

# Food safety: feed and food law, animal health and animal welfare rules, official controls

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The Commission presents its report on the overall operation of official controls in the Member States on food safety, animal health and animal welfare, and plant health. Regulation (EC) No 882/2004 ("the Feed and Food Controls Regulation") requires Member States to submit to the Commission each year a report on the implementation of their multi-annual national control plans established in compliance with the Regulation. The Commission's annual report provides an overview of the way competent authorities in the Member States carry out official controls to verify compliance with food law legislation (in the broadest sense, including not only food and feed safety but also animal health and welfare and - to some extent - plant health).

In this first report attention is given to the following objectives:

- to provide a first screening of the data and information on official controls which is currently available to the Commission, including an analysis of such data and information resulting from the first set of annual reports transmitted by Member States to the Commission;
- to present some initial conclusions on how to improve the current system of reporting by Member States.

The report recalls the different sources of information available to the Commission regarding official controls in Member States.

**Annual reports of Member States:** the reports were received by the Commission in the second half of 2008 and early 2009. Overall, the annual reports gave the information as required by the Regulation. However, the information provided varied greatly in nature, detail and quality. Each report was assessed under six main headings, which broadly follow the recommended structure of reports in the Commission's (non-binding) guidelines set out in Commission Decision 2008/654/EC:

**Results of controls:** in most reports, data were given for the number and type of inspections, samples and analyses carried out although the level of detail, of aggregation and the overall quality varied greatly. Information on controls according to sector, stage of production or hazard/disease was usually given, but with variable levels of detail and differences in how data were structured and presented.

**Analysis of non-compliance:** information was generally missing or incomplete on the type and number of non-compliances identified.

**Actions taken in cases of non-compliance** (warnings/recommendations, fines imposed, closures, movement restrictions, destructions ordered and legal proceedings): on the whole, information under this heading was limited and where it was provided the range and level of detail varied between Member States.

**National system of audits:** the Commission issued guidelines in September 2006 advising how the national systems of audit should be organised. With a few exceptions the details provided for this purpose were incomplete. It should be acknowledged, however, that many Member States were still only in the early stages of establishing audit systems at the time of preparing their 2007 reports.

**Actions to improve performance of control authorities:** apart from information on training and on routine procedures, Member States generally reported little of significance under this heading, again with some exceptions.

**Actions to improve performance of food business operators** (publicity, advice, and training): very little information was provided under this heading, and when it was provided it varied across Member States in its detail and content.

**Commission audits and inspections in the Member States and subsequent actions of the Commission** : the Food and Veterinary Office (FVO) of the Directorate General for Health and Consumers undertakes audits and inspections to verify compliance with feed and food law, animal health and animal welfare and plant health legislation, and to verify that national official controls in these areas are carried out in line with EU legislation. Each year a programme of FVO inspections is developed, identifying priority areas and countries for inspection.

The findings of each audit and inspection are set out in a report, together with conclusions and recommendations to address identified shortcomings. The competent authorities of the country visited are given the opportunity to comment on the reports at draft stage. The FVO makes recommendations to those authorities to deal with any shortcomings revealed during the inspections. Authorities are then requested to present an “action plan” describing how they have addressed or intend to address the recommendations. In turn, the Commission evaluates the action plan and systematically monitors the implementation of the actions. Where circumstances require it, legal action may be taken by the Commission. This can take two forms: emergency, or safeguard, measures or infringement proceedings.

In 2007 260 inspections were planned by the FVO. The total number of completed inspections was 252, of which 159 took place in Member States, 12 in candidate countries and 81 in third countries. 70% of the inspection objectives in 2007 concerned food safety. No such audit or inspection in Member States identified any immediate threat to consumer, animal or plant health, such that the Commission had to take emergency, or safeguard, measures.

Other means are also used to provide the Commission with information and data on the functioning of national control systems in Member States. These include: (i) sector-specific reporting; (ii) reporting at the Standing Committee of the food chain and animal health meetings; (iii) rapid alert systems for food safety (RASFF) animal disease outbreak (ADNS) and plant disease outbreak (Europhyt).

**Conclusions:** the Commission forms its assessment of the effectiveness of control systems in Member States based on information and data it receives from the Member States through all the channels outlined above. The Commission considers that, on the whole, the weaknesses in controls identified, through FVO inspections or individual complaints in particular, are adequately addressed by the Member States. Where this is not the case, the Commission has taken all the measures at its disposal to enforce the requirements of EU legislation, up to and including the taking of infringement actions when necessary.

However, the review of the various sources of information the Commission receives on the operation of controls in Member States indicates that there are a number of potential areas for improvement in the compilation, transmission and analysis of information on the implementation of food chain law, and on official controls in particular, where data production and handling can be simplified, and data presentation streamlined and made more relevant. The availability of more easily accessible and comparable data will in turn allow both national authorities and the Commission to operate more efficiently while at the same time giving full assurance to EU citizens that control systems are comprehensive, robust and effective.

The Commission therefore intends to examine, in close cooperation with Member States, a number of actions to make more efficient the way in which information on controls is collected, analysed and presented at EU level, and in particular:

- how reporting requirements currently imposed on Member States by existing EU legislation can be simplified and streamlined, including by the elimination of duplications and superfluous information, and by the use of standardised templates for quantitative data which could reduce substantially the requirements for translation from different official languages;
- how the considerable potential for the electronic transmission and analysis of data through the use of the Internet can be fully exploited to achieve simplification and standardisation and to reduce the burden of generating, collecting and transmitting controls related data, with appropriate input and assistance from Eurostat;
- how the simplification and standardisation of reporting requirements can assist Member States to deliver on the obligation laid down in the Food and Feed Controls Regulation, which, requires them to ensure that their activities are carried out with "a high level of transparency", and more specifically that the public is given access to information on the control activities of the competent authorities and their effectiveness.