

ANNUAL REVIEW (2005-2006) OF THE OPERATION OF THE SERVICE LEVEL AGREEMENT BETWEEN THE FOOD STANDARDS AGENCY SCOTLAND AND THE SCOTTISH EXECUTIVE ENVIRONMENT AND RURAL AFFAIRS DEPARTMENT

INTRODUCTION

1. A Service Level Agreement (SLA), (attached at Annex A), currently exists between the Food Standards Agency Scotland (FSAS) and the Scottish Executive Environment and Rural Affairs Department (SEERAD) for Egg Hygiene inspection work carried out by the Eggs & Poultry Unit (EPU) of SEERAD, under the Eggs (Marketing Standards) Regulations 1995, Statutory Instrument (SI) No 1544 (as amended in 1996, SI No 1725; 1997 SI No 1414; 1998 SI No 1665 and 2000 SSI No 62) for the enforcement of Council Decision 94/371/EC. The 1995 regulations were replaced in July 2005 by The Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005, Statutory Instrument (SI) No 332.
2. Council Decision 94/371/EC, which details public health conditions for eggs intended for human consumption, was introduced following scientific research on *Salmonella* in eggs. The legislation requires that eggs for human consumption be sold to the consumer within a maximum time period of 21 days from the date they were laid. A further 7 days can be added for the application of a date of minimum durability "Best Before Date" coupled with consumer advice to refrigerate after purchase.

Council Decision 94/371/EC also requires that eggs be kept dry and out of direct sunshine.
3. The EPU employ six Officers - four Marketing Officers and one Higher Marketing Officer who operate under the direction of a Senior Agricultural Officer. The provisions of the aforementioned legislation are applied in the course of normal inspection duties at relevant premises visited by the Officers who also enforce the egg marketing standards legislation on behalf of the Scottish Executive.
4. A yearly review of the enforcement of Council Decision 94/371/EC is carried out by the Agency in Scotland as part of the FSAS commitment to improve consumer protection and confidence in relation to food.
5. The new EC Food Hygiene Regulations replaced Council Decision 94/371/EC on 1 January 2006.

REVIEW FINDINGS

Inspection Levels

6. The SLA outlines, in Schedule B, the minimum inspection level requirement as:
- A minimum of 90% of registered egg producers, packing centres and wholesale establishments that have been trading within the period will be inspected per reporting year.¹
 - Packing centres and wholesale establishments falling into Risk Categories A-C must be inspected in accordance with the Minimum Required Inspections per Annum as per Schedule C.
 - Schedule C will be used as a guide for inspection of all other establishments.
 - The minimum required inspection levels detailed in Schedule C are inclusive of frustrated visits.

The EPU reported that in the period from 1 April 2005 to 31 December 2005, of the 56 cage egg producers 12 (21.4%) were inspected, whilst of the 187 free range and barn egg producers 166 (88.7%) received at least one inspection.

In the same period 244 inspections were carried out at registered egg packing stations. Of the 179 premises, 132 (73.7%) received at least 1 inspection.

There were 246 inspections carried out at registered wholesalers. Of the 200 premises, 154 (77%) received at least 1 inspection in the reporting period.

7. Schedule C of the SLA gives a guide to the minimum number of yearly inspections per premise for producers, packers and wholesalers based on normal throughput in 360 egg cases per week:

¹ There may be premises that register towards the end of the reporting period, which have been given temporary authorisations to trade and remain subject to initial inspection.

Schedule C

MINIMUM REQUIRED INSPECTIONS PER ANNUM

Premises	Number of Registered Hen Places	Number of Premises	Min inspections per premise per year
Cage Egg Producers	2,250,948	56	1
Free Range/Barn Egg Producers	1,066,794	171	1
Total		234	234
Premises	Risk Category ²	Number of Premises	Min inspections per premise per year
Packers	A	2	11
	B	2	6
	C	6	4
	D	40	2
	E	80	1
	F	40	0.5
Total		178	238
Wholesalers	A	1	11
	B	9	6
	C	20	4
	D	129	2
	E	37	1
	F	0	0.5
Total		202	440

These tables are a working guide based on throughput as agreed between the EPU and the Department of the Environment Food and Rural Affairs (DEFRA). This guide is used to determine work requirements and identify premise number and type, and allows for flexibility in the exact ratio of visits per site within each size group. Officers aim to inspect 90% of all premises at least once in any year with a greater emphasis placed on the sites with greater throughput. However, inspections for packing stations

Risk Category		Packing Station Throughput (360 egg cases/wk)	
A	10,001 +	D	21 - 300
B	1,001 - 10,000	E	1 - 20
C	301 - 1,000	F	<1

and wholesalers in risk categories A-C must meet the minimum inspection rates set out in Schedule C for those risk categories. For all other premises, Schedule C is a guide to the minimum required site visits per annum.

8. The new EC Food Hygiene Regulations replaced Council Decision 94/371/EC on 1 January 2006. Consequently, the 2005-2006 SLA did not run for a full year and ended on 31 December 2005. Therefore the inspection figures provided by EPU must be considered on a pro-rata basis.
9. On a pro-rata basis, the EPU have exceeded the minimum 90% inspection level for all types of premises, except for cage egg producers (for marketing and welfare purposes these sites are deemed to be lower risk than systems where birds are kept extensively).
10. Regards inspections for packing stations and wholesalers in risk categories A-C, which must meet the minimum inspection rates set out in Schedule C for those risk categories, the EPU achieved the desired inspection frequencies for some premises but not for others. Again, these must be considered on a pro-rata basis. Details are set out in the table below.

Premises	Risk Cat.	No. of Premises	Min inspections per premises per year	Inspections made per premise (<i>premise x no. of inspections</i>)
Packers	A	3	11	1x5, 1x7, and 1x14
	B	1	6	1x6
	C	5	4	1x1, 2x3, 1x4, 1x6
Wholesalers	A	0	11	0
	B	10	6	1x0, 3x1, 3x2, 1x3 and 2x5
	C	19	4	1x0, 7x1, 6x2, 2x3, 2x4 and 1x6

11. All registered packing centres and wholesalers, with the exception of one egg producer/packer in the Western Isles, have been inspected at least once over the past two year period.
12. Frustrated visits over the reporting period from 1 April to 31 December were 8.71% of all inspections made. Frustrated visits are predominantly associated with unannounced visits to egg packing centres (ranging activity can be observed at free range egg production sites even when there is no-one present and wholesalers are usually staffed because they are normally open for business).

Follow up Inspections

13. Risk in relation to inspection levels has been assessed by the FSA and EPU on the basis of premises with a throughput of 360 egg cases per week. This is coupled with a purpose built computer system within EPU that highlights when a contravention has occurred at a premise more than once. This triggers an immediate follow up inspection by the EPU.
14. The EPU issued 2 contravention notices during the reporting period. There were no follow-on contravention notices issued. This indicates that during this period no contravention had occurred at a premise more than once. The EPU did not issue any warning letters and no contraventions resulted in prosecution during this period.

MO (P) Operational Guidance

15. Schedule A of the SLA specifies that Marketing Officers of the Scottish Executive operate in accordance with the procedures contained within the MO(P) OPERATIONAL GUIDANCE document (attached at Annex B). The guidance outlines that the Marketing Officer record the inspection in their official notebook and on the appropriate computer file. Form EMR 6 is issued in relation to contravention and a copy is sent to FSAS. If the follow up visit reveals that the Regulations are still being contravened a further EMR 6 is issued, which is followed by a warning letter if necessary. The final stage in this process would be legal prosecution. The EPU have installed stock production site and packing station registration and cancellation letters in their computer system, which staff can generate once they have signed off an application/reapplication of premises or when notified of a site ceasing to trade. In addition the EPU record all activities undertaken during inspection on site.

Registration of Wholesale Premises

12. Although egg packing stations are required to register with EPU SEERAD, wholesale establishments are not. EPU Officers are therefore required to seek out premises dealing in eggs that are not currently registered.
13. The EPU have supplied FSAS with the yearly report of the retail inspections and recorded contacts with Local Authorities for this reporting period. Maintaining contact with Local Authority Consumer Protection staff and maintaining strong links with the trade facilitates the task of seeking out wholesale establishments.

Temporary Authorisations to Trade

14. All new registrations require initial inspection. This can be difficult in remote mainland and island locations. In these situations applicants may be given temporary authorisation to trade until an inspection can be made.
15. The EPU have confirmed that there were no premises operating with 'temporary authorisation to trade' at the end of the reporting period 2005-2006.

Complaints Received

16. EPU Marketing Officers aim to react to all complaints within 48 hours.
17. No complaints have been received relating to Enforcement of Council Decision 94/371/EC.

**Food Standards Agency Scotland
January 2006**