

SERVICE LEVEL AGREEMENT (SLA) 2002-2003:

BETWEEN FOOD STANDARDS AGENCY SCOTLAND (hereinafter referred to as “FSA Scotland”)

AND THE SCOTTISH EXECUTIVE ENVIRONMENT and RURAL AFFAIRS DEPARTMENT (hereinafter referred to as “SEERAD”)

1. Parties to and status of the SLA

The parties to this SLA are FSA Scotland and SEERAD. This SLA is not legally binding but is intended to represent the clear intentions of the parties in relation to egg hygiene inspection arrangements between the parties, as detailed below.

2. Purpose and Scope of Agreement

The purpose of this SLA is to set out arrangements (detail of the operational arrangements and quality management system are contained in the MO (P) Operational Guidance), between FSA Scotland and SEERAD for Egg Hygiene inspection work carried out by the Eggs & Poultry Unit (E&PU) of SEERAD on behalf of FSA Scotland 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 provisions of the aforementioned legislation shall be applied in the course of normal inspection duties at relevant premises visited by Officers of the E&PU of SEERAD.

It also acknowledges that the E&PU of SEERAD enforce the egg marketing standards legislation on behalf of the Scottish Executive.

Under the terms of the agreement, the FSA Scotland will:

- Authorise officers to carry out inspections.
- Provide guidance as to the quality and frequency of inspections required, including details of enforcement action. These details are provided at paragraph 7 and in the attached schedules.
- Support this action as the competent authority.

3. Duration of the SLA

This agreement shall commence on 1 April 2002 and will continue until 31 March 2003 and thereafter on an annual basis unless terminated by one party giving 6 months notice in writing to the other party.

4. Variations to the SLA

Policy considerations or emergencies may at times require a greater concentration of SEERAD resources to be devoted either to hygiene or non-hygiene aspects of enforcement of the Eggs (Marketing Standards) Regulations 1995 as amended. So far as possible, SEERAD

will seek to agree beforehand with FSA Scotland any deviation to the resources devoted to egg hygiene work. Where this is not possible, SEERAD and FSA Scotland agree to consider the most appropriate means to resolve the resource issue. SEERAD will keep FSA Scotland informed of any resource issues in relation to the E&PU that have a significant impact on the enforcement of shell egg hygiene rules.

Subject to the foregoing, this SLA may be varied by agreement in writing between the parties.

5. Management of the SLA

Management of the SLA rests with the Egg Policy Administrator of FSA Scotland, and the Senior Agricultural Officer (Poultry) of SEERAD. They are:

- Christine Green on behalf of FSA Scotland; and
- Charles Russell on behalf of SEERAD

The SLA and its operation shall be reviewed on an annual basis; the review to take place on 1st May 2003 but at the request of either party any matter causing a dispute or difference of opinion between the parties may be raised at any time.

In the event of a dispute or difference of opinion arising out of this SLA, the matter shall in the first instance be referred to the persons referred to above, or their successors in post. If they are unable to reach agreement, the matter shall be referred to the Head of the Agriculture Policy Division of SEERAD and the Head of Policy, General Food Hygiene, Fish and Milk within FSA Scotland.

6. Confidentiality

Without prejudice to any future legislation on freedom of information, or policy decisions made by FSA Scotland, no part of the SLA or the work carried out shall be made available to third parties without the agreement of both parties hereto.

7. Funding

There will be no finance transfer between FSA Scotland and SEERAD to carry out the scope of work defined in this agreement, as resources are within the respective departmental vote baselines. Any future resource amendments to the agreement may require supporting finance transfer to ensure the scope of work can be achieved.

8. Reporting Mechanism

- a) The E&PU will enforce in accordance with the stated protocol in Schedule A.
- b) The E&PU will inspect according to instructions provided by FSA Scotland in Schedule B and Schedule C.
- c) The E&PU will draft reports for onward submission to the procurator fiscal to carry out prosecutions on behalf of FSA Scotland where necessary.
- d) In cases where it is considered that there may be a case for submitting a report for consideration for prosecution, SEERAD will consult FSA Scotland before proceeding.
- e) A general statement on the work of the E&PU of SEERAD in enforcing Council Decision 94/371/EC, with appropriate reference to relevant prosecutions, shall be provided to the FSA Scotland quarterly, as of July 2002.

SIGNED:

(Martin Reid) For and on behalf of the Food Standards Agency Scotland

Date: _____

(Jan Polley) For and on behalf of the Scottish Executive Environment and Rural Affairs Department

Date: _____

Schedule A

FOOD STANDARDS AGENCY PROTOCOL DOCUMENT

1. The minimum inspection level requirement is detailed at Schedule B.
2. The minimum number of inspections per premise is detailed at Schedule C.
3. Risk has been assessed on the basis of premise throughput in 360 egg cases per week coupled with a computer system that highlights when a similar contravention has occurred at a premise more than once - this triggers an immediate follow up inspection.
4. Marketing Officers of the Scottish Executive operate in accordance with the procedures contained within the MO (P) OPERATIONAL GUIDANCE document, a copy of which is attached.
5. Although Egg Packing Stations are required to Register with the Scottish Executive, Wholesale establishments are not. Marketing Officers are therefore required to seek out premises dealing in eggs that are not currently registered. Maintaining contact with Local Authority Consumer Protection staff within their area and maintaining strong links with the trade that can yield good market intelligence facilitates this task.
6. All new Registrations require initial inspection. This can be difficult in remote and island locations. In these situations applicants can be given temporary authorisation to trade until an inspection can be made.
7. Marketing Officers will react to complaints, normally within 48 hours.

Schedule B

INSPECTION LEVELS

- Inspect 90% of Registered Egg Packing Stations and Wholesale establishments per reporting year that have been trading within the period.
- Inspect premises that were operational but not inspected the previous year.

Schedule C

MINIMUM REQUIRED SITE VISITS PER ANNUM

Premises	Normal throughput in 360 egg cases per week	Number of Sites	Total Visits
Packers	10,001 +	2	20
	1,001-10,000	2	12
	301-1,000	5	20
	21-300	51	102
	1-20	105	105
	0-1	45	22.5
		210	281.50

Wholesalers	10,001 +	1	10
	1,001-10,000	12	72
	301-1,000	19	76
	6-300	167	334
	1-5	33	33
	0-1	2	1
		234	526.00