 **LA name & OCD Number**

**Food Standards Scotland**

**Local Authority Food Law Enforcement Services**

**Capacity and Capability Audit**

**Regulation (EU) 2017/625 Checklist – Article 5**

| **Regulation (EU) 2017/625**  **Article 5 (1)**  **General obligations concerning the competent authorities and the organic control authorities** |
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| 1. The competent authorities and the organic control authorities shall:  (a) have procedures and/or arrangements in place to ensure the effectiveness and appropriateness of official controls and other official activities;  (b) have procedures and/or arrangements in place to ensure the impartiality, quality and consistency of official controls and other official activities at all levels;  (c) have procedures and/or arrangements in place to ensure that staff performing official controls and other official activities are free from any conflict of interest;  (d) have, or have access to, an adequate laboratory capacity for analysis, testing and diagnosis;  (e) have, or have access to, a sufficient number of suitably qualified and experienced staff so that official controls and other official activities can be performed efficiently and effectively;  (f) have appropriate and properly maintained facilities and equipment to ensure that staff can perform official controls and other official activities efficiently and effectively;  (g) have the legal powers to perform official controls and other official activities and to take the action provided for in this Regulation and in the rules referred to in Article 1(2);  (h) have legal procedures in place in order to ensure that staff have access to the premises of, and documents kept by, operators so as to be able to accomplish their tasks properly;  (i) have contingency plans in place, and be prepared to operate such plans in the event of an emergency, where appropriate, in accordance with the rules referred to in Article 1(2). |

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| **Question** | **Answer** | **Comments/Evidence** | **Auditor’s Notes** |
| Are there procedures as required by FLCoP’s | Yes/No |  |  |
| Are these  a) impartial  b) of a quality expected  c) consistent with CA requirements | Yes/No |  |  |
| Are the legal powers suitably transposed via delegation and authorisations | Yes/No |  |  |

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| **Regulation (EU) 2017/625**  **Article 5 (4)**  **Staff performing official controls** | | | |
| 4. Staff performing official controls and other official activities shall:  (a) receive, for their area of competence, appropriate training enabling them to undertake their duties competently and to perform official controls and other official activities in a consistent manner;  (b) keep up-to-date in their area of competence and receive regular additional training as necessary; and  (c) receive training in the subject matters set out in Chapter I of Annex II and on the obligations of the competent authorities resulting from this Regulation, as appropriate.  Competent authorities, organic control authorities and delegated bodies shall develop and implement training programmes for the purpose of ensuring that staff performing official controls and other official activities receive the training referred to in points (a), (b) and (c). | | | |
| **Question** | **Answer** | **Comments/Evidence** | **Auditor’s Notes** |
| How are officer/Service training needs:   * identified * delivered * verified * maintained |  |  |  |
| Are staff trained to Annex II requirements? in particular:   * auditing * control procedures * different stages of production, processing and distribution * examination of accreditation documents | Yes/No |  |  |
| Has the LA established a suitable training programme?   * Over time * By specialist subject * By officer | Yes/No |  |  |
| What subject specific training has been:   * identified * delivered * programmed * postponed |  |  |  |
| How and who maintains:   * officer qualifications * training records |  |  |  |
| Are suitably detailed records of the content, objectives, duration and assessments of training maintained | Yes/No |  |  |

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| **Regulation (EU) 2017/625**  **Article 5 (5)**  **Staff performing official controls** | | | |
| 5. When, within the services of a competent authority, more than one unit is competent to perform official controls or other official activities, efficient and effective coordination and cooperation shall be ensured between the different units | | | |
| **Question** | **Answer** | **Comments/Evidence** | **Auditors Notes** |
| Are there different units delivering OC’s | Yes/No |  |  |
| How is this co-ordinated |  |  |  |
| How is it monitored to show it is efficient |  |  |  |
| How is it monitored to show it is effective |  |  |  |
| Is co-operation being demonstrated | Yes/No |  |  |