. The Agreement is available at:  
<http://www.defra.gov.uk/animalh/ahws/pdf/frameworkagreement5-1.pdf>
42. 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.

## **Staff performing official controls**

### **Freedom from conflict of interest**

43. Local authority officers responsible for feed and food law enforcement must have regard to the guidance in the Food Law Codes of Practice (and that for feed, once it is in place) for ensuring that they and their officers are impartial and free from conflict of interest in carrying out their duties.
44. 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.

## **Qualifications**

45. 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.
46. For animal health and welfare, the Framework Agreement with Defra and the Welsh Assembly Government sets out the benchmarks for qualifications. All enforcement staff are required to hold a diploma in Trading Standards or Diploma in Consumer Affairs qualification and/or a certificate of competence in Animal Health and Welfare or other appropriate formal professional qualification or undertake to achieve such qualifications as soon as possible.
47. In Scotland, enforcement staff must hold a Diploma in Consumer Affairs and Trading Standards, Diploma in Trading Standards, Diploma in Consumer Affairs, Animal Health and Welfare Certificate or other appropriate professional qualification or an undertaking to achieve such a qualification as soon as possible.

## **Training**

48. The Food and Feed Law Codes also require that local authorities ensure that their officers receive relevant and structured training within their area of responsibility on an on-going basis covering new legislation and procedural and technological development. The minimum training should be ten hours per year based on the principles of Continuing Professional Development. A similar requirement is being included in the Feed Law Code. The Framework Agreement requires that each authority sets up, maintains and implements a documented training programme for all authorised officers and support staff recording details of training provided and evaluations made. In addition, to training provided at the local level, the FSA provides training (see Chapter 4).
49. Continuing professional development of local authority animal health and animal 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. 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**

50. 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.

51. 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.
  
52. Each local authority in GB 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 RD.

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## **Appendix F**

### **Meat Hygiene Service**

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#### **Roles and responsibilities**

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1. The Meat Hygiene Service (MHS) is responsible in Great 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 protect public health and animal health and welfare in licensed/approved meat premises in Great Britain, through proportionate enforcement of relevant legislation. Detailed information on the MHS is available at:  
<http://www.food.gov.uk/foodindustry/meat/mhservice/>

#### **Organisation, management and resources**

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2. The MHS is an Executive Agency of the Food Standards Agency (FSA) and operates within Great Britain. It is headed by a Chief Executive who is responsible and accountable for the day-to-day management and operation in accordance with the MHS Framework Document. This is available at:  
<http://www.food.gov.uk/multimedia/pdfs/mhsframework.pdf>  
The current organisational chart is available in the latest MHS Annual Report & Accounts at:  
<http://www.food.gov.uk/news/newsarchive/2008/jul/mhsara0708>
3. The MHS Board was established in November 2004 as a sub-committee of the FSA Board to provide strategic direction, set targets and hold the MHS to account for its performance. The Terms of Reference of the MHS Board are:
  - (i) to give strategic direction to the MHS within the overall strategy agreed by the FSA Board, the relevant legal requirements, and any other relevant constraints or targets which may be set by the Treasury or the appropriate Ministers; and,
  - (ii) subject to (i), to set appropriate targets for the MHS and to monitor its performance, and thence and otherwise to hold the MHS to account on behalf of the FSA Board.

Further information on the MHS Board is available at:

<http://www.food.gov.uk/foodindustry/meat/mhservice/aboutmhs/mhsboard/>

4. The MHS has its administrative headquarters in York. In the interests of improving efficiency and cost-effectiveness, the MHS has been undergoing a period of transformation during 2007/08 and 2008/09. This has resulted in the decommissioning of the five regional offices (between April and September 2008) and the transfer of their functions to MHS headquarters, within the

newly created Delivery and Planning Unit, Finance, and Human Resources Directorates.

5. The MHS operational workforce currently consists of around 1,400 directly-employed, casual and contracted staff in hygiene inspection teams located in around 1,000 approved fresh meat premises throughout Great Britain. There are around 300 full-time equivalent veterinary surgeons (the majority of which are supplied to the MHS by veterinary contractors); 1,000 Senior Meat Hygiene Inspectors/Meat Hygiene Inspectors, and 100 meat technicians. In addition, the MHS employs around 170 administrative and managerial staff based at HQ or working from home. As part of transformation, operational staff have been re-organised into clusters (37 in total); each managed by a Lead Veterinarian who in turn reports a Business Manager. There are 12 Business Managers reporting to two Business Directors who are both members of the MHS Senior Management Team.
6. The MHS is financed through the charges it levies on food business operators (FBOs) and Government customers for services provided, and through funding provided by the FSA.

## Control activities

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7. The MHS applies official controls in relation to the meat hygiene rules, TSE (transmissible spongiform encephalopathy) controls and animal health and welfare at slaughter legislation in all approved fresh meat premises in Great 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 these premises are maintained on the FSA website at:

<http://www.food.gov.uk/foodindustry/meat/meatplantsprems/meatpremlcence>

8. The MHS has a statutory duty to provide meat inspection services 24 hours a day and 365 days a year if the FBO has given the requisite period of notice of requirements. It carries out its principal functions on behalf of the FSA and on behalf of the Agriculture/Rural Affairs Departments in England, Scotland and Wales under the terms of Service Level Agreements. The principal functions are as follows:

### For the FSA

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);

The SLA with the FSA also covers MHS involvement in office-based policy work.

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;
  - compliance with Cattle Identification Regulations on behalf of the British Cattle Movement Service
9. Details of the control activities carried out in support of these functions are available at the link below. These include inspections, verification and audit, sampling procedures etc.

<http://www.food.gov.uk/foodindustry/meat/mhservice/aboutmhs/mhsapprovedpremises>

## **Compliance with requirements in Regulation 882/2004**

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### **Control procedures**

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

12. The Inspection Teams also have regard to the MHS Enforcement Policy which sets out the principles of enforcement that it has agreed to adopt and the standards that will be applied when carrying out enforcement work. The Policy is at Annex 2 of Chapter 7 (Enforcement) of the MHS Manual of Official Controls, and is available at:

<http://www.food.gov.uk/multimedia/pdfs/mhsmanualch7rev14.pdf>

### **Staff performing official controls**

13. **Freedom from conflict of interest** - The MHS has a policy on managing conflicts of interest which requires MHS employees and contract staff to declare any interests that conflict - or may be perceived by others to conflict - directly or indirectly with their ability to discharge their duties in an honest and impartial manner.
14. **Qualifications** - With regard to qualifications, all Official Veterinarians (OVs) are qualified veterinary surgeons and are members of the Royal College of Veterinary Surgeons.<sup>232</sup> All Meat Hygiene Inspectors must have experience in the meat industry and attain a qualification in Meat Hygiene and Inspection from the Royal Society for Public Health.<sup>233</sup>
15. **Training** - A programme of continuing professional development ensures that MHS staff undertaking official controls continue to receive appropriate training and expertise. Other training needs are identified through individual performance appraisals, business plans, results from audits and in response to the introduction of new legislation or control systems. All training courses are recorded on an internal database and evaluated after each training course.

### **Monitoring and audit arrangements**

16. In line with Cabinet Office requirements for Executive Agencies, the MHS Framework Document requires the setting of annual performance targets for the MHS. Such targets or aims must be linked to the objectives of the MHS and should cover quality and delivery of service, financial performance, and efficiency. Responsibility for setting such aims for the MHS, and assessing performance against them, rests with the MHS Board, on behalf of the FSA Board.
17. For 2008/09, the MHS Board has agreed the following five corporate objectives for the MHS:
- To deliver effective official controls in line with customer requirements
  - To further develop teams with the right knowledge, information, behaviour and capability to deliver our services effectively.

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<sup>232</sup> More information on the Royal College of Veterinary Surgeons is available at: <http://www.rcvs.org.uk/>

<sup>233</sup> More information on the Royal Society for the Promotion of Health is available at: <http://www.rsph.org.uk/>



- To adopt appropriate electronic services where justified, in partnership with customers and end users.
- To operate within key financial targets.
  - Gross cost of operations
  - Net cost of operations
- To reduce Cost per Livestock Unit year on year.

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

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

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## Appendix G

### Animal Health Dairy Hygiene

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#### Roles and responsibilities

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1. Animal Health Dairy Hygiene - AHDH - 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, AHDH's equivalent is part of the Quality Assurance Branch of DARD and, in Scotland, local authorities are responsible for inspecting milk production holdings). AHDH acts on behalf of the FSA by monitoring and verifying compliance with, and enforcing food hygiene legislation at milk production holdings. It is also responsible for supervising the statutory programme for sampling and testing of raw cows' milk in England and Wales.

#### Organisation, management and resources

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2. AHDH is a part of Animal Health.<sup>234</sup> It is headed by the Head of Dairy Hygiene and operates in four regions - Southern, Central, Northern, and Wales and Borders - each area being managed by a Senior Dairy Hygiene Inspector. With regard to resources, the AHDH has 26 full-time equivalent inspection staff, supported by 10.2 full-time equivalent administrators.
3. AHDH carries out its functions on behalf of the FSA under the terms of a Service Level Agreement. This Agreement is functionally managed by the Head of the FSA's Primary Production Division which is part of its Food Safety Policy Group.
4. Further details of the structure, organisation and responsibilities of the AHDH can be found at:  
<http://www.defra.gov.uk/animalhealth/inspecting-and-licensing/dairies/index.htm>

#### Control activities

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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.<sup>235</sup>

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<sup>234</sup> AHDH was formally known as the Dairy Hygiene Inspectorate. From 1 October 2006 it was a part of the State Veterinary Service(SVS) The SVS is now known as Animal Health and is an Executive Agency of Defra.

<sup>235</sup> Detailed information on this legalisation is available at:  
<http://www.food.gov.uk/foodindustry/regulation/europeleg/eufoodhygieneleg/>

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

6. AHDH also supervises a statutory programme of sampling and testing of raw cows' drinking milk that is carried out in accordance with national food hygiene legislation<sup>236</sup> on behalf of FSA by Eclipse Scientific Group<sup>237</sup> 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 Food Standards Agency (see [Appendix S](#)) to undertake the statutory testing work. This sampling and analysis is managed and monitored by the AHDH who are kept informed of visits made and results obtained.
7. In order to facilitate its activities, AHDH uses an in-house specialist database known as the Dairy Hygiene Inspection and Recording Database.<sup>238</sup> This contains details of all the registered milk production holdings (dairy farms) in England and Wales, including records of inspections and risk allocation.

## Compliance with requirements in Regulation 882/2004

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### Control procedures

8. AHDH inspectors work in accordance with AHDH 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:

<http://www.defra.gov.uk/animalhealth/publications/Dairy/DHIPcedures.pdf>

### Staff performing official controls

9. **Freedom from conflict of interest** - AHDH 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** - AHDH inspectors must hold a degree in agriculture, animal science or a related subject and have two years experience of on-farm milk production and preferably also some knowledge of milk processing. Once

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<sup>236</sup> Food Hygiene (England) Regulations 2006 (SI 2006/14) and the Food Hygiene (Wales) 2006 (SI 2006/31 (W. 5)).

<sup>237</sup> More information on Eclipse Scientific Group is available at: <http://www.eclipsescientific.co.uk/>

<sup>238</sup> Formally known as the Milk and Dairies Scheduling System

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, AHDH 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 AHDH carries out, it has established quality assessment procedures. These include inspectors carrying out joint inspections with their Senior Inspector and with members of their regional or national teams. Senior Inspectors also have joint scoring days to ensure consistency of interpretation across regions. In addition, inspectors are quality assessed by reviewing random samples of inspection reports and any corresponding enforcement action at least twice a year. Further, the Head of AHDH regularly monitors performance of individual inspectors by assessing average hygiene scores, risk allocation, inspection intervals, numbers of overdue inspections etc. Where variances are detected these are discussed with the appropriate Senior Inspector to take action.
13. The performance of the AHDH will also be subject to audit by the FSA. An initial pilot audit took place in July 2007 and a full audit is due to take place in March 2009.

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## **Appendix H**

### **Egg Marketing Inspectorate and the Scottish Government Rural Payments and Inspections Directorate**

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#### **Roles and responsibilities**

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1. The Egg Marketing Inspectorate (EMI) acts on behalf of the FSA in England and Wales in respect of on-farm enforcement of food hygiene regulations at egg production units. In Scotland, this function is fulfilled by the Rural Payments and Inspections Directorate (SGRPID).<sup>239</sup> Enforcement of the hygiene regulations at egg packing stations is carried out by local authorities in England, Wales and Scotland, and in Northern Ireland, DARD Quality Assurance Branch - see [Appendix I](#) - and district councils fulfil these roles.

#### **Organisation, management and resources**

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2. The EMI, part of Animal Health (an Executive Agency of Defra), is organised on a regional basis covering the Midlands and Wales, South and East, Western and Northern regions. It has a staff complement of 38 (some are part time) including 26 Egg Marketing Inspectors, four Regional EMIs, one Deputy Chief EMI and one Chief EMI and six administration staff. Further information on the structure and organisation of the EMI is available at:  
<http://www.defra.gov.uk/foodrin/poultry/trade/emi/history.htm>  
<http://www.defra.gov.uk/foodrin/poultry/trade/emi/index.htm>
3. Within SGRPID, there is a small dedicated team of five full-time and one part time egg marketing officers. Further information is available at:  
<http://www.scotland.gov.uk/Topics/Agriculture/Agricultural-Policy/LivestockAndLivestockProd/EggsAndPoultry/Enforcement>
4. The EMI carries out its functions on behalf of the FSA under the terms of a Service Level Agreement. The SGRPID function is set out in a Memorandum of Understanding (MoU) which is reviewed annually. Management of the MoU rests with the Senior Agricultural Officer (Poultry) within SGRPID and FSA Scotland.

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<sup>239</sup> 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 RD 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

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5. The principal control activities relate to monitoring and enforcing Regulations (EC) Nos 852/2004, 853/2004, 854/2004 and the Food Hygiene (England) Regulations 2006<sup>240</sup> and Food Hygiene (Wales) Regulations 2006.<sup>241</sup> This involves the registration of production premises (egg production units), inspection of premises, animals, records and enforcing satisfactory standards. The EMI also provides guidance and advice to businesses on compliance with the legislation.
6. SGRPID 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. FSA Scotland appoints Scottish Government officers from SGRPID 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

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### Control procedures

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

### Staff performing official controls

8. **Freedom from conflict of interest** - The EMI operates a policy such that no inspector can have an interest in any business directly associated with the industry.
9. **Qualifications** - In order to conduct hygiene inspections, all EMI inspectors must hold a Level 3 (formerly Intermediate Chartered Institute of Environmental Health) qualification in Food Hygiene. They also receive training in-post and the EMI are developing a course that will lead to a National Vocational Qualification for Egg Marketing Inspectors. 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.

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<sup>240</sup> SI 2006/14

<sup>241</sup> SI 2006/31 (W S)

Inspectors are also given elementary hygiene training before taking up a position.

10. **Training** - With regard to on-going training, EMI 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 EMI and SGRPID staff are identified as part of a standard annual appraisal and performance management programme.

### **Monitoring and audit arrangements**

11. In order to ensure the quality and consistency of the official controls, the EMI have established internal assessment procedures and procedures for reporting EMI 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. The EMI Management Group (Chief, Deputy Chief and Regional Egg Marketing Inspectors) 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 Regional Inspector to take action and summary information is provided to FSA.
12. Independent audit of the performance of EMI, using processes similar to those to audit AHDH are being considered.
13. Arrangements for the audit of SGRPID by FSA Scotland are currently being developed. Authorised officers of SGRPID will be expected to report the outcomes of their inspections on the FSA Scotland 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.

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## **Appendix I**

### **Department of Agriculture and Rural Development for Northern Ireland**

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#### **Roles and responsibilities**

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1. The responsibilities of the Department of Agriculture and Rural Development for Northern Ireland (DARD) with regard to official controls of food law mirror those of the Meat Hygiene Service, Animal Health (Dairy Hygiene and the Egg Marketing Inspectorate/the Scottish Government Payments and Inspections Directorate in Great 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 Veterinary Medicines Directorate in Great 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 in Great Britain. More information on this function is provided in Appendix Q which details the make up of the UK's Plant Health Service.

#### **Organisation, management and resources**

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4. Detailed information on the organisation and management of DARD can be found at: <http://www.dardni.gov.uk>.
5. Division of responsibility for DARD's official control functions is as follows.
  - DARD Veterinary Service – Veterinary Public Health Unit (VS-VPHU) provides a similar service in Northern Ireland to that provided by the Meat Hygiene Service in Great Britain under a Service Level Agreement with the Food Standards Agency.
  - DARD Quality Assurance Branch (QAB) – undertake the feed and other food enforcement functions for which DARD is responsible.
  - DARD Veterinary Service (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 Fish Health Inspectorate 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 Divisional Veterinary Officers and individual teams are led by an Official Veterinarian. The full complement of operational staff in VS-VPHU comprises 30 Official Veterinarians, 12 Senior Meat Inspectors, 124 Meat Inspectors and 16 Poultry Meat Inspectors.
7. QAB has six full-time equivalent staff responsible for carrying out official controls on feed; 12 staff engaged in official controls of milk production and drinking milk processing and handling, and 3.7 staff carrying out statutory egg inspections.
8. The VS has 873 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

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### Feed

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

### Food

10. QAB Milk Section enforces food hygiene legislation<sup>242</sup> on behalf of the FSA in milk production units and approved liquid milk premises.
11. QAB Egg Marketing Inspectorate (EMI) acts on behalf of the FSA in respect of enforcement of food hygiene legislation at egg production units and packing stations in Northern Ireland.
12. VS-VPHU enforces food hygiene legislation TSE and SRM controls on behalf of the FSA in approved meat premises in Northern Ireland, except meat

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<sup>242</sup> More information on this legalisation is available at: <http://www.food.gov.uk/foodindustry/regulation/hygleg/>

product and stand alone meat preparation premises where enforcement is carried out by district councils.

13. 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.
14. At Border Inspection Posts (BIPs), control activities on imported feed and food of animal origin are carried out in accordance with Directive 97/78/EC<sup>243</sup> and Regulation 136/2004/EC.<sup>244</sup> This includes the checking of manifests to confirm that products of animal origin have been correctly notified; documentary checks, including the examination of veterinary certificates accompanying a product; identity checks by visual inspection to ensure that documents provided for veterinary inspection tally with the product and physical checks on products, including sampling and laboratory testing. Information regarding non-compliant products and the onward movement of third country products from BIPs is passed to control authorities in other Member States using the TRACES computer system.<sup>245</sup>

### **Animal health and animal welfare**

15. Animal health and animal welfare control methods differ according to which area is being covered and instructions for Veterinary Service 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.
16. The VS is responsible for delivering Government policy on animal health and animal welfare. The VS conducts surveillance for endemic statutory diseases 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.
17. 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

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<sup>243</sup> 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.

<sup>244</sup> 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.

<sup>245</sup> 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.

- policies for public health, such as controlling bovine tuberculosis through herd testing, culling and other measures.
18. 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.
  19. 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.
  20. VS staff work at Border Inspection Posts to ensure compliance with animal health and welfare rules.
  21. 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 Food Standards Agency;
    - 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;
    - 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.
  22. 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.
23. DARD Fisheries Division has responsibility for the control of fish disease in Northern Ireland under the Diseases of Fish Act (Northern Ireland) 1967,<sup>246</sup> the Fish Health Regulations (Northern Ireland) 1998<sup>247</sup> and Diseases of Fish (Control) Regulations (Northern Ireland) 1996<sup>248</sup> (as amended). In carrying out these responsibilities the Fish Health Inspectorate undertakes a routine sampling and inspection programme covering licensed 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 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

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### Control procedures

#### Feed and food

24. DARD QAB feed are continuing to update and review their Procedural Manual<sup>249</sup> which will be closely aligned with the Feed Law Code of Practice that has been issued in Great Britain (see Appendix E, para. 34).
25. QAB Milk Section works in accordance with the principles of the Food Law Code of Practice (Northern Ireland) and associated Practice Guidance<sup>250</sup> in relation to enforcement in milk processing establishments. It also has documented Operating Instructions (similar to those used by AHDH) 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

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<sup>246</sup> 1967, c 7 (NI).

<sup>247</sup> SR 1998/310.

<sup>248</sup> SR 1996/16.

<sup>249</sup> 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.

<sup>250</sup> Copies of the Code and Guidance are available at: <http://www.food.gov.uk/multimedia/pdfs/nicop.pdf> and <http://www.food.gov.uk/multimedia/pdfs/nicopp.pdf>

documented. These are reviewed and updated regularly using a controlled document issue procedure. They are published on the DARD intranet.

26. 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.
27. The VS-VPHU has in place a manual of official controls similar to that of MHS (see Appendix F).

### **Animal health and animal welfare**

28. 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.
29. As a consequence of the introduction of the new EU Fish Health Directive (11870/06),<sup>251</sup> the Fish Health Inspectorate is reviewing and updating roles, responsibilities and staff instructions. The Fisheries Division Fish Health Manual collates all information on Fish Health and provides guidance for staff. Fish Health inspections are carried out at all licensed fish farms twice per year with the interval between each inspection being at least four months. During fish health inspections, the Inspectors also undertake checks to ensure compliance 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**

30. **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.<sup>252</sup>

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<sup>251</sup> 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.

<sup>252</sup> The Northern Ireland Civil Service code of Ethics is available at: <http://handbook.nics.gov.uk/>

31. **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 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 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.
32. **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**

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

### **Animal health and animal welfare**

35. 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.

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## **Appendix J**

### **Veterinary Medicines Directorate**

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#### **Roles and responsibilities**

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

#### **Organisation, management and resources**

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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.<sup>253</sup> 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 2006 – 2009 at the links below:

<http://www.vmd.gov.uk/home.htm>

<http://www.vmd.gov.uk/About/busplan.pdf>

3. VMD has about 149 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 Great Britain, there are five regional inspectors involved in this work and along with two administrative staff they form the Animal Medicines Inspectorate (AMI). There are 3.5 full time equivalent posts involved in the operation of the statutory surveillance programme. Further details of the organisation of the VMD are available at:

<http://www.vmd.gov.uk/Contacts.htm>

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<sup>253</sup> 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 database, covering the work of the AMI 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 (FARE) policy team provides policy support and takes legislative responsibility. Defra Investigation Services (DIS) and Litigation and Prosecution Division (LAPD) carry out legal investigations and prosecutions on behalf of the AMI 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 Great Britain across the year. Reports are produced from the system, which update the 'control bodies' involved on their performance on a monthly basis. Results from the control body laboratory are downloaded nightly. Weekly downloads are received from Central Science Laboratory (CSL) in respect of the analysis of honey samples. The VMD's IT unit supports the database and provides training as appropriate. The VMD commissions the development of new analytical methods for new or existing activities through its R&D programme.<sup>254</sup>

## Control activities

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### **Medicated feed and specified feed additives**

6. The AMI Inspectors are specifically authorised under the Veterinary Medicines Regulations 2008<sup>255</sup> for this purpose. They currently inspect and approve manufacturers and distributors of specified feed additives, medicated animal feedingstuffs and retailers of certain restricted veterinary medicines. The AMI also carry out routine audits of feedingstuffs manufacturers and distributors, (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).
7. The VMD considers priorities from the Commission Co-ordinated Inspection Programme in the Field of Animal Nutrition, which recommends the specified feed additives which require monitoring. The feed manufacturers are classified according to the complexity of their operations which in turn determines the audit frequency.
8. In addition Animal Health who carry out official duties of health monitoring in establishments, have an agreement with the VMD to report irregularities. This

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<sup>254</sup> More information is available at: <http://www.vmd.gov.uk/General/RandD/RandD.htm>

<sup>255</sup> SI 2008/2297.



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.

### **Veterinary residue surveillance**

9. The VMD is responsible for the operation of the residue surveillance programme in Great Britain required by Council Directive 96/23/EC (DARD fulfils this role in Northern Ireland). It drafts the UK National Residues Control Plan each year and submits it together with the previous year's surveillance results to the Commission by 31 March. Sample numbers are split on the basis of production between Great Britain and Northern Ireland. The operation of the programme involves sample collection, sample analysis and follow-up action on positive results. Control priorities for veterinary residue surveillance are set by EU legislation and these are followed in setting the national plan. Sampling is targeted according to criteria set out in Commission Decision 98/179/EC.
10. Samples are collected by the following bodies under terms (including key performance indicators) set out in Service Level Agreements (SLAs) or Memoranda of Understanding (MOUs): Animal Health, Meat Hygiene Service (MHS), Centre for Environment Fisheries and Aquaculture Science (Cefas), Fisheries Research Services (FRS), Egg Marketing Inspectorate (EMI), and the National Bee Unit. Council Directive 96/23/EC and Commission Decision 97/747/EC require that samples of red meat, poultry, farmed fish, milk, eggs, honey and wild and farmed game are collected on farms and at initial points of processing. The number of samples taken is based on throughput in accordance with the levels set out in legislation. Samples are analysed for residues of veterinary medicines and contaminants in line with the minimum requirements laid down in the legislation. Follow-up investigations are undertaken at farms where residue positive animals/animal products have been produced in accordance with the requirements of Council Directive 96/23/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.
11. Analytical work for the National Surveillance scheme, with the exception of honey, is tendered under EU Regulations. Laboratories responding to the tender must complete a detailed Specification of Requirements questionnaire, covering a wide range of aspects of the surveillance programme. The VMD has a 5-year contract, now extended to the end of 2010, with a commercial laboratory, LGC Ltd, for the provision of analytical services. LGC is responsible for the analysis of samples and reporting results to the VMD. The laboratory uses analytical methods accredited to ISO 17025 and Commission Decision 2002/657. The LGC is subject to independent audits; a recent audit was held jointly between UKAS and a MS expert in 2002/657 under the auspices of VMD. Analysis of honey samples is undertaken by CSL, which is also subject to independent audits.

## **Compliance with requirements in Regulation 882/2004**

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### **Control procedures**

#### **Registration and approval of establishments and intermediaries**

12. Feed business operators manufacturing or mixing specified feed additives or distributors dealing with these products are required by UK law to be approved (by the AMI in Great 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 and intermediaries throughout Great Britain, which is published on the VMD website. Those establishments manufacturing specified feed additives that additionally manufacture authorised medicated premixes are inspected and approved by the Medicines and Healthcare Regulatory Authority<sup>256</sup> on behalf of the VMD.

#### **Medicated feed and specified feed additives**

13. AMI inspectors work in accordance with documented Standard Operating Procedures which set out the AMI's objectives, a Code of Conduct and 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 AMI receive a report of the findings. The Standard Operating Procedures are reviewed and updated annually to reflect changes to the Veterinary Medicines Regulations.

#### **Residues surveillance**

14. 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.

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<sup>256</sup> More information on the Medicines and Healthcare Regulatory Trust is available at: [http://www.mhra.gov.uk/home/idcplg?IdcService=SS\\_GET\\_PAGE&nodeId=5](http://www.mhra.gov.uk/home/idcplg?IdcService=SS_GET_PAGE&nodeId=5)

### **Staff performing official controls**

15. **Freedom from conflict of interest** - For the AMI, the Code of Conduct for Inspectors prohibits inspectors from undertaking any activities paid or otherwise, that may lead to a conflict of interest with duties. With regard to the residues programme, requirements to ensure impartiality of staff undertaking sampling are included in the relevant Service Level Agreement or Memorandum of Understanding. Similarly, the contracts with laboratories involved in analysis include a clause covering potential conflicts of interest, and the identity of the owner of samples submitted for analysis is not divulged to staff undertaking analysis.
16. **Qualifications** - All AMI inspectors hold a formal qualification in agriculture/science and are required to have spent at least three years at management level in the animal feed/animal health industry prior to appointment. All inspectors are qualified ISO 9000:2000 auditors and have undertaken a course in HACCP.
17. **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**

18. Annual inspection returns are made to the Commission via the FSA. The Head of Inspectorate monitors, and supervises the work of the other four inspectors and conducts internal audits on performance. Inspection details and outcomes are entered onto the database (see para 4).
19. On 1 January 2006, management of the AMI passed to the VMD from the Royal Pharmaceutical Society of Great Britain, which audited the AMI. The VMD has made new arrangements for the audit of the control procedures of the VMD and its inspectorate, the AMI, in accordance with Regulation 882/2004. Audits are carried out by Defra auditors as part of the VMD general audit. (see paragraph 22).

#### **Veterinary Residue Surveillance**

20. The Surveillance programme is overseen by an independent Committee. The Veterinary Residues Committee was established in January 2001 as part of the Government's commitment to make all advisory committees more open and independent. Its role is to advise the Chief Executives of the Veterinary Medicines Directorate and the Food Standards Agency on the incidence and

concentrations of residues of veterinary medicines in samples collected under the VMD's surveillance programmes and to assess and advise on the scope and operation of the VMD statutory surveillance programme. Further information is available on its website at:

<http://www.vet-residues-committee.gov.uk>

21. In Northern Ireland, representatives of the analytical services, Veterinary Service, Food Policy Branch of DARD and Food Standards Agency meet monthly to discuss progress with the plan and residues related issues. Quarterly reports on overall performance against the plan are provided to the VMD's Director of Operation Division.
22. VMD has a Service Level Agreement with Defra Internal Audit, which requires audits of all work areas, which includes veterinary residue surveillance, to be carried out once every five years. The VMD is audited against EU legislation requirements and audit arrangements are scrutinised by the Audit and Risk committee who see the final report. Where recommendations for changes are made, follow-up checks are carried out within 12 months of the original audit. The audits also aim to identify good practice. A programme of on-site audits of the agencies involved in sample collection 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 MHS, AH, the Egg Marketing Inspectorate and the National Bee Unit/CSL have also been undertaken. An audit of the Fisheries Research Services is expected to be carried out in 2009/10. 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.
23. An internal review of the role of the AMI was carried out at the end of 2006 and the VMD has explored the recommendations made in it. As a consequence of the review, it is likely the AMI will move to risk-based inspections from October 2009.

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## **Appendix K**

### **Pesticides Safety Directorate**

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#### **Roles and responsibilities**

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

<http://www.pesticides.gov.uk/corporate.asp?id=46>

#### **Organisation, management and resources**

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2. PSD is an Agency of the Health and Safety Executive (HSE).. It employs around 200 scientific, policy and support staff and is headed by a Chief Executive, who is supported by a Management Board comprising the Directors of Approvals, Policy and Finance and the Deputy Director of Approvals. Its aims, objectives and functions, as well as its accountability, management and structure are set out in the PSD Framework Document which can be found at:

<http://www.pesticides.gov.uk/corporate.asp?id=232>

3. Within PSD, pesticide residue control is the responsibility of the Consumer Safety and European Policy Branch. The full-time equivalent of 3.9 staff deal with pesticide residue control, including representing the UK in negotiations on EC pesticide residues legislation, transposing EC Directives into National legislation, and planning and implementing the residues monitoring programme. Scientific evaluations and advice, including risk assessments, are provided by 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 Plant Health and Seeds Inspectorate (PHSI), and private practitioners involved in sample collection for monitoring and enforcement purposes. A PSD organisation chart can be found at:

[http://www.pesticides.gov.uk/uploadedfiles/Web\\_Assets/PSD/Staff\\_Chart.ppt](http://www.pesticides.gov.uk/uploadedfiles/Web_Assets/PSD/Staff_Chart.ppt)

4. With regard to other resources, PSD has access to the following facilities and services:

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

## **Control activities**

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### **Pesticide residue monitoring**

5. PSD is the competent authority responsible for the monitoring of pesticide residues in food and drink in the UK and any consequential enforcement action. It drafts the UK national pesticide residues monitoring plan each year and is responsible for the submission of the results of both the annual European harmonised residues monitoring programme and the national programme to the Commission in the following year, in line with the Commission's prescribed timetable.
6. The regulation of the approval and use of pesticides in the UK is tightly controlled. This regulatory framework is backed up by a substantial programme of residues testing, which is overseen in the UK by an independent committee, the Pesticide Residues Committee (PRC).
7. The PRC is comprised of a range of public and independent experts who act in an advisory role to the government departments responsible for administering the monitoring programme. Members include experts on the effects of chemicals on people, people with knowledge of food production techniques and people who have a general interest in food safety issues.
8. The PRC's remit is to advise UK government Ministers and the Chief Executives of the PSD and the Food Standards Agency on:
  - the planning of surveillance programmes for pesticide residues in the UK food supply and the evaluation of the results; and
  - procedures for sampling, sample processing and new methods of analysis.

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

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

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

### **Control priorities**

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

### **Priority categorisation**

#### **Monitoring**

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

Priority level	Type of survey
<p><b>Low</b></p> <ul style="list-style-type: none"> <li>• 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)</li> <li>• low incidence of residues expected on the commodity</li> <li>• commodity is not a major component of the diet for any population consumption group</li> </ul>	<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><b>Medium</b></p> <ul style="list-style-type: none"> <li>• some evidence of non compliance</li> <li>• residues expected on the commodity</li> <li>• and/or the commodity is consumed regularly by consumer populations</li> <li>• or rapid popularity has promoted influx of commodity from a range of new sources</li> </ul>	<p>Routine rolling surveys for mainly fresh commodities examined every 2-3 years. Targeted surveys to follow up on previous results.</p>
<p><b>High</b></p> <ul style="list-style-type: none"> <li>• recent evidence of non compliance</li> <li>• evidence of exceedance of the Acute Reference Dose</li> <li>• residues expected on this commodity and/or commodity is of significant dietary importance by some consumer groups e.g. milk and infants</li> <li>• 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</li> </ul>	<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 PSD, in consultation with the FSA, for consumer risk assessments. Where a food safety concern has been identified, these authorities are empowered to take enforcement action under general food



safety legislation. Local authorities have an obligation to send returns on such food related incidents to FSA.

## **Compliance with requirements in Regulation 882/2004**

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### **Control procedures**

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

### **Reporting arrangements**

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

### **Staff performing official controls**

16. The majority of those involved in the monitoring and surveillance programmes are trained to degree or degree equivalent level. The continuous professional development of staff is met through a combination of on-the-job training and specific training courses. Training matrices cover core training elements, e.g. in standard operating procedures and for other in-house training.

### **Monitoring and audit arrangements**

17. The annual monitoring programme is split into four report periods. All contracts and Service Level Agreements have milestones relating to the control plan timetable for the year. Performance of sample collection bodies

is monitored every two weeks. Analytical progress is monitored quarterly when analytical results are peer reviewed.

18. The competent authority assigns project managers to monitor performance with controls bodies. Specific personnel are identified as project managers in the control bodies. Delivery success against the published timetable of reports is only possible with close co-operation between the competent authority and the control bodies.
19. HSE's internal audit division and the National Audit Office report directly to PSD's Agency Management Team in respect of the audits they complete. Audits cover propriety and security in addition to those performed around PSD'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 PSD'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.

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## **Appendix L**

### **Animal Health**

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#### **Roles and responsibilities**

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1. Animal Health (formerly the State Veterinary Service) has responsibility for maintaining and improving animal health and animal welfare and minimising the impact of animal health issues on public health. Animal Health 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, Animal Health implements and monitors enforcement of national and EU legislation in all of the areas detailed above. Animal Health also provides advice on requirements for importing and exporting animals and facilitates this trade.
2. With regard to feed, Animal Health is responsible for ensuring compliance with the prohibition on the use of animal protein in animal feed under legislation on Transmissible Spongiform Encephalopathies (TSEs). Meat and bonemeal and most other materials of animal origin are prohibited from use in farm livestock feeds as part of a range of measures to guard against TSEs. Detailed information is available at:  
<http://www.defra.gov.uk/animalh/bse/controls-eradication/feed-ban.html>
3. The requirement to protect public health underpins many of the activities of Animal Health 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. Animal Health 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. Animal Health 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.
6. Animal Health staff work at live animal Border Inspection Posts (BIPs) to ensure third country health and welfare compliance.
7. In fulfilling its responsibilities Animal Health 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

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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. Animal Health provides public health and animal health and animal welfare services throughout Great Britain on behalf of Defra, the Scottish Government and the Welsh Assembly Government.
9. Animal Health 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 23 Animal Health Divisional Offices and other outstations throughout Great Britain. A Divisional Veterinary Manager (DVM) manages each office.
11. Within Animal Health there were in November 2008, 1566 full-time equivalent posts made up of 285 veterinary staff, 268 technical staff and 1013 administration staff. There were 9,716 private veterinary surgeons in GB appointed by ministers to undertake work as official veterinarians (Local Veterinary Inspectors). Further information on Animal Health can be found at:  
<http://www.defra.gov.uk/animalhealth/>

## Control activities

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12. Detailed information on the control activities of Animal Health is available at:  
<http://www.defra.gov.uk/animalhealth/about-us/whatwedo/index.htm>

### **Feed**

13. Animal Health carries out inspections and takes samples of feed ingredients and manufactured feeds at feed mills, farms, stores and hauliers of feed. The samples are analysed for the presence of banned processed animal proteins including meat and bonemeal and fishmeal. Fishmeal is only allowed in non-ruminant feed.
14. 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, Animal Health will usually advise and assist local authorities (normally Trading

Standards Departments) and may serve notices to prevent the movement or require the recall or destruction of suspected feed.

15. When contraventions have been reported to local authorities, the outcome of their action must be reported to the DVM, and in the event of a prosecution, to a Senior Operational Manager (SOM). If a DVM considers that the local authority is taking too lenient a line, they should discuss the matter with the local authority. If this approach to the local authority fails to achieve an improvement, the DVM should escalate the matter to a Senior Operational Manager.
16. To monitor compliance with BSE-related livestock feed controls in Great Britain, Animal Health has been taking feed samples for analysis since February 1996. From 2001, previous sampling programmes were replaced by the risk-based National Feed Audit. The current inspection programme was designed using the risk assessment model provided in Commission Recommendation 2004/163/EC.<sup>257</sup> This assessment established the level of visits needed to audit feed production and handling standards throughout the feed supply chain, including end users on-farm. The National Feed Audit includes taking up to 17,000 feed samples a year and testing these for prohibited animal proteins by a range of methods of analysis<sup>258</sup>. This programme also covers investigation of any potential breach of the ban, and appropriate protection and enforcement action. Detailed information, including monthly summary reports, on the National Feed Audit is available on Defra's website at:  
<http://www.defra.gov.uk/animalh/bse/statistics/index.html>
17. Animal Health 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.

### **Animal health and welfare**

18. To carry out the official controls required for Animal Health & Welfare, Animal Health has agreed working arrangements with the Government Offices for the Regions; the Devolved Administrations, Her Majesty's Revenue and Customs (HMRC)/ United Kingdom Border Agency (UKBA), the Royal Society for the Prevention of Cruelty to Animals (RSPCA),<sup>259</sup> and others.

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<sup>257</sup> Commission Recommendation on the coordinated inspection programme in the field of animal nutrition for the year 2004 in accordance with Council Directive 95/53/EC. Official Journal L 52, 21.2.04, 70-76.

<sup>258</sup> More information on methods of analysis is available at: <http://www.defra.gov.uk/animalh/bse/controls-eradication/feedban-analysis.html>

<sup>259</sup> More information on the RSPCA is available at: [www.rspca.org.uk](http://www.rspca.org.uk)

19. In undertaking these controls, Animal Health 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:

<http://defraweb.defra.gsi.gov.uk/animalh/diseases/control/contingency/index.htm>

- 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 Food Standards Agency;
- reduce risk to public health from various poultry diseases by recording, investigating and by implementing the requirements of the zoonoses legislation;
- issue export certification, to inspect and test animals at BIPs. The results of post import checks are recorded on a risk messaging system, ensuring imports of animals and animal products comply with national or harmonised rules;
- approve animal by-product premises, maintain a Competent Authority list to complete audit visits to collectors operating under the National Fallen Stock Scheme;
- 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;
- ensure compliance with legislation relating to animal gatherings.

## **Compliance with requirements in Regulation 882/2004**

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### **Control procedures**

20. Detailed guidance regarding tasks to be undertaken, along with roles and responsibilities for Animal Health 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 Animal Health 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 Animal Health 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 action must be reported to the DVM, and in the event of a prosecution, to the Operational Manager. If a DVM considers that the local authority is taking too lenient a line, they will discuss the matter with them. If this matter is not resolved, the DVM escalates the matter to a Senior Operational Manager.

### **Reporting arrangements**

23. All required information is recorded on a number of IT systems developed for Animal Health. Reports are regularly extracted from data supplied providing results for both national and local requirements. Operational reports are produced on a quarterly basis for all critical activities, with additional monthly reporting where national shortfalls in delivery are encountered. These quarterly reports are reported to Food and Farming Group in Defra and to the Devolved Administrations as required. Shortfalls in delivery are identified, recorded and reported to Senior Operations Managers. A remedial action plan is 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 Animal Health 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 Animal Health. 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.<sup>260</sup>

25. **Qualifications** - All Veterinary Officers and Local Veterinary Inspectors 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 Animal Health 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, Animal Health provides a Veterinary and Technical Development Pathway scheme for field staff to strengthen their professional skills. Further information is available at:  
<http://www.defra.gov.uk/animalhealth/publications/Business0708.pdf>

### **Monitoring and audit of control activities**

27. Animal Health 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. Animal Health are currently developing Quality Assurance procedures for the whole organisation. When these procedures are implemented each AHDO will be visited to ensure that they are evidencing relevant management checks and to ensure that the work is being completed to the appropriate standard.
29. Animal Health 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.

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<sup>260</sup> Available at: [http://www.cabinetoffice.gov.uk/propriety\\_and\\_ethics/civil\\_service/civil\\_service\\_code.asp](http://www.cabinetoffice.gov.uk/propriety_and_ethics/civil_service/civil_service_code.asp)



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## **Appendix M**

### **Rural Payments Agency**

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#### **Roles and responsibilities**

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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.<sup>261</sup> From 1 January 2007, this has included sheep and goats inspections under EC Regulation 21/2004.<sup>262</sup>

#### **Organisation, management and resources**

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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.

#### **Control activities**

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##### **Food**

3. With regard to beef labelling,<sup>263</sup> 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:

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<sup>261</sup> 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.

<sup>262</sup> 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.

<sup>263</sup> Information on the beef and veal labelling systems and how they operate in the UK is available at: <http://www.rpa.gov.uk/rpa/index.nsf/search/beef%20labelling>

- 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 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 TSE's. 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

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### 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 Meat Hygiene Service 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 can not 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 Test Council (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 T.

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## **Appendix N**

### **Rural Inspectorate for Wales**

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#### **Roles and responsibilities**

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1. The work of the Rural Inspectorate Wales (RIW) underpins the Rural Payment 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 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.<sup>264</sup> 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**

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3. The RIW currently has around 80 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**

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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 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).

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<sup>264</sup> 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.

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**

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### **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 Assembly 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 T.

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## **Appendix O**

### **Bee health**

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#### **Roles and responsibilities**

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1. Bee Health policy is administered by Defra in England, the Welsh Assembly Government RA in Wales, the Scottish Government Rural Directorate in Scotland and DARD in Northern Ireland. The National Bee Unit (NBU) 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 Officers of the respective Government Departments. Additionally, Animal Health is responsible for carrying out controls of bee imports at Border Inspection Posts.
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**

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##### **The National Bee Unit**

3. The NBU is part of the Central Science Laboratory (CSL).<sup>265</sup> It reports to Defra in England and the RA in Wales respectively, on all aspects of delivery to the Bee Health Programmes in England and Wales. Detailed information on the Unit is available at:  
<http://www.csl.gov.uk/aboutCsl/scienceGroupsAndTeams/phg/documents/beeUnit.pdf>
4. In terms of human resources, the Unit comprises the following: full time - one Head of Unit, one National Bee Inspector, eight Regional Bee Inspectors, one Laboratory Manager, one field projects research manager, one Laboratory diagnostician, supporting office and administrative personnel; and part-time - 36 Seasonal Bee Inspectors and supporting research from specialists across the CSL.

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<sup>265</sup> More information on CSL is available at: <http://www.csl.gov.uk/>

5. NBU uses a sophisticated database of beekeepers that enables work practices to be optimised and to be tracked and reported accurately. CSL 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 CSL Groups e.g. for molecular diagnostics; 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.

### **Scottish Government Rural Directorate (SG RD)**

6. In Scotland, the bee health programme is implemented by the SG RD and the operational aspects of the programme are delivered by the Government's Bee Officers, the Scottish Agricultural Science Agency (SASA)<sup>266</sup> and the Scottish Agricultural College (SAC).<sup>267</sup> SASA offer a diagnostic service allowing beekeepers to submit samples for examination and assessment and SAC offer advice, guidance and training on all things relating to bees.
7. In terms of human resources, the programme involves a Branch Head, a Policy officer, a Senior Agricultural Officer, a Higher Agricultural Officer and an Administrator, 17 Bee Officers, a Scientific Branch Head, a Scientific Advisor and an Apiculture Specialist.
8. The Bee Officers are responsible for responding to notification of reports of notifiable diseases and subsequent control measures to contain and eradicate the disease. SASA offer a diagnostic service allowing beekeepers to submit samples for examination and assessment. SAC through their Apiculture Specialist provide free advice, training and education on all aspects of integrated pest management and good bee husbandry in the control of varroa.

### **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 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 (CAFRE), at various centres throughout NI 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.

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<sup>266</sup> More information on SASA is available at: <http://www.sasa.gov.uk/>

<sup>267</sup> More information on the SAC is available at: <http://www.sac.ac.uk/>



## **Control Activities**

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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. Animal Health officials are responsible for carrying out official controls of bee imports (i.e. documentary checks) at Border Inspection Posts. 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 also collect honey samples on behalf of the Veterinary Medicines Directorate under Council Directive 96/23.<sup>268</sup> The samples are analysed by the Food Science Group at CSL.

### **Control priorities and risk categorisation**

14. The inspection programme in the UK 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**

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### **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

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<sup>268</sup> 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.

statutory Bee Health Inspections Programme. Management information, monthly and quarterly reports against performance indicators are regularly extracted from beeBase and the CSL financial and accounting IT systems. The data on the inspections programme are available to stakeholders on line and performance of the NBU is reported directly to the Bee Health Advisory Panel (consisting of representatives of the beekeeping associations)<sup>269</sup> each year.

### **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 2 years relevant experience or a degree; or a degree or equivalent, preferably in a biological subject, or a related subject and at least 3 years relevant experience; or candidates without this level of qualification would need to have at least 6 years relevant experience in apiculture. Some inspectors have over 25 years experience in apiculture.
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.

### **Monitoring of control activities**

20. NBU activities are subject to review and audit by both CSL's Quality Assurance Department and the UK GLP Monitoring Authority.
21. Field work undertaken by bee inspectors employed by CSL 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 National Bee Unit'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.

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<sup>269</sup> Information on the Panel is available at: <http://beebase.csl.gov.uk/public/beeHealthAdvisory/index.cfm>

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## Appendix P

### Fish Health

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#### Roles and responsibilities

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1. The Fish Health Inspectorate of **Cefas** is responsible for the enforcement of the EU fish health regime in England and Wales, on behalf of Defra and Welsh Assembly Government. This includes statutory inspection, sampling and testing programmes at fish and shellfish farms, investigation of disease outbreaks in wild and traded fish and shellfish stocks, placement and enforcement of statutory disease controls and implementation of controls on the import and export of live fish and shellfish.
2. In delivering its responsibilities on fish 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 fish health controls.
3. The Inspectorate provides additional services to Defra and Welsh Assembly Government, plus other government bodies where these can be integrated into farm inspection programmes, including 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 monitoring trade in non-native fish species.
4. In Scotland, the Scottish Government Rural Directorate (SG RD) is responsible for statutory measures under the Diseases of Fish Acts 1937 and 1983 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. The SG RD also has wider responsibilities in relation to aquaculture in general, the protection of fish, fisheries and the marine environment.
5. SG RD's **Fisheries Research Services** 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. It advises the Crown Estate on the implications for disease control, existing fishing interests 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 Diseases of Fish Act (Northern Ireland) 1967 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. The

Veterinary Division of the **Agri-food and Biosciences Institute** (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**

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### **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 three 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 Food Standards Agency on fish and shellfish health, and shellfish hygiene respectively.
8. The Fish Health Inspectorate (FHI), based at Cefas Weymouth has existed in its current format since 1992. It currently comprises 23 staff, including 11 field inspectors responsible for the monitoring programmes for fish health and investigation of disease outbreaks, six staff dealing with imports and support and a six 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 and advisory group led by the Government's Chief Adviser for Aquatic Animal Health.

### **SG RD and the Fisheries Research Services**

10. Fisheries Research Services (FRS) is an agency of the SG RD and provides expert scientific and technical advice to Government on marine and freshwater fisheries, aquaculture and the protection of the aquatic environment. The FRS was formed in April 1997 and incorporated the Marine Laboratory in Aberdeen, the Freshwater Laboratory in Pitlochry and outstations throughout Scotland. The work FRS carry out for the SG RD is governed by a service level agreement, set out on an annual basis. This agreement states that agreed work will be carried out to set standards of accuracy, within prescribed time limits, and within set costs. FRS has formal accreditation for several areas of analytical work, under the United Kingdom Accreditation Service (UKAS) and other areas will follow.
11. FRS employs over 300 staff and is headed by a Chief Executive and Director who is responsible to Scottish Ministers. The Fish Health Inspectorate 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.

## **DARD Fish Health Inspectorate and Agri-food and Biosciences Institute**

12. The DARD Fish Health Inspectorate currently comprises five staff responsible for 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**

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### **Control priorities and risk categorisation**

13. The principal aspects of the work of Cefas, FRS and DARD are:
- the investigation and control of notifiable diseases and the implementation of contingency plans for exotic and non-exotic diseases;
  - the monitoring of farms as required to maintain and improve the current health status of Great Britain and Northern Ireland under the EU fish health regime;
  - the issue of import or export documents to the industry, and the monitoring of imports to facilitate their continued success and high health status of the industry in Great 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 Assembly Government.
- The statutory inspection and sampling of registered fish and shellfish farms in England and Wales as required to maintain or improve GB fish health status under the EU fish health regime.
  - Maintenance of the register of farming businesses.
  - The investigation of disease outbreaks on fish and shellfish 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.
  - Monitoring of the health status of imported stocks in conjunction with Animal Health staff at BIPs, to prevent the introduction of notifiable diseases, or undesirable alien species to Great Britain.
  - Operating an intelligence driven enforcement programme to detect and prevent any breaches of UK fish 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 Assembly Government and the Environment Agency 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 licensing, 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 [efishbusiness.co.uk](http://efishbusiness.co.uk) 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 Live Fish Movements Database, a system developed by Cefas to make relevant data available to appropriate staff within the core agencies involved (Defra, the Welsh Assembly Government, Environment Agency and Cefas).
- Provision of advice on aquatic animal disease control matters to Defra and the Welsh Assembly 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 Assembly 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 Veterinary Medicines Directorate.
- Inspection of farms and provision of advice to Defra and the Welsh Assembly 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.

### **SG RD and FRS**

15. The SG RD is responsible for the registration of all marine fish farms in Scotland for the purposes of disease control. Certain diseases must be notified to the Department and formal procedures exist for the treatment and disposal of infected stock.
16. FRS contributes advice, data and information to the UK National Monitoring Programme (NMMP) under the auspices of the Marine Pollution Monitoring Management Group (MPMMG). The Green Book is the interactive manual of the current NMMP that provides details on the aims, objectives and operational information. There are three main analytical quality control subgroups underpinning the work of the NMMP. These are:

- National Marine Biological Analytical Quality Control Scheme;
  - National Marine Biological Analytical Quality Control Scheme. The requirements of this scheme are fulfilled by QUASIMEME;
  - National Marine Ecotoxicological Analytical Quality Control Scheme.
17. FRS aim to prevent the introduction and spread of serious fish and shellfish diseases in Scotland. Their main priorities include:
- Inspection of farms, health surveillance, disease diagnosis, react to and deal with outbreaks of notifiable disease;
  - 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 FRS Inspectorate is reasonable for monitoring all imports of live fish and shellfish, including non-active species, into Scotland from outside the UK. They carry out 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;
  - *Register of fish and shellfish farming businesses* – fish and shellfish farmers are required to keep a record of mortalities and movements of aquaculture animals on and off their farm. These controls help the FRS Inspectorate trace the source and spread of infection in the event of an outbreak of a notifiable disease;
  - *Application of movement restrictions* – If the FRS Inspectorate have reasonable grounds to suspect the presence of a notifiable disease on a farm, they may serve controls on the movement of live fish 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. In the future this work may extend to the inspection of feed mixing facilities and the sampling of medicated feeds to ensure homogeneity of mixing of the medicines into the feed.

### **DARD and AFBI**

18. DARD is responsible for the licensing of all marine, land-based and freshwater fish and shellfish farms in Northern Ireland. To ensure compliance with licence conditions and for the purposes of disease control, the DARD FHI undertakes a programme of regular fish farm inspections. 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**

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### **Control procedures**

#### **Cefas**

19. An outline of the required work programme is given in an Annex to the Memorandum of Understanding between Defra and the FHI for the Inspectorate's activity.
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 (VHSV), infectious haematopoietic necrosis virus (IHN) and spring viraemia of carp virus (SVCV) was accredited under ISO 17025 in 2005. The registration of farms and statutory farm inspections was accredited to ISO 17020 in 2007. The scope of this accreditation will be further extended as the laboratory testing becomes accredited to encompass inspection and testing for all notifiable diseases 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 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 Live Fish Movements 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.



## **FRS**

25. FRS is the National Reference Laboratory for the monitoring of marine biotoxins, fish and crustacean shellfish diseases. It has responsibilities for coordinating interlaboratory studies to ensure comparable quality of the information.
26. FRS 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 is being sought under ISO 17020 for aspects of work relating to FRS Fish Health Inspectorate.

## **AFBI**

27. 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**

28. The Inspectorate produces quarterly and annual reports to the Defra Fish Health policy customer, outlining progress against targets included in the Memorandum of Understanding.
29. 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 <http://www.efishbusiness.co.uk> website.
30. Reports on all site inspections, sampling and testing are generated from the Live Fish Movements 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.
31. 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 of value to the industry, which meet both Data Protection Act<sup>270</sup> and Freedom of Information Act<sup>271</sup> requirements.

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<sup>270</sup> 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 <http://www.opsi.gov.uk/acts/acts1998/19980029.htm>

<sup>271</sup> 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 <http://www.opsi.gov.uk/acts/acts2000/20000036.htm>

## FRS

32. FRS 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 FRS conducts is on behalf of the SG RD. However, the integration of skills in a unified service, combined with increasing flexibility and the increased independence associated with agency status, means that FRS can also now service the needs of the fisheries and aquaculture industries more directly.
33. FRS are committed to consulting their customers on their perception of their quality of service and to publishing the results in the FRS Report and Accounts. The Fisheries Research Services report and accounts (the 2007-2008 report is available at: <http://www.frs-scotland.gov.uk>), is published within four months of the end of the financial year.
34. Following inspections of all farms and other sites where advice has been given or statutory action may be necessary, FRS 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 FRS or the SG RD require to be taken.
35. FRS 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 1 working day of the confirmatory test. This will be confirmed in writing within 5 working days. Where no notifiable disease is found in the sample, this will be confirmed within 5 working days of the full results becoming available.

## DARD

36. DARD Fish Health Inspectorate 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 fish farmers and signed off by the farmer and the inspector on site. Marine inspection reports are posted out to licensed 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**

37. **Conflict of interest** - Cefas FHI and FRS 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 Fish Health Inspectorate staff are required to submit a conflict of interest return on an annual basis.

38. **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 is 5 GCE "O" Levels and relevant experience of working in the fisheries sector.
39. **Training** - The Fish Health Inspectorate 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 1984<sup>272</sup>). Recruited inspectors for the FRS 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 their area manager when deemed to be of an appropriate standard by their peers and subsequently sampling audited to an accredited UKAS standard annually. 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**

40. 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 Fish Health Inspectors are required to submit returns to monitor progress on achievement of targets set out in the annual corporate and business plan.
41. 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.
42. For the FRS in Scotland, their UKAS audit system follows similar procedures to these, which are audited annually by UKAS.

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<sup>272</sup> Police and Criminal Evidence Act 1984 (PACE), c 60.

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## **Appendix Q**

### **UK Plant Health Service**

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#### **Roles and responsibilities**

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1. The UK Plant Health Service is responsible for official controls in respect of measures to protect plant health that are set out in Council Directive 2000/29.<sup>273</sup> Information about the Service is available at:

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

#### **Organisation, management and resources**

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##### **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.

##### **Defra's Plant Health Division**

3. The Division 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 EC legislation. It issues scientific licences for work on prohibited pests and plants, and phytosanitary certificates for some plant products. Plant Health Division is based at York. From 1 April 2009 Plant Health Division will be part of a new agency along with the Central Science Laboratory, the Plant Health and Seeds Inspectorate and the Plant Variety and Seeds Division. The Division will move to the agency's main site at Sand Hutton, near York.
4. The Head of the National Plant Protection Organisation for the UK is the Deputy Director (Plant & Bee Health) and reports to the Department's Secretary of State on plant health matters.

##### **Plant Health and Seeds Inspectorate**

5. The Plant Health and Seeds Inspectorate (PHSI) is also a part of Defra, 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

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<sup>273</sup> 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.

campaigns. PHSI inspect and certify crops in relation to statutory and voluntary schemes. PHSI also carry out work on seed certification and enforcement for Defra's Plant Variety and Seeds Division. The Chief Plant Health and Seeds Inspector works directly to the Deputy Director (Plant & Bee Health). There are about 40 local PHSI offices around the country and a headquarters at York. A list of these is available at the link below. As noted above, the Inspectorate will become part of a new agency from 1<sup>st</sup> April 2009.

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

### **Central Science Laboratory**

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

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

### **Scottish Government Rural Directorate**

7. The Scottish Government Rural Directorate (SG RD) 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. Scientific support is provided by the Scottish Agricultural Science Agency (SASA). SASA carries out laboratory testing and pest identification as well as providing advice on monitoring, interceptions and outbreaks. SASA issues licences for scientific work on prohibited pests and plants in Scotland and operates the Potato Quarantine Unit for the UK. The SG RD HQ is in Edinburgh. More detailed information is available at:

<http://www.scotland.gov.uk/> and <http://www.sasa.gov.uk>

### **Department of Agriculture and Rural Development (Northern Ireland)**

8. The Department of Agriculture and Rural Development (Northern Ireland) (DARD) is responsible for policy, technical and scientific matters relating to plant health and plant certification within Northern Ireland, including forestry matters. Specialist diagnostic functions are provided to DARD by the Agri-Food and Biosciences Institute. DARD is based in Belfast. More detailed information is available at:

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

### **Welsh Assembly Government Department for Rural Affairs**

9. The Welsh Assembly Government Department for Rural Affairs is responsible for policy on the implementation of plant health measures in Wales. Relations with Defra Plant Health Division and the certification and enforcement role of PHSI in Wales are governed by the England/Wales Plant Health Concordat.

The Department for Rural Affairs is located in Cardiff. Detailed information is available at:

<http://wales.gov.uk/topics/environmentcountryside/farmingandcountryside/plantsseedsbiotechnology/plantshealth/?lang=en>

## **Forestry Commission**

10. The Forestry Commission's Plant Health Service is responsible within Great 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 Great 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:

<http://www.forestry.gov.uk/planthealth>

## **Resources**

11. In England and Wales, there are 134 staff engaged in inspection and support for inspection. In Scotland there are 77 staff engaged in inspection and support for inspection. In Northern Ireland, there are 18 staff engaged in inspection and support for 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 Plant Health and Seeds Inspectorate has a policy of continued technical training and refresher courses and workshops in order to maintain proficiency and consistency of application and to assimilate new technology.

## **Control activities**

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### **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 RD and DARD each have business plans which are regularly monitored by managers. Inspectorate work outputs are recorded on a Time Recording System and on specific plant health databases.

### **Co-ordination and co-operation**

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

## **Plant Health Inspectors**

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## **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 in Wales, and the Plant Health Order (Northern Ireland) 2006 for Northern Ireland. For Forestry Inspectors' legal powers in Great 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.

## **Documented procedures**

20. Plant Health and Seeds Inspectors all use a handbook which contains detailed advice on the full range of their activities. Where appropriate the Community vade-mecum on inspection of plants and plant products is reflected in the handbook (this is guidelines for EC and National Inspectorates drawn up by the EC Plant Health Inspectorate which is established by Directive 2000/29/EC).
21. DARD Inspectors have operating instructions for potato plant health and horticulture plant health. These are reviewed regularly and modified as the need arises.
22. SG RD inspectors have access to an on-line guidance in addition to the usual operational manuals. All guidance is reviewed regularly to ensure that it remains correct.
23. Forestry Commission inspectors all work to the Community 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 what further action is necessary.
25. In Northern Ireland DARD inspectors complete written inspection reports which are then transferred to a database, which is held centrally and is available to managers. Separate databases are used to record results of Potato Cyst Nematode and Wart disease test results. Databases are currently being updated and linked /with a Geographic Information System which is used to provide maps of disease locations.
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 the other territories follow a mixed training programme consisting of formal training courses and on-the-job training. Training is reviewed annually and a training programme is produced. Each member of staff has a Personal Development Plan. Periodic refresher courses are held as well as courses specific to their areas of work, such as seed potato inspection.
  
29. The situation is slightly different in the Forestry Commission where 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 his understanding of work procedures and phytosanitary requirements and thereafter he is provided with refresher briefing, either on the job or at formal seminars generally held at the Forest Research laboratory.

## Appendix R National Reference Laboratories (NRLs)

Details of the NRLs appointed by the competent authorities in the UK are set out in the table below.<sup>274</sup>

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
<b>Feed and food NRLs</b>					
Milk and milk products	Food Standards Agency	Agri-Food & Biosciences Institute (AFBI), Agriculture, Food & Environmental Science Division, Newforge Lane, Belfast BT9 5PX	AFBI provides its services to DARD QAB through a Service Level Agreement funded by the Agency.	AFBI has UKAS accreditation to ISO/EC 17025:2005, testing number 1279. This covers management systems and quality control of testing.	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.
Analysis and testing of zoonoses (Salmonella) (animals only)	Department for Environment, Food and Rural Affairs	Veterinary Laboratories Agency (VLA), New Haw, Addlestone, Weybridge, Surrey, KT15 3NB	The Service Level Agreement is being reviewed and the revised. The Agreement will require the VLA to be compliant with the requirements of Regulation 882/2004.	VLA activities are accredited to ISO 9001:2000. The laboratory facilities are UKAS accredited to ISO/EC 17025:2000 (Lab nos. 0941, 1769 & 2112) for an extensive range of tests. VLA is certified to BS EN ISO 9001:2000 for the provision of a range of specialist veterinary scientific services to the Government and other interested parties world-wide (Certificate Nos. LRQ 4000436, 4001071, 0962413 & 4001392).	VLA participates in proficiency tests as required including those arranged by the Community Reference Laboratory.

<sup>274</sup> Where the Food Standards Agency is responsible for appointing NRLs, a call for expressions of interest was placed in the Official Journal in July 2007 (OJEU Reference: 2007/S 136-167916). This covers areas where there are existing NRLs and those areas where CRLs were designated in May 2006 and new NRL appointments area needed.

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
Viral and bacteriological examination of bivalve molluscs	Food Standards Agency	Cefas, Weymouth Laboratory, Barrack Road, The Nothe, Weymouth, Dorset, DT4 8UB	Service Level Agreement between FSA and Cefas takes account of requirements in Regulation 882/2004. The FSA meets regularly with Cefas to discuss how they are meeting the requirements of the Regulation/contract.	Cefas operates to ISO/EC 17025. All methods are UKAS accredited. Representatives attend the relevant annual workshop of NRLs and training courses organised by the CRL.	Cefas take part in a shellfish-specific European Quality Assurance Scheme <sup>275</sup> and CRL-organised ring trials. No trials are currently planned but work is ongoing on virological methods and the NRL would take part in these under the current contract arrangements.
Live bivalve molluscs (marine biotoxins)	Food Standards Agency	Agri-Food and Biosciences Institute (AFBI). AFBI Headquarters, 18a Newforge Lane, Belfast BT9 5PX	Contract 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/contract.	Laboratory operates to ISO/EC 17025. Methods are UKAS accredited. They also attend the relevant CRL briefing and training courses.	AFBI participates in CRL ring trials and proficiency tests. Also, AFBI participates in the QUASIMEME Proficiency Scheme. <sup>276</sup>

<sup>275</sup> More information on the European Quality Assurance Scheme is available at: <http://www.quality-register.co.uk/bodies/body74.htm>

<sup>276</sup> More information on the QUASIMEME Proficiency Testing Scheme is available at: <http://www.marlab.ac.uk/Delivery/standaloneCM.aspx?contentid=503>

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Residues listed in Annex I, Group A 1, 2, 3, 4, Group B 2 (d) and Group B 3 (d) to Council Directive 96/23/EC	Veterinary Medicines Directorate (VMD)	For A1, A2, A3, A4: AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD For B2(d), B3(d) LGC Ltd, Queens Road, Teddington, Middlesex, TW11 0LY	VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004. Contract with LGC.	Laboratories operate to ISO/EC 17025. They also attend the relevant CRL briefing and training courses.	The laboratories participate in a range of proficiency tests, some of which are co-ordinated by VMD.
Residues listed in Annex I, Group B 1 and B 3 (e) to Council Directive 96/23/EC and carbadox and olaquidox	Veterinary Medicines Directorate (VMD)	For B1 Central Science Laboratory (CSL), Sand Hutton, York, YO41 1LZ For B3(e): LGC Ltd, Queens Road, Teddington, Middlesex, TW11 0LY For Carbadox and olaquidox: AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD	VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004. Service level Agreement between VMD and CSL and contract between VMD and LGC.	Laboratories operate to ISO17025. They also attend the relevant CRL briefing and training courses.	Laboratories participate in a range of proficiency tests, some of which are co-ordinated by VMD. For 2007/8 there is FAPAS round planned for B3(e) malachite green which is mandatory for the NRLs. For 2007/8 there is a FAPAS round planned for B39e) crystal violet/leucocrystal violet. In addition rounds of the Food Analysis Performance Assessment Scheme (FAPAS) <sup>277</sup> tests run each year and the total number of rounds for 2007/8 is 19. 2007/8 FAPAS rounds planned for Streptomycin in honey, Sulfonamides and tetracyclines in "standard mix", Quinolones in fish, Quinolones and Fluoroquinolones in chicken muscle, sulphonamides n pig kidney, tetracyclines in turkey muscle, macrolides in honey, nitromidazoles in eggs and carbadox in porcine kidney.

<sup>277</sup> FAPAS is part of the Central Science Laboratory and is an international proficiency testing service. More information is available at: <http://www.fapas.com/>

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Residues listed in Annex I, Group A 5, A6 and Group B 2 (a), (b), (e) to Council Directive 96/23/EC	Veterinary Medicines Directorate (VMD)	<p>For A5, A6 (Nitrofurans and nitroimidazoles),B2(b) nicarbazin: AFBI, Veterinary Sciences Division, Stoney Road, Stormont, Belfast, BT4 3SD</p> <p>For A6 (Chloramphenicol and A6 substances in honey),B2(a), B2(b) ionophores: Central Science laboratory (CSL), Sand Hutton, York, YO41 1LZ</p> <p>For B2(e): Still to be appointed</p>	<p>VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004.</p> <p>Service Level Agreement between VMD and CSL.</p>	<p>Laboratories operate to ISO17025.</p> <p>They also attend the relevant CRL briefing and training courses.</p>	<p>Laboratories participate in a range of proficiency tests, some of which are co-ordinated by the Competent Authority.</p> <p>For 2007/8 there are two FAPAS round planned for A6 (chloramphenicol milk &amp; honey).</p> <p>FAPAS tests run each year and the total number of rounds for 2007/8 is 19.</p> <p>For 2007/8 there is a FAPAS round planned for beta-agonists in porcine liver, nitromidazoles in eggs, nitrofurans in honey, coccidiostats in chicken muscle and avermectins in fish muscle</p>
Residues listed in Annex I, Group B 2 (c) and Group B 3 (a), (b), (c) to Council Directive 96/23/EC	Veterinary Medicines Directorate (VMD)	LGC Ltd, Queens Road, Teddington, Middlesex,TW11 0LY	<p>VMD chairs regular meetings (approximately twice a year) of all NRLs for residues to discuss how they are discharging their duties under Article 14 of Council Directive 96/23 and Regulation 882/2004.</p> <p>Contract between VMD and LGC.</p>	LGC operates to ISO17025. It also attends the relevant CRL briefing and training courses.	<p>LGC participate in a range of proficiency tests, some of which are co-ordinated by VMD.</p> <p>FAPAS tests run each year and the total number of rounds for 2007/8 is 19.</p>

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Transmissible spongiform encephalopathies (TSEs)	Department for Environment, Food and Rural Affairs	Veterinary Laboratories Agency (VLA), New Haw, Addlestone, Surrey KT 15 3NB	Service Level Agreement. This is being reviewed and the revised Agreement will require the VLA to be compliant with the requirements of Regulation 882/2004.	VLA activities are accredited. ISO 9001:2000 is a formal Management system. The laboratory facilities are UKAS accredited to ISO/EC 17025:2000 (Lab nos. 0941, 1769 & 2112) for an extensive range of tests. VLA is certified to BS EN ISO 9001:2000 for the provision of a range of specialist veterinary scientific services to the Government and other interested parties world-wide (Certificate Nos. LRQ 4000436, 4001071, 0962413 & 4001392.)	VLA is the Community Reference Laboratory for TSEs. Proficiency testing is carried out as necessary.
Genetically Modified Organisms	Food Standards Agency	The Food Standards Agency is in the process of tendering to appoint an NRL.			
Chemical migration from food contact materials	Food Standards Agency	Central Science Laboratory (CSL), Sand Hutton, York YO41 1LZ	CSL has set-up a Working Group to cover all aspects of the chemical contaminants NRL issues. 4 official control laboratories are invited to this Working Group (one from each of the 4 UK countries) as well as from the FSA. The Working Group has decided to set up an open Website on which information on methodology as disseminated from the CRL, as well as other information such as the availability of suitable proficiency tests schemes, will be placed.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. CSL is currently working towards certification under ISO 9001/2000.  CSL 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, CSL participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the Community Reference Laboratory.

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Authorisation of additives for use in animal nutrition	Food Standards Agency	LGC, Queens Road, Teddington, Middlesex, TW11 0LY	For Article 33 (2) only part (a) applies in this case. The laboratory has provided assurance that it will collaborate with the CRL as required.  For (3) it is difficult to see how accreditation can be given for a paper exercise.	Given that the work is not of a practical nature, this does not apply.	Given that the work is not of a practical nature, this does not apply.
Animal Feed additives	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
<i>Listeria monocytogenes</i>	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
Coagulase positive <i>Staphylococci</i> including <i>Staphylococci aureus</i>	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
<i>Escherichia coli</i> , including Verotoxigenic <i>E. coli</i> (VTEC)	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
<i>Campylobacter</i>	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
Antimicrobial resistance (food)	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
Parasites – <i>Anisakis</i> and <i>Echinococcus</i>	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
Salmonella in food and feed	Food Standards Agency	The Agency is in the process of making arrangements to fulfil the NRL role - see footnote 100.			
Parasites - <i>Trichinella</i>	Food Standards Agency	Veterinary Laboratories Agency, New Haw Addlestone, Surrey KT15 3NB	Service Level Agreement. requires the VLA to be compliant with the requirements of Regulation 882/2004.	VLA activities are accredited to ISO 9001:2000, a formal Management system. The laboratory facilities are UKAS accredited to ISO/EC 17025:2000	Participates in CRL organised ring trials and organises ring trials for the UK official control laboratory

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Animal proteins in feedingstuffs	Department for Environment, Food and Rural Affairs	Veterinary Laboratories Agency (VLA), Luddington, Stratford-upon-Avon, Warwickshire, United Kingdom, CV37 9SJ	A contractual agreement for the surveillance for animal species specific proteins and structures in animal feedingstuffs is in place. Quarterly reports are made to Defra outlining how NRL responsibilities are being discharged. In addition regular meetings are held with Defra to discuss and resolve any issues arising from these reports.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 (Lab Nos. 1769) for tests carried out.  The laboratory is also Lloyds Register of Quality Assurance certificated to BS EN ISO 9001:2000 for 'the provision of a range of specialist veterinary scientific services to the Government and other interested parties worldwide (Certificate Nos. LRQ 4000436, 4001071, 0962413 and 4001392).	The laboratory takes part in External Quality Assurance/ Proficiency testing (quarterly) provided by the Quality Assurance Unit (based at VLA Sutton Bonington) which operates External Quality Assessment and proficiency testing schemes and is accredited to ISO9001:2000 and ISO/IEC Guide 43-1. The laboratory is also accredited by UKAS for Proficiency Testing Providers for this activity. Participation in European ring trials is undertaken as appropriate.
Mycotoxins	Food Standards Agency	Central Science Laboratory Sand Hutton	CSL has set-up a Working Group to cover all aspects of the chemical contaminants NRL issues. 4 official control laboratories are invited to this Working Group (one from each of the 4 UK countries) as well as from the FSA. The Working Group has decided to set up an open Website on which information on methodology as disseminated from the CRL, as well as other information such as the availability of suitable proficiency tests schemes, will be placed.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. CSL is currently working towards certification under ISO 9001/2000.  CSL 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, CSL participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the Community Reference Laboratory.



Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Dioxins and PCBs in food	Food Standards Agency	Central Science Laboratory Sand Hutton, York YO41 1LZ	CSL has set-up a Working Group to cover all aspects of the chemical contaminants NRL issues. 4 official control laboratories are invited to this Working Group (one from each of the 4 UK countries) as well as from the FSA. The Working Group has decided to set up an open Website on which information on methodology as disseminated from the CRL, as well as other information such as the availability of suitable proficiency tests schemes, will be placed.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. CSL is currently working towards certification under ISO 9001/2000.  CSL 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, CSL participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the Community Reference Laboratory.
Heavy metals in food	Food Standards Agency	Central Science Laboratory Sand Hutton	CSL has set-up a Working Group to cover all aspects of the chemical contaminants NRL issues. 4 official control laboratories are invited to this Working Group (one from each of the 4 UK countries) as well as from the FSA. The Working Group has decided to set up an open Website on which information on methodology as disseminated from the CRL, as well as other information such as the availability of suitable proficiency tests schemes, will be placed.	The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. CSL is currently working towards certification under ISO 9001/2000.  CSL 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, CSL participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the Community Reference Laboratory.

Analytical activity	Competent authority responsible for appointing the NRL	NRL	Arrangements to ensure NRLs operate in accordance with Article 33(2) and (3) of Regulation 882/2004	Quality control or management systems in place in the NRL	Arrangements for planning and conducting proficiency or ring tests during the period of the NCP
Polycyclic aromatic hydrocarbons	Food Standards Agency	Central Science Laboratory Sand Hutton	<p>CSL has set-up a Working Group to cover all aspects of the chemical contaminants NRL issues. 4 official control laboratories are invited to this Working Group (one from each of the 4 UK countries) as well as from the FSA. The Working Group has decided to set up an open Website on which information on methodology as disseminated from the CRL, as well as other information such as the availability of suitable proficiency tests schemes, will be placed.</p>	<p>The laboratory is accredited by UKAS to ISO/EC 17025:2000 for tests carried out. It has over 90 procedures accredited. CSL is currently working towards certification under ISO 9001/2000.</p> <p>CSL 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, CSL participates in appropriate FAPAS Series. It will also participate in proficiency tests arranged by the Community Reference Laboratory.</p>
Pesticides residues	Pesticide Safety Directorate (PSD)	<p>For, pesticides in fruits and vegetables, pesticide single residue methods, and pesticides in cereals and feeding stuffs: Central Science Laboratory (CSL), 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>CSL provides its services to PSD under a Memorandum of Understanding which is reviewed quarterly.</p> <p>In addition a quarterly update is provided to PSD at the Analytical Sub-Group where all official laboratories are in attendance.</p> <p>A contractual agreement is in place for the provision of services to PSD.</p> <p>In addition a quarterly update is provided to PSD at the Analytical Sub-Group where all official laboratories are in attendance.</p>	<p>CSL operates to EN ISO/IEC 17025. All methods are UKAS accredited.</p> <p>LGC operates to EN ISO/IEC 17025 general requirements. All methods are UKAS accredited.</p> <p>Both laboratories attend the relevant CRL 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 Community Reference Laboratory.</p> <p>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: <a href="http://www.fapas.com/prog.cfm?currsch=fapas">http://www.fapas.com/prog.cfm?currsch=fapas</a></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
<b>Animal health NRLs</b>					
Classical swine fever Avian influenza Newcastle disease Swine Vesicular disease Monitoring the effectiveness of rabies vaccination Zootecnics Brucellosis Rabies	Department for Environment, Food and Rural Affairs	Veterinary Laboratories Agency, New Haw Addlestone, Surrey KT15 3NB	Service Level Agreement. This is being reviewed and the revised Agreement will require the VLA to be compliant with the requirements of Regulation 882/2004.	VLA activities are accredited. ISO 9001: 2000 is a formal management system. The laboratory facilities are UKAS accredited to BS EN ISO 17025:2000 (Lab Nos. 0941, 1769 & 2112) for an extensive range of tests. VLA is certificated to BS EN ISO 9001:2000 for 'the provision of a range of specialist veterinary scientific services to the Government and other interested parties worldwide (Certificate Nos. LRQ 4000436, 4001071, 0962413 and 4001392).	As a National Reference Laboratory proficiency or ring testing is carried out as appropriate.
African horse sickness African Swine Fever, Bluetongue, and Foot and Mouth Disease (virus isolation, PCR, sequencing for phylogenetic analysis, antibody detection by ELISA)	Department for Environment, Food and Rural Affairs	Institute for Animal Health (IAH), Pirbright Laboratory, Ash Road, Pirbright, Woking, Surrey, GU24 0NF	To be considered as part of the annual review of the contract between Defra and IAH.	Dealt with in the context of the contract between Defra and the IAH.	As a national reference laboratory the IAH is required to partake in EU ring test initiatives which are carried out 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
Fish, bivalve mollusc and crustacean shellfish diseases	Department for Environment, Food and Rural Affairs in England and Wales  Scottish Government in Scotland	In England and Wales: Cefas, Weymouth Laboratory, Barrack Road, The Nothe, Weymouth, Dorset, DT4 8UB  In Scotland: FRS Marine Laboratory, PO Box 101, 375 Victoria Road, Aberdeen AB11 9DB	Service Level Agreement and Memorandum of Understanding with Defra.  Service Level Agreement with the Scottish Government	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.	Ring tests on major notifiable and emerging diseases.
<i>Campylobacter</i> in animals	Department for Environment, Food and Rural Affairs	Veterinary Laboratories Agency (VLA), New Haw, Addlestone, Surrey KT 15 3NB	Service Level Agreement	The VLA facilities are UKAS accredited to BS EN ISO 17025:2000 (Lab Nos. 0941, 1769 & 2112) for an extensive range of tests supported by proficiency testing accredited to ISO/IEC Guide 43-1 1997 (Lab No 0004). VLA is certificated to BS EN ISO 9001:2000 for the provision of a range of specialist veterinary scientific services to the Government and other interested parties worldwide (Certificate Nos. LRQ 4000436, 4001071, 0962413 and 4001392). Additionally VLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Veterinary Practice quality standards. It is also credited with BS EN ISO 14001:2004 for environment management system.	As a NRL proficiency or ring testing is carried out as appropriate. Also as a NRL the VLA is required to partake in EU ring test initiatives, carried out 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
Antimicrobial resistance in animals	Department for Environment, Food and Rural Affairs	Currently we have no AMR in animals NRL as we are trying to get VLA's former NRL status restored. Once restored it will be Veterinary Laboratories Agency (VLA), New Haw, Addlestone, Surrey KT 15 3NB	At high level the Service Level Agreement with VLA. Under this dealt with through surveillance contract B, project FZ2200.	The VLA facilities are UKAS accredited to BS EN ISO 17025:2000 (Lab Nos. 0941, 1769 & 2112) for an extensive range of tests supported by proficiency testing accredited to ISO/IEC Guide 43-1 1997 (Lab No 0004). VLA is certificated to BS EN ISO 9001:2000 for the provision of a range of specialist veterinary scientific services to the Government and other interested parties worldwide (Certificate Nos. LRQ 4000436, 4001071, 0962413 and 4001392). Additionally VLA holds Good Laboratory Practice and Good Manufacturing Practice approval and complies with the Joint Code of Practice for Research projects and Good Clinical Veterinary Practice quality standards. It is also credited with BS EN ISO 14001:2004 for environment management system.	As a NRL proficiency or ring testing is carried out as appropriate. Also as a NRL the VLA is required to partake in EU ring test initiatives, carried out as appropriate.

## Appendix S 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
<b>Feed and food controls</b>			
Food Standards Agency	Official feed and food control laboratories (Public Analyst and Agricultural Analyst laboratories), including laboratories for marine biotoxin monitoring. See list at: <a href="http://www.food.gov.uk/enforcement/monitoring/foodcontrollabs">http://www.food.gov.uk/enforcement/monitoring/foodcontrollabs</a>	Microbiological examination and chemical analysis of official feed and food samples.	<ul style="list-style-type: none"> <li>• All official laboratories are accredited in accordance with appropriate standards.</li> <li>• A description of the tasks to be undertaken is provided</li> <li>• 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.</li> <li>• Arrangements are in place for reporting the outcome of official controls.</li> </ul>
Food Standards Agency – Primary Production Division	Eclipse Scientific Group	Collection of samples, and testing of raw cows milk for drinking.	<ul style="list-style-type: none"> <li>• A Service Level Agreement 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).</li> </ul>
Pesticide Safety Directorate (PSD)	Mintel International Group Ltd	Sample collection for pesticide residues surveillance.	<ul style="list-style-type: none"> <li>• A contract is in place specifying work plans, review dates and reporting arrangements. PSD is currently exploring the options for independent audit of Mintel.</li> </ul>
Pesticide Safety Directorate (PSD)	LGC Ltd AFBI Eurofins SASA	Official laboratories used in the residue monitoring process.	<ul style="list-style-type: none"> <li>• Contracts and Service Level Agreements are in place specifying work plans, review dates and reporting arrangements for analysis and results.</li> </ul>

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Veterinary Medicines Directorate (VMD)	LGC Ltd	Analysis of statutory veterinary residue surveillance samples.	<ul style="list-style-type: none"> <li>• LGC works to a Specification of Requirements laid down in its contract with the VMD. As part of the contract it undertakes to have appropriately qualified staff and equipment to carry out the analytical work. There is a nightly results download.</li> <li>• LGC is accredited to ISO17025</li> <li>• Inspectors of UKAS, the FVO, the USDA and the VMD independent audit team audit LGC.</li> </ul>
Department for the Environment, Food and Rural Affairs (Defra) - Livestock & Livestock Products	Government recognised independent verifiers <sup>278</sup>	Verifying claims under the Beef Labelling Scheme (as required by EC Regulation 1760/2000). <sup>279</sup>	<ul style="list-style-type: none"> <li>• The control bodies are accredited and audited for the purposes of carrying out beef labelling inspections by the United Kingdom Accreditation Service (UKAS). They must comply with European Standard EN 45011 as required specifically by Regulation EC 1760/2000, and requirements for beef labelling certification are laid down in an explanatory guide for certification bodies (not available on-line).</li> <li>• The control bodies report their findings, including any non-compliance, to the Rural Payments Agency.</li> </ul>
Department for the Environment, Food and Rural Affairs (Defra) - Stakeholder Engagement Behavioural Change and Better Regulation Core Function	Approved private organic inspection bodies <sup>280</sup>	Control and certification of organic production (as required by Council Regulation 2092/91). <sup>281</sup>	<ul style="list-style-type: none"> <li>• Certification bodies are independently accredited and audited by UKAS against European Standard EN45011.</li> <li>• A description of delegated tasks is provided to the control bodies. They report their findings to Defra.</li> <li>• Further details of the arrangements for control bodies are provided in the Organic Certification and Inspection Approval Programme Control Manual.<sup>282</sup></li> </ul>

<sup>278</sup> A list of these bodies is available at: <http://www.rpa.gov.uk/rpa/index.nsf/0/C256DB965D95B47A802574C20047B8F9>

<sup>279</sup> 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.

<sup>280</sup> A list of these bodies is available at: <http://www.defra.gov.uk/farm/organic/index.htm>

<sup>281</sup> Council Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs. Official Journal L198, 22.7.1991, 1-15.

<sup>282</sup> The Control Manual is available at: <http://www.defra.gov.uk/farm/organic/index.htm>

Competent authority delegating control task	Control bodies	Task(s) delegated	Measures taken in accordance with Regulation 882/2004
Department for the Environment, Food and Rural Affairs (Defra) - Regional and Local Food Team, Delivery Chain Core Function	Private and public inspection bodies (public inspection bodies in the form of Trading Standards Officers). <sup>283</sup>	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). <sup>284, 285</sup>	<ul style="list-style-type: none"> <li>• Private inspection bodies are independently accredited and audited by UKAS against European Standard EN45011.</li> <li>• 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.</li> <li>• Arrangements are in place to report the outcome of official controls to Defra.</li> </ul>
<b>Animal health</b>			
Department for Environment, Food and Rural Affairs (Animal Health)	Commercial transport carrier companies. <sup>286</sup>	Basic checks of pet passports required under the UK Pet Travel scheme.	<ul style="list-style-type: none"> <li>• Management of approved carriers operating through seaports and airports is set out in the Animal Health Operations Manual (see <u>Appendix L</u>). This includes carrier training, carrier performance evaluation and review and quality assurance checks.</li> </ul>
Department for Environment, Food and Rural Affairs (Animal Health)	Laboratories approved to undertake work in respect of The Control of Salmonella in Poultry Order 2007 <sup>287</sup>	Laboratory examination of samples for the detection of <i>Salmonella</i> , Enterobacteriaceae and <i>Clostridium perfringens</i> .	<ul style="list-style-type: none"> <li>• Registration of authorised laboratories is set out in the Animal Health Operations Manual (see <u>Appendix L</u>).</li> </ul>
Department for Environment, Food and Rural Affairs	Cellmark	Genotyping of sheep in support of scrapie controls.	<ul style="list-style-type: none"> <li>• DNA testing organisation accredited to quality standard ISO 17025.</li> <li>• Operates under contract to Defra</li> </ul>

<sup>283</sup> Defra is currently carrying out a major revamp of its website with the aim of including more information about the inspection process, role of control bodies and its own role. Included in this will be a list of the UK control bodies and their contact details. At the moment information about those bodies and those in other Member States can be found in the Official Journal of 13.12.2005 which is available at [http://ec.europa.eu/agriculture/foodqual/quali1\\_en.htm](http://ec.europa.eu/agriculture/foodqual/quali1_en.htm)

<sup>284</sup> Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed. Official Journal L 93, 31.3.2006, 1-11.

<sup>285</sup> 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.

<sup>286</sup> Details of the UK Pet Travel Scheme, approved commercial transport carrier companies, routes and countries are available at: <http://www.defra.gov.uk/animalh/quarantine/index.htm>

<sup>287</sup> SI 2007/3574



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## **Appendix T**

### **Auditing and monitoring of the competent authorities**

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#### **Local authority feed and food law enforcement services**

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##### **Introduction**

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

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

2. The Scheme aims to help protect public health by promoting effective local enforcement of feed and food law, and to help maintain and improve consumer confidence. It 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 Food Standards Agency, 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:

<http://www.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 reports (which are published) include recommendations arising from audit and an action plan prepared by the authority to address these.

4. The scheme is closely linked to the FSA's local authority monitoring scheme which is also described in the Framework Agreement. Each authority provides the FSA with an annual return. Currently, these returns provide data on the number of inspections planned, number of planned inspections achieved, total number of inspections carried out, number of enforcement actions taken, number of samples taken and details of their analyses, and number of complaints handled.<sup>202</sup> These returns are used at the national level to enable the FSA to monitor overall trends, and to assess the performance of individual authorities. This helps inform the development of the audit programme (see below).

### **Independent scrutiny**

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

### **Audit programme**

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

### **Audit procedures**

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

### **Dissemination of good practice**

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

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<sup>202</sup> The Monitoring Scheme is currently being reviewed. Key stakeholders, including representatives of local authorities and of the professions, are being consulted on this review, through established consultation procedures, such as the Enforcement Liaison Group.

## **Review of the Audit Scheme**

9. 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**

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10. 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 is monitored by local authority management and beyond that by local auditors and Government inspection regimes.
11. Legislation introduced by Defra (The Official Controls (Animals, Feed and Food) (England) Regulations 2006) and the Welsh Assembly 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.

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

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### **Introduction**

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

## **FSA audit of the MHS and VS-VPHU**

14. These audit schemes have been developed to provide assurances as regards the official controls undertaken by the MHS and VS-VPHU and as regards the internal audit process that MHS and VS-VPHU operate. The MHS Scheme is operated by the Audit Branch of the FSA's Local Authority, Audit and Liaison Division and that of the VS-VPHU by the Audit Unit in FSA Northern Ireland. Auditors are qualified auditors, and/or Environmental Health Officers (EHOs) with specialist feed and food law enforcement experience or qualified veterinarians.
15. A systems based approach is employed. Controls are audited, as appropriate, against the requirements of the MHS or VS-VPHU Manual for Official Controls (see link below), and other guidelines or legislative requirements relevant to the delivery of official controls in approved meat establishments.  
<http://www.food.gov.uk/foodindustry/meat/mhservice/mhsmanual2006/>
16. The audit programmes are developed with reference to Service Level Agreements between the FSA and the MHS and between the FSA and DARD (VS-VPHU) and areas of enforcement carried out on behalf of Defra and Agriculture/Rural Affairs Departments in the Devolved Administrations (such as animal welfare at slaughter, and collection of samples etc), and prioritised areas of risk are identified. The programmes are drawn up annually and are subject to on-going review. They cover MHS and VS-VPHU operational teams responsible for delivery of official controls in approved establishments. The programmes include audit of headquarters and regional systems and structures for delivery of official controls.
17. The Branch responsible for audit of the MHS is accountable to the FSA's Director of Enforcement and provides reports to the FSA and MHS Audit and Risk Committees, and FSA Board. It is also subject to the wider cross-Government audit process which provides independent scrutiny. With regard to VS-VPHU audit, the Audit Team is accountable to the Director of FSA Northern Ireland.
18. New documented audit protocols and procedures are currently being developed to provide an agreed framework for the audit process. Similarly, reporting arrangements are also being developed that are likely to include identification of good practice and which will subsequently be appropriately disseminated.
19. As a result of the review, 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.

## **MHS and VS-VPHU Internal Audit**

### **Management of internal audit**

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

### **Accountability**

21. The VAU Team is accountable to the Veterinary and Technical Director of the MHS. Where necessary, The Team Manager has direct access to the MHS Chief Executive and Chair of the FSA/MHS Audit Committee. Currently for VS-VPHU, the Audit Team reports directly to the VS-VPHU Senior Principal Veterinary Officer. In relation to the audit of VS-VPHU operations carried out on behalf of FSA in approved premises, the service specification will be in accordance with the Service Level Agreement as defined by relevant instructions in 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**

22. Independent scrutiny of the audit programme is provided by the FSA/MHS Audit and Risk Committee, which operates as a sub-committee of the FSA Board with membership drawn from the FSA Board and the MHS Board. The role of the FSA Audit Unit as external auditor for MHS delivery is currently under review as part of the organisational changes to both the FSA and MHS. The FSA Audit Unit in Northern Ireland will scrutinise the audits carried out by VS-VPHU Internal Audit Team.

### **Audit Programme**

23. Audit programmes are drawn up annually and are subject to on-going review. The VAU programme is developed with reference to the MHS's long term Audit Strategy which covers a five year period and which covers the role and objective of internal audit, the approach taken and priorities. The VS-VPHU internal audit programme is developed in reference to the Service Level Agreement with the FSA and priorities for checks in other VS-VPHU work areas.
24. To improve effectiveness and efficiency of audits, the VAU adopted a new audit approach during 2008. Instead of audits based on individual establishments, audits now focus policy areas or themes. Each audit still involves visits to a representative number of establishments for reality checks on the operation of policies being audited. Policy areas included in the programme of audits are selected on the basis of priorities for delivery of official controls that the MHS has agreed from time to time with its SLA

customers who include the FSA and Defra. VAU are aiming to cover all the policy areas over a five year cycle in line with EU guidance.

### **Audit process**

25. As with the FSA audit, the new approach employs a systems approach to give a more detailed analysis of route 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.
26. In addition, local and HQ MHS systems that support delivery of official controls are assessed as part of the audits.
27. 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 MHS or VS-VPHU records.

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

28. Reports are produced following each audit and provided to the auditee and 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.
29. Individual VAU audit reports once finalised are presented to, MHS Chief Executive, Business Directors and the Veterinary and Technical Director, 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/MHS audit committee on a quarterly basis.

### **Transparency**

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

## Border Inspection Posts

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31. A review by the Cabinet Office in 2002 recommended that the Food Standards Agency and Defra must make a “step change” in their supervision of Border Inspection Posts (BIPs). As part of this “step change”, Animal Health staff must maintain an increased level of contact with local BIPs within Great Britain.<sup>203</sup> As a result, arrangements and guidance on procedures for carrying out inspections at BIPs, reporting deficiencies and for implementing enforcement procedures has been provided to Senior Animal Health Officers (SAHOs), lead BIP Veterinary Officers and, where only fishery products are imported and no Veterinary Officer is needed, the Official Fish Inspector.
32. Animal Health is responsible for evaluation of BIP facilities, documentation and procedures. Animal Health 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. Animal Health monitor progress against the plan and make monthly summary reports to Defra. If the deficiencies found represent a serious risk to animal or public health or there is persistent failure to progress the plan for correction of deficiencies, Animal Health makes a recommendation to Defra (or the appropriate Devolved Administration) for the partial or complete suspension of the BIP's approval, as appropriate. Details of this monitoring system are included in Animal Health operational instructions included in Animal Health Operations Manual - Veterinary Instructions, Procedures, and Emergency Routines - which is available to all veterinary, technical and administrative staff.
33. DARD Veterinary Service undertakes inspection of BIPs in Northern Ireland.

## Defra

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34. 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.
35. 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

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<sup>203</sup> In Northern Ireland, BIPs are operated by DARD not at local Government level.

- and circulated as required. Defra audit reports are presented to the relevant Director and the Defra Audit and Risk Committee.
36. Audit programmes will be drawn up annually on a risk basis and will be subject to ongoing review. The programme is developed with reference to the above strategy.
  37. 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.
  38. Defra Internal Audit will co-ordinate production of an Annual Report summarising audit activity and results.
  39. 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 the Animal Health, RPA, Cefas, FERA (Food and Environment Research Association), and VMD as well as the devolved administrations, other government departments and LACORS. The objectives of these meetings are to co-ordinate audits of major enforcement bodies and to identify best practice.
  40. A project has been proposed 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 will include the development of assurance and reporting arrangements for local authorities in association with the FSA. There has been a delay in taking the OFFC audit strategy forward due to resources issues.

## **Scottish Government Rural Directorate**

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41. Internal audit of SG RD is the responsibility of the Scottish Government's Audit Unit. As part of its rolling programme of work, the Unit undertakes regular reviews of controls in the different schemes operated by the SG RD. 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.



## Welsh Assembly Government

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42. Internal audit within the Welsh Assembly Government is part of the Corporate Governance and Assurance Division and Finance Department. The objective is to deliver a balanced assurance to its Accounting Officers, and its Audit Strategy aims to address areas of risk in the course of a five-year period. Its reports are considered by the RA Corporate Governance Committee and by the Welsh Assembly Government's Corporate Governance Committee.

## DARD

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43. DARD inspectorate have management checks carried out at local level, HQ level and by both internal and external auditors based on risk. These checks cover animal health and animal welfare aspects. This includes formal audit procedures carried out by the Veterinary Public Health Unit for the DARD Veterinary Service.

## Rural Payments Agency

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44. The Internal Audit Unit within the Rural Payments Agency (RPA) is independent of the business and reports directly to the Accounting Officer. Internal Audit evaluate and give their opinion on RPA's systems of risk management, control and governance to the Accounting Officer with a view to supporting the preparation of the statement of internal control. Internal Audit have a robust process in place, which includes agreeing action plans to implement any recommendations for improvement that is made with the audit sponsor (senior management), and following up all recommendations made to ascertain whether they have been implemented. Internal Audit also reports to the RPA Audit Committee who review workplans, audit reports and recommendations.
45. A guideline to EU Regulation 885/06<sup>204</sup> specifies that an internal audit service should plan to cover all significant systems at least once within a five-year timescale. Internal Audit apply this principle in developing their annual assurance plans. In their planning they also look to give coverage to significant business risks. They would generally cover new systems (such as sheep and goat identification) early in their implementation because it could be argued that a new regime is of higher risk than an established one, and it is in the business interest to be notified of any issues of concern sooner rather than later. The Internal Audit Unit also currently has audit responsibility for the British Cattle Movement Service.

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<sup>204</sup> 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.

## Cefas

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46. The Centre for Environment, Fisheries and Aquaculture Science 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.
47. 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 of performance by the policy lead within Defra. Further details can be found in [Appendix P](#).

## National Bee Unit (CSL)

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48. CSL's financial accounts are audited annually by the National Audit Office. CSL 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 CSL. CSL'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 CSL. 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 to continually evaluate the processes employed to meet these requirements in order to provide an effective service more efficiently, competently and in a timely manner.