

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

2003/0030(COD) - 14/09/2018 - Follow-up document

In accordance with the requirements of Regulation (EC) No. 882/2004, the Commission presents a report on the overall operation of official controls performed in Member States (to ensure the verification of compliance with food and feed law, animal health and welfare rules. The report covers the years 2014 to 2016 and is based on the annual reports submitted by the national authorities and the outcome of Commission controls carried out in Member States.

Organisation and performance of official controls

Member States reports presented evidence that overall, the established trend in the Member States towards increasingly risk-based controls continues. This ensures that best use is made of resources by focusing on areas that present the greatest risks. However, risk based controls are not applied in all areas where such controls are warranted. The report also cautions that an apparently high rate of detection of non-compliance does not necessarily indicate a generally poor level of compliance but may actually indicate good risk-based targeting of controls.

The Commission makes particular mention of the enhanced use of IT systems, supporting the collection, dissemination and analysis of control and enforcement data. This, in turn, assists better coordination and targeting/planning of controls. The squeeze on resources and public spending in all Member States is driving these efforts to improve efficiencies.

Non-compliance

The main areas of non-compliance identified by Member States include: (i) operational, structural or equipment-based hygiene requirements; (ii) Hazard Analysis and Critical Control Points (HACCP); (iii) labelling of food and feed; (iv) additives in food and feed; (v) poor or absent record keeping and microbiological contamination. While the identification of underlying causes for these problems is limited, some point to high staff turnover in food feed business operators, often linked to low wages and which affects the continuous use of good hygiene practices, lack of training at food business operators, and /or lack of knowledge of the requirements. The report notes that the latter gives some cause for concern considering that, within the food/feed law framework, operators are primarily responsible for the proper application of the rules.

A series of audits on HACCP in 2014 led to initiatives on training, information exchange on good practice and a review of current HACCP requirements, as well as guidance on these requirements. Similarly, the Commission services started a review of operational hygiene and official controls in slaughterhouses to see how slaughter hygiene can be better ensured.

Enforcement

Whilst the report notes the difficulty of making meaningful comparisons between Member States reports, it confirms an overall greater emphasis on follow-up and enforcement. Some Member States reported the introduction of administrative fines (as opposed to enforcement through the national courts) to act as a better deterrent. Interesting examples of alternative and reportedly effective means to improve compliance are the withdrawal of fines if the offender follows training, more official inspections and higher charges for offenders, and the provision of training followed by inspections to measure effectiveness.

National audit systems

All Member States confirm that audits are in place, but a number of Member States reported that resource constraints limited the implementation of planned audit programmes. Some stated unequivocally that their staffing falls short of what is required to ensure all controls as required. Others indicate that a limit had been reached where further reductions risk the levels and/or quality of controls and the capacity to respond to emergencies. The report indicates that this is likely to be an increasingly important issue in the future development of official controls, which the Commission will carefully consider when developing legislation in the context of its Better Regulation initiative and which Member States will likely aim to address with inter alia new IT systems, re-organisation and optimised procedures.

Commission control activities and enforcement

The Commission's key priorities focus the official control systems for Plant Protection Products (PPPs), animal welfare and antimicrobial resistance.

The Commission's systematic follow-up of its control findings, complemented where appropriate with other enforcement tools including the judicious use of the infringement procedure, continues to prove an effective means of addressing failures in compliance with EU requirements. The initiation of such proceedings against Member States who failed to ensure implementation of the requirements concerning the welfare of laying hens and the ban on unenriched cages in 2012, led to several Member States taking accelerated corrective action, averting the need for court action to proceed in most cases. The Commission adopted a similar approach in respect of the on-farm welfare of pigs and the group housing of sows.

Lastly, the Commission notes that with the coming into force of the provisions of [Regulation \(EU\) 2017/625](#) in December 2019, the adoption of the implementing and delegated acts provided by this Regulation will provide opportunities to use the knowledge gained from the Commission control and follow-up activities to reinforce official controls in the coming years. The new rules will ensure that businesses and authorities will benefit from reduced administrative burdens, more efficient processes and strengthened controls.