

SERVICE LEVEL AGREEMENT (SLA) 2005-2006:

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 the arrangements between FSA Scotland and SEERAD for the enforcement of Council Decision 94/371/EC laying down specific public health conditions for the putting on the market of certain types of eggs by the Eggs & Poultry Unit (EPU) of SEERAD on behalf of FSA Scotland under the following legislation:

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)

The Eggs (Marketing Standards) (Enforcement) (Scotland) Regulations 2005 - (after 1 July 2005)

(Scottish Statutory Instrument (SSI) No 332)

The provisions of the aforementioned legislation shall be applied in the course of normal duties at relevant premises inspected by Officers of the EPU of SEERAD.

It also acknowledges that the EPU 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 8 and in the attached schedules.
- Support this action as the Competent Authority.

3. Duration of the SLA

This agreement shall commence on 1 April 2005 and will run until 31 March 2006 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 EPU that have a significant impact on the enforcement of shell egg hygiene rules.

The implementation of the EU Food Hygiene regulations¹ will have an impact on the SLA between FSA Scotland and SEERAD. FSA Scotland will keep SEERAD informed of any significant changes to 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:

- Steve Hardie 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 2006 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 - Contaminants, Hygiene, Additives & Shellfish Branch - within FSA Scotland.

¹ Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs;

Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin; and

Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

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

6. Confidentiality

No part of this Service Level agreement or the work carried out under it shall be made available to third parties by the Food Standards Agency or SEERAD without prior consultation between them.

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 EPU will enforce in accordance with the stated protocol in Schedule A.
- b) The EPU will inspect according to the instructions provided by FSA Scotland in Schedule B and Schedule C.
- c) The EPU 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 EPU of SEERAD in enforcing Council Decision 94/371/EC, with appropriate reference to relevant prosecutions, shall be provided to the FSA Scotland quarterly and annually.
- f) Annual reported inspection figures will include a percentage indication of the number of frustrated visits during the reporting year.

9. Previous Agreement

This agreement supersedes all previous agreements entered into between the parties concerning arrangements for egg hygiene inspection work which are hereby terminated.

SIGNED:

(Sandy McDougall) For and on behalf of the Food Standards Agency Scotland

Date: _____

(Aileen Bearhop) For and on behalf of the Scottish Executive Environment and Rural Affairs Department

Date: _____

Schedule A

FOOD STANDARDS AGENCY SCOTLAND PROTOCOL DOCUMENT

1. The minimum inspection level requirements are detailed in Schedule B and Schedule C.
2. 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.
3. Although egg packing centres 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.
4. Marketing Officers should maintain contacts with Local Authority Consumer Protection staff in their area.
5. 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. However, were this situation has arisen at the end of the reporting year, such premises must be inspected in the new reporting year.
6. Marketing Officers will react to complaints, normally within 48 hours.

Schedule B

MINIMUM INSPECTION LEVELS

- All producers, packing centres and wholesale establishments will be subject to a risk assessment on the basis of the following criteria:
 - the results of previous checks,
 - the complexity of the marketing channels followed by the eggs,
 - the degree of segmentation in the production or packing establishment,
 - the quantity of eggs produced or packed,
 - any substantial changes from previous years in the type of eggs produced or processed and/or in the marketing method.
- 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.²
- 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.

² 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 ³	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

³

Risk Category	Packing Station Throughput (360 egg cases/wk)	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