

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

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In accordance with the requirements of Regulation (EC) No. 882/2004, the Commission presents its third report on the overall operation of official controls in the Member States on food safety, animal health and animal welfare, and plant health. The report is based on Member States' reports of 2010 and on Commission audits. [Regulation \(EC\) No 882/2004](#) sets out how the controls on EU law on food and feed safety should be organised and operated.

Overall effectiveness of controls: annual reports demonstrate that most Member States have in place strategic, operational or compliance indicators to assess performance, although there is considerable variation in the sectors covered, and the scope of the statement on overall effectiveness. Data are often provided in relation to the inspection process, such as the number of planned inspections carried out, rather than related to the outcome of official controls.

Trends on controls: there is a **continuing trend towards more risk-based control systems**. Some Member States have highlighted an improved level of overall effectiveness linked to more risk-based controls, and an extension of risk-based controls into new sectors. However, other reports suggest that Member States do not use a risk-assessment model in every sector, as confirmed by Commission audits, and limited information has been provided on trends in controls, priorities and results.

One of the outcomes of more risk-based controls has been that the **levels of non-compliance may not be directly comparable from one year to the next**. For example, the Czech trend analysis indicates that between 2009 and 2010, for animal health and welfare, there has been an increase in the ratio between the number of identified non-compliances and the total number of controls. This could be indicative of a higher rate of non-compliance and thus in the emergence of problems. However, this initial increase is instead attributed to controls recently becoming more risk-based, thereby contributing to their overall effectiveness. The Danish report identified a similar correlation for animal welfare controls. The German annual report highlights the fact that since controls are more risk-based, and therefore more intensive on entities with a previous history of non-compliance, it is not possible to draw conclusions from the annual report on the overall situation on the market. Resources freed up by more risk-based controls are used to inspect establishments less able or willing to comply with the rules. Evidence that they are instead used to target establishments with poor compliance records is reassuring against suggestions that "risk-based controls" might be a smokescreen for resource reductions.

Trend analysis of non-compliance: the main areas of non-compliance identified across sectors include: (i) operational hygiene requirements; (ii) HACCP; (iii) structural or equipment based hygiene requirements; (iv) labelling of food and feed; (v) additives in feed; (vi) record keeping; and (vii) microbiological contamination.

The identification of underlying causes of non-compliance is generally limited. As was the case last year, HACCP/hygiene deficiencies were often attributed to **high staff turnover, a lack of training at food business operators (FBOs) and minimal consequences for non-compliances**.

Enforcement: there was a lack of analysis in the reports of the overall trends and conclusions. Some Member States have recorded good experience in the use of administrative sanctions directly applied by competent authorities. In addition, some Member States identified the need to train staff on enforcement.

Sustained attention to and co-ordination of enforcement action remains a priority in all areas. The Commission has been engaging in an intense dialogue with some Member States with a view to addressing persistent non-compliances and outstanding enforcement issues, including through regular bilateral high-level meetings. The Greek authorities, for example, have provided a detailed action plan, including clear milestones, which is currently being used to monitor progress towards improved compliance.

The Commission has also designed specially tailored training actions within the Better Training for Safer Food (BTSF) programme in cases where training could assist compliance. In the case of Bulgaria and Romania, specific training activities have been organised to guide the authorities in addressing shortcomings in the handling and disposal of animal by-products.

When necessary and appropriate, infringement proceedings are initiated.

There are a number of **areas for improvement** regarding annual reports:

- in relation to the comparability of control data within Member States, improved links between data presentations could better demonstrate the extent to which controls translate into identification of non-compliances, and, in turn, into effective enforcement;
- a greater emphasis in reports on self-assessment, such as the results of national audit findings and the impact of the Annual Report review process on future planning, would enhance the process of continuous improvement.

Commission audits: in recent years, the Commission has carried out around 250 audits each year, covering the whole food chain as well as animal health, animal welfare and plant health, of which around 70% relate to food safety. Around 60% of all audits are typically performed in Member States, with the balance in third countries. Pre-accession audits have taken place in Croatia. The report sets out a range of issues of particular interest covered by the programme in Member States on food safety, animal health, and animal welfare and plant health. It also provides a brief summary of the main findings and conclusions arising from the different series of audits.