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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL

On the overall operation of official controls in the Member States on food safety, animal health and animal welfare, and plant health

TABLE OF CONTENTS

1. INTRODUCTION

Article 44 (4) and (6) of Regulation (EC) No. 882/2004[1] requires the Commission to establish, and submit to the European Parliament and Council, an annual report on the overall operation of controls in the Member States in the light of:

(a) the annual reports submitted by the national authorities on their control activities;

(b) Commission controls carried out in the Member States;

(c) any other relevant information.

This is the third such report submitted by the Commission. Its main sources are: (a) the annual reports from the Member States for 2010; (b) the results of the Commission's own control activities; and (c) other relevant information related to controls, including:

- reports from Member States to the Commission on controls in specific sectors;
- the results of EU rapid alert systems;
- Commission enforcement actions (including infringement cases) related to observed non-compliances in the Member States;
- reports from international standard setting bodies.

In particular in relation to the results of the Commission's own controls and other relevant information, the report contains an account of control information as and when it becomes available, thus striving to be as up-to-date as possible on the delivery of official controls in the Union.

2. REVIEW OF ANNUAL REPORTS OF MEMBER STATES

The basic principles of EU feed and food law are laid down in Regulation (EC) No 178/2002[2]. Under this Regulation, the primary responsibility for ensuring that food is safe rests with the food/feed businesses right along the food/feed chain, from primary production to the point of final sale to the consumer. Regulation (EC) No 834/2007 contains requirements for organic production and the labelling of organic products[3]. Regulation (EU) No 1151/2012 contains requirements for quality schemes for agricultural products and foodstuffs[4].

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1 Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules – *OJ L 191, 30.04.2004*

2 Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

3 Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 -*OJ L 189, 20.7.2007*

4 Regulation(EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs -*OJ L 343, 14.12.2012*

Member States, are obliged to monitor and verify that business operators fulfil the requirements of EU law on food and feed safety (including animal health, animal welfare and plant health), on organic production and on quality schemes. They are required to operate systems of official controls for this purpose.

Regulation (EC) No 882/2004 sets out how these controls should be organised and operated. In essence, it lays down general rules for the performance of official controls to verify compliance with EU rules on food and feed. In particular, it requires Member States to verify compliance by operators with specific legal requirements, and that goods on the EU market (either EU produced, or imports) are in compliance with these requirements.

Regulation (EC) No 882/2004 also sets out rules on controls by the Commission services on Member States to verify that they comply with the obligations laid down in food and feed legislation. Member States must establish and implement multi-annual national control plans (MANCP) to give effect to the requirements of the Regulation, and are required to submit to the Commission an annual report on the implementation of these plans.

The first Commission Annual Report (COM (2010) 441) pointed to a large variability between MS reports in both structure and content making comparison difficult. Last year's report (COM(2012)122) indicated that the comparability of data had improved due to dialogue between the Commission and Member States, and the experience acquired by the latter.

To facilitate the comparability of Member States annual reports, a model for an "Executive Summary" was developed in conjunction with Member States, based on the existing guidelines for the Annual Report (Commission Decision 2008/654/EC). These summaries are currently used by the majority of Member States. Global feedback is being provided to Member States on an ongoing basis. This is being supplemented by individual feedback in writing.

Within the context of the review of Regulation (EC) No 882/2004, consideration was given to the Article 44 provisions for Member States' reports and the Commission annual reports. The legislative proposal includes provisions for the Commission to adopt uniform templates for information and data to be provided by Member States in relation to: amendments to their control plans; the results of official controls performed in the previous year; the type and number of cases of non-compliance; and measures taken to ensure the effective operation of multi-annual national control plans, including enforcement actions, and the results of such measures.

An outline of the Commission analysis of the 2010 annual reports from Member States is described below to the extent that the reports allowed synthesis of the information provided.

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.

In some countries with more than one central competent authority, the coherence of their reports could be improved by reviewing inputs from different services against multi-annual national control plan strategic and operational objectives.

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 thus 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 or suspect 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: operational hygiene requirements; HACCP; structural or equipment based hygiene requirements; labelling of food and feed; additives in feed; record keeping; and 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 or no consequences for non-compliances.

Enforcement trends: action taken in case of non-compliance

Member States are required to indicate in their annual reports what kind of enforcement actions have been undertaken.

While data on enforcement was provided in the annual reports of most Member States, this data did not cover all sectors, and in general, there was a lack of analysis 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. In the UK, training has placed an emphasis on the judicial process and on training staff as expert witnesses, with a resultant increase in the number of formal enforcement actions since 2008-2009. In Finland, training and new guidelines on enforcement have also resulted in an increase in the use of enforcement actions. The Netherlands authorities attribute an increased level of enforcement activity to controls being more risk-based and thus more likely to detect non-compliances.

National system of audits

All Member States carry out audits as required by Regulation 882/2004. This is an important instrument in the armoury of controls as it provides management with key information on the effectiveness of their control systems. However, an overview of the outcome of their audits is not always provided, in particular where performed in devolved regions, or information on follow-up to the audit reports. In addition, some Member States reported that resource constraints in their audit units had curtailed implementation of audits.

Some audits focused on quality management systems introduced by competent authorities. In Austria, this process led to harmonisation of procedures and ongoing changes in responsibilities.

The Commission is organising regular meetings, which *inter alia* provide a forum for exchanges of best practice between Member States on how the requirement for audits is being addressed.

Resources

A number of reports pointed to changes in this area, such as significant organisational change in France, Netherlands, Slovenia and United Kingdom, and streamlining of laboratory services (in Bulgaria; in Spain, for food safety; and in Poland, for pesticides). A review of the resources allocated to laboratories was also under way in Estonia and Portugal. Some Member States are re-allocating staff resources from routine controls to more risk-based “control campaigns”, and there is a general awareness that resources must be deployed more efficiently, especially in the current economic climate where public expenditure is under pressure.

Actions taken to enhance the performance of control authorities

The main actions involve updating legislation, preparing and/or improving guidelines and procedures, training and workshops (linked, in particular, to implementing new procedures), and amendments to the MANCP.

In addition, information systems and business processes for controls have been further improved in some Member States, with a view to enhancing oversight by central competent authorities. Evaluation and critical analysis of control data has improved in some Member States, while in others, there are plans to improve the capacity of the central competent authorities to verify the effectiveness of controls. The preparation of specific performance indicators is ongoing in some Member States.

Examples have also been provided of ongoing improvements in co-ordination between control bodies, and of improved co-ordination frameworks in Member States with devolved competences. Some Member States have described the actions taken in view of the growth in internet sales in the food sector. In a number of Member States, the introduction of performance rating schemes for food business operators assist in prioritising controls.

Actions taken to improve performance of Food Business Operators (FBOs)

The main actions identified in Member State reports involve guidelines, training, information campaigns and other events, and brochures. Other reported actions include: the creation of a centre for animal welfare in Denmark; and mechanisms to incentivise compliance by establishments, and to obtain feedback from operators with a view to simplifying the operation of controls.

Conclusions

Member States' Annual Reports demonstrate that Member States are actively looking for ways to improve the efficiency of the systems in place. There continues to be a trend across Member States towards increased risk-based controls. Member States are also introducing instruments to enhance oversight by central competent authorities, and the performance of control authorities.

There are a number of areas for ongoing improvement. In relation to the consistency and comparability of control data within MS, 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.

3. COMMISSION'S CONTROL ACTIVITIES IN THE MEMBER STATES

Regulation (EC) No 882/2004 requires the Commission to carry out controls in the Member States to verify that, overall, official controls take place in accordance with the respective multi-annual national control plans and in accordance with EU law.

To meet its obligations, the Commission undertakes an annual programme of audits and inspections to verify compliance with feed and food law, animal health and welfare and plant health legislation, and to verify that official controls in these areas are carried out in line with EU law. This programme is published on the Commission’s web site.

The findings of each audit are set out in a report addressed to the relevant national authority, together with conclusions and recommendations to address identified shortcomings. Through the publication of the audit reports and the Member State action plans, as well as regularly updated country profiles, the Commission provides stakeholders and citizens with a factual account of how control authorities in each Member State deliver on their duty to ensure the correct implementation of EU law.

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 to Croatia, which is due to accede to the EU on 1 July 2013.

In addition, overview reports[5] have recently been produced for a number of sectors. These reports provide an opportunity to get a comprehensive overview of the controls being carried out by Member States, based on the outcome of the individual audits carried out. They identify the principal failings which are likely to be relevant to all Member States, including those not subject to individual audits. They also provide a valuable input to the Commission Services and Member States for reviews of legislation.

The reports of Commission audits, as well as competent authority responses to Commission report recommendations and country profiles, can be found at:
http://ec.europa.eu/food/fvo/index_en.cfm

The following section sets out a range of issues of particular interest covered by the programme in the Member States on food safety, animal health, animal welfare and plant health. It provides also a brief summary of the main findings and conclusions arising from the different series of audits.

Food safety

Official controls on milk and meat production

The Commission carried out a series of audits on hygiene controls related to red meat and milk production in all Member States between 2008 and 2011. These confirmed that Member States have introduced control systems largely in line with the provisions of Regulation (EC) No 882/2004 and carry out robust controls in relation to red meat and milk and their products. However, a trend already previously observed has been confirmed in relation to enforcement: whilst control authorities largely identify deficiencies correctly, sustained enforcement action is not always taken in a timely manner and as a result, non-compliances may persist.

Traceability of beef and beef products

A series of audits on traceability of beef and beef products was completed in 2011, and the overview report is available. The latest review indicates that controls of traceability of beef and beef products and compulsory labelling have improved significantly in the Member States visited. In relation to the traceability of live animals, deficiencies in

[5] http://ec.europa.eu/food/fvo/specialreports/index_en.htm

implementing current legislation and carrying out official controls were seen in places where animals are gathered, such as dealers' premises, markets and assembly centres. Some shortcomings were also noted related to the management of databases used for the registration of animals.

Game – wild and farmed

A series of fact-finding missions to four Member States was conducted to gather information regarding the implementation of official controls in relation to the production of wild and farmed game meat. The overview report is available, and provides details on the outcome of these missions.

A number of issues of interest have arisen from this mission series and legislative provisions in this respect are currently under discussion in relation to: incomplete testing for *Trichinella spirali*s in small quantities of susceptible game species directly supplied to the consumer; a liberal interpretation of the "small quantities" which can be excluded from official hygiene controls; the regular use of wild game collection centres, which were not always registered and therefore not subject to official controls; unclear demarcation between farmed and wild game with risks of misleading consumer information on the true origin of game meat; and intra-Union trade of the bodies of unskinned wild game animals, contrary to EU legislation.

Official controls on fishery products and live bivalve molluscs

Audits were carried out in nine Member States to assess compliance with EU requirements on fish and live bivalve molluscs.

For fishery products, it was found that overall, comprehensive official control systems were in place in all the countries visited. In some countries significant variations in the implementation of official controls were found between different regions. In general, laboratories performing official analyses were well equipped and able to carry out the necessary analyses. Most laboratories were accredited.

While the overall systems were well designed and managed, some important weaknesses were identified in relation to controls on:

- Primary production sites, such as fishing vessels and fish farms;
- Live bivalve molluscs, in relation to: classification of production areas; the frequency of testing in monitoring for biotoxins; and end product testing.

Similar findings have been reported in audits carried out in 2012. An overview report is also under preparation.

Official controls on poultry

Audits of Member State control systems for poultry meat and poultry meat products continued in 2012. As was the case last year, the overall level of compliance was generally good and much improved on the situation which existed prior to the enactment of the "Hygiene Package". The entire poultry production chain was covered, although in some cases the number of controls at farm level was limited, and some recent audits

identified inadequate post-mortem inspection. The main areas identified for improvement continue to be in relation to: the application of specific hygiene requirements, such as the sampling frequency of carcasses and the implementation of HACCP plans in establishments; and non-notification to the Commission of national legislation allowing flexibility for small capacity slaughterhouses.

As was the case for controls on milk and meat product establishments, a trend was identified in relation to enforcement, where although control authorities largely identify deficiencies correctly, enforcement action was not always taken in a timely manner.

Salmonella control plans

Audits of Salmonella national control plans in the poultry sector continued in 2011. In all Member States visited, control plans had been introduced, but in some cases implementation had been delayed for certain categories. Nonetheless these plans coincide with an observed significant downward trend in Salmonella in poultry. In most Member States, the plans for monitoring and official sampling for Salmonella in different poultry categories did not fully comply with EU legislation; deficiencies mostly related to deficiencies in sampling, actions taken following positive test results and laboratories. In the most recent audit in 2012, weaknesses were also identified in the oversight by the central competent authorities of regional authorities' implementation of the plans. An overview report is under preparation.

Import controls on food of non-animal origin

An overview report is available on a series of 12 audits undertaken between 2010 and 2011 to evaluate implementation of the official control systems for import controls on food of non-animal origin.

Since the entry into force of Regulation (EC) No 669/2009 on the increased level of official controls for feed and food of non-animal origin, Member States have been taking satisfactory steps to implement it. Clear cooperation and communication between the competent authorities is in place in Member States, and sufficient staff are available for controls. Documented procedures are well developed, though not always systematically updated.

However, onward transportation, as defined under Regulation (EC) No 669/2009, and transfer of goods, under Regulation (EC) No 1152/2009, (which may allow certain checks to take place at a consignment's final point of destination, after onward transportation from its point of arrival in the EU) did not always guarantee full traceability, in particular when several Member States were involved, and the prior notification requirement was often not followed. In half the Member States, customs release did not always correctly follow the procedures established by EU regulations. These deficiencies may lead to the situation where goods are released without the finalised checks. While the overall systems for laboratory analyses have improved, deficiencies in the implementation of specific analytical requirements of EU legislation were often detected.

Pesticide residues

An audit series on controls for pesticide residues was finalised in 2011. An overview report of the series is available. The outcome of this audit series was overall positive. Considerable progress has been made since the last audit series in the planning, performance and reporting of official controls for pesticide residues. The number of samples taken has increased. Sampling procedures followed EU legislation and adequate enforcement measures were in place in the large majority of Member States, thus ensuring a high level of consumer protection. Effective procedures were in place for import controls of pesticide residues. Recommendations were made to Member States to organise controls more efficiently and effectively. Controls should be more targeted on identified risks, taking account of the compliance history of FBOs as well as the auto-controls carried out by them. The number of designated laboratories should be reduced to ensure that analyses are only carried out in laboratories with adequate analytical equipment. A new series has started, covering nine Member States in 2012, focused on controls on the marketing and use of plant protection products.

Genetically Modified Organisms (GMO)

A new series of audits started in 2011, covering official controls on Genetically Modified Organisms (GMO). Apart from GM food and feed it included, for the first time, an evaluation of controls on the deliberate release of GMO into the environment for trial and cultivation. Four Member States were audited. A system for authorisation regarding GMO for trial purposes was in place and official checks were carried out in line with EU requirements. There were some variations between Member States in relation to controls on cultivation of GM maize MON 810. In relation to GM food and feed, there were no significant changes since the previous audit series. The zero tolerance of GMO presence in non-GM seed was not respected in two Member States. GMO laboratories performed adequately in most cases.

Animal health

Electronic Identification systems for small ruminants

The Commission completed a series of fact-findings missions to four Member States with significant populations of sheep and goats. The objectives of this series were to: assess progress with the implementation of electronic identification (EID) in sheep and goats; assess the effectiveness of EID measures in ensuring proper traceability of sheep and goat movements; identify factors causing dissatisfaction amongst stakeholders; and identify factors promoting acceptance of the use of EID. An overview report of the series has been produced and is available.

The overview report points to significant differences in implementation between Member States, in particular, in relation to the use of electronic identification for disease control and management purposes, which is partly due to the fact that some Member States adopted EID earlier than others. As regards ensuring permanent identification, the use of electronic boluses proves more reliable under field conditions than the use of ear tags, but requires specific competence and technical support, which was provided in some of the Member States concerned. In these Member States, financial support to farmers to help

cover the additional costs associated with EID also proved an encouraging factor in terms of uptake.

Rabies

A major programme for the eradication of rabies in central and eastern European Member States is co-financed by the EU. The Commission has carried out a number of audits of the programmes in these countries. These have confirmed that substantial progress is being made by the campaigns to vaccinate wildlife and that this has resulted in a significant reduction in cases in humans and domestic animals. However, in some Member States, the implementation of vaccination programmes showed deficiencies, particularly in relation to the timely completion of the campaigns and the dispersion and time intervals in the use of vaccines in bait.

Classical swine fever (CSF)

The EU is now close to confirming the total elimination of CSF on its territory. This has been achieved through the increased application of bio-safety measures and improved vaccination campaigns for wild boars in the context of EU-funded eradication programmes. Commission audits have confirmed that these measures have been effectively applied in Romania and Bulgaria where sporadic outbreaks of CSF in domestic pigs had occurred in recent years. These programmes are continuing and are increasingly focused on verifying freedom from the disease, than eradication.

The ongoing risk of reintroduction of the disease from neighbouring countries, particularly as a consequence of movements of wild boar, necessitates the maintenance of high levels of vigilance and enhanced co-operation with these countries.

Official controls on Foot and Mouth Disease (FMD) laboratories

A series of inspections of EU laboratories that handle live foot-and-mouth disease virus was completed. While the bio-security standards applied in most laboratories were found to be generally satisfactory, minor deficiencies were detected in virtually all laboratories, with serious deficiencies detected in a number of laboratories. Immediate remedial action has been taken to mitigate potential risks to animal health that could ensue from the escape of live FMD virus.

A significant conclusion from this series of inspections is that FMD laboratories should only be approved in those Member States that are in a position to guarantee continued compliance with specific EU requirements, and in particular, to ensure the necessary resources for that purpose. The Commission and Member States are considering how controls on FMD laboratories should be organised in the future.

Animal welfare

In addition to audits specifically devoted to animal welfare controls, Commission audits of hygiene controls on red meat and poultry now also routinely evaluate Member State controls on animal welfare at slaughter. This provides an important additional resource in promoting better respect of animal welfare controls. These audits examined in particular

slaughterhouse facilities, such as lairages and stunning facilities, and transport of animals to slaughter, with appropriate recommendations for improvement. One audit contained findings that although a significant number of slaughterhouses in the Member State concerned performed slaughter without stunning under a derogation related to slaughter according to a religious custom, only part of the meat produced was sold as such.

Commission audits specifically devoted to animal welfare controls, looked at welfare on-farm and during transport. These audits formed part of the monitoring of Member States carried out by the Commission services of the ban on the use of un-enriched cages for laying hens, which should have been effective from 1 January 2012, and resulted in infringement proceedings being opened on 27 January 2012 against 13 Member States. Equally, Commission audits of Member States provided an update on their level of preparation for the deadline of 1 January 2013 for the obligatory group housing of pregnant sows and gilts. One audit was specifically carried out in order to obtain evidence in relation to infringement proceedings opened against one Member State on the welfare of animals at slaughter.

The welfare of broilers has also been included in recent audits. Species of animals which are not the subject of EU provisions, but for which Council of Europe recommendations are fully applicable under EU law, are also being included in animal welfare audits.

Regarding transport, the focus is now on also helping Member States to learn from best practice. Previous audits had indicated that the process of vehicle approval was not adequately addressed in a number of Member States, and audits in 2012 focused on the approval procedure, identifying areas of best practice. These have been shared with other Member States at the ongoing meetings of national contact points held twice a year at the Commission. An additional meeting was held in the port of Sète, in France, with all Member States responsible for approval of sea vessels, as several competent authorities had indicated difficulties with implementing requirements for the transport of animals by sea.

The export of animals to Turkey, a growing trade, was also addressed in Commission audits. An audit was carried out at the EU exit point in Bulgaria and recommendations were made to expedite procedures so that any unnecessary delays could be eliminated. During this audit, the team also visited the Turkish side of the border to review their controls.

Plant health

Plant health audits in Member States, assessing import control measures and the implementation of EU emergency measures in the case of harmful organism outbreaks, showed substantial differences between the audited Member States in the organisation of import controls, and in their effectiveness in detecting harmful organisms in consignments presented for import. The success of eradication efforts varied greatly between the different harmful organisms, some being easier to control than others. The audits also demonstrated the importance of determined eradication efforts as soon as the organism is found as once established it is infinitely harder or even impossible to eradicate.

Despite regular audits to Portugal since 1999 in relation to the eradication of pinewood nematode (PWN), the situation remains unsatisfactory, in particular in relation to testing and removal from the buffer zone of trees in poor health.

Animal feed

In the area of feed safety, the main picture shows that the level of compliance of operators along the chain is variable. While the situation is satisfactory for primary production, there is clear room for improvements in non-primary production in relation to: the design and implementation of HACCP-based procedures; measures in place to minimise cross-contamination from previous production batches; and the monitoring of undesirable substances. Official controls on feed usually cover the main operators in the feed chain, but certain types of establishments (notably food establishments supplying part only of their production to the feed chain) are often still outside the scope of these controls. In addition, the implementation of inspections and sampling activities is affected by some flaws in their targeting.

In the area of feed marketing, audits established a satisfactory level of compliance with the relevant requirements.

Transmissible spongiform encephalopathies (TSE) and animal by-products (ABP)

Audits on these topics are now generally combined as with some exceptions BSE is no longer a high risk priority. Audits identified that handling of ABP and derived products according to their category was largely in compliance with EU rules. However, in a few Member States, ABP (including specified risk material) generated during on-farm slaughter on back-yard farms are still disposed of on-site; this, together with deficiencies in the disposal of fallen stock originating on these back-yard farms also affects the effectiveness of BSE monitoring in these Member States. At rendering plants, the level of compliance was usually satisfactory, although there were some cases where there were deficiencies in monitoring adherence to time, temperature and pressure processing requirements.

Import controls on food of animal origin and animals

Audits in this area continue to be a major plank in the arsenal of defences aimed at ensuring that imports are safe. Controls on imports are improving thanks, inter alia, to improved cooperation with Customs Authorities and significant training. The Commission noted deficiencies in some Member States in the communication between central and devolved authorities, undermining in some cases the overall effectiveness of controls. While pre-notification of transhipped consignments is improving in some Member States, enforcement by competent authorities is still poor in relation to this requirement in some major ports.

Since last year's report, the level of implementation of TRACES, the common computerised system for imports, has improved. Some of the Member States previously not using TRACES have now joined the system. New versions of TRACES require BIPs to adapt and this is an ongoing process.

Residues of veterinary medicines and contaminants

Member States continue to face challenges similar to those identified in last year's annual report in implementing their national residue monitoring plans, including: variations between Member States in the number of methods included in the scope of laboratory accreditation for residues analysis; and variations in the interpretation of requirements relating to Food Chain Information at slaughter.

With regard to the ongoing current round of dioxin audits which are evaluating the ability of Member States to ensure that fish caught in the Baltic Sea and placed on the market for human or animal consumption comply with EU limits for dioxins, the evidence gathered to date indicates that there is a lack of consistency in the approach taken by Member States to minimise consumer exposure to non-compliant fish.

Follow-up to Commission recommendations

All recommendations arising from Commission reports are systematically followed up, through a range of activities.

Member State competent authorities are requested to present an "action plan" describing how they have addressed or intend to address Commission recommendations. In turn, the Commission evaluates the action plan and systematically monitors the implementation of all these actions through a number of follow-up activities including: (a) general follow-up audits; (b) on-the-spot follow-up audits on specific issues, or requests for written reports on specific issues; and (c) high-level bilateral meetings in the event of over-arching, or persistent problems.

General Follow-up Audits (GFA) follow up outstanding issues and verify progress in relation to recommendations remaining open from previous FVO sectoral audits to Member States. Country profiles showing the outcome of these audits may be found at the following website: http://ec.europa.eu/food/fvo/country_profiles_en.cfm

In relation to monitoring progress by Member States in addressing FVO recommendations the outcome of the GFA process over the period 2005-2010, indicates that for 97% of recommendations, action has been taken by Member States to address the recommendations, or satisfactory commitments have been provided to address the recommendations within an identified timeline. Those recommendations for which a satisfactory commitment has not yet been obtained (3%), are actively pursued through a number of mechanisms, as described in Section 2.5. While small in number these recommendations are by definition the most difficult to resolve and usually reflect deep underlying issues, including interpretation of legislation.

4. OTHER SOURCES OF INFORMATION ON CONTROLS IN THE MEMBER STATES

Sector-specific reporting

Provisions in EU legislation on different aspects of food safety, animal health and welfare and plant health require Member States to submit regular reports on certain specific requirements. On the basis of these national reports, the Commission in turn produces a

number of sectoral reports, which provide an account of the state of implementation of certain aspects of EU legislation applicable to the food chain, including in some cases specific data on official controls and of results thereof in the areas concerned.

Among the most relevant of these reports, are those on: monitoring and testing of ruminants for the presence of Transmissible Spongiform Encephalopathy (TSEs); trends and sources of zoonoses; zoonotic agents and food-borne outbreaks in the European Union (mandated to EFSA); notifiable diseases of bovine animals and swine (in the context of the intra-EU trade); annual EU-wide pesticide residues monitoring report; and reports on animal disease eradication task force meetings. The information in these reports is an important input in the decision-making process on where to prioritise audit resources.

A table, listing the main Commission reports published in the past year and their websites, is included in the Annex to this Report.

Rapid alert systems and other reporting tools

The existing rapid alert systems for food and feed safety (RASFF), animal disease outbreaks (ADNS) and plant disease outbreaks (Europhyt) represent important tools for managing the rapid response to emergencies and emerging risks and a source of information on the pattern of pests and diseases. The data they provide may also be an important indicator of shortcomings in relation to compliance with established safety standards and this data is consequently closely reviewed in the evaluation of controls. Detailed results from these food safety and animal disease alert systems are summarised each year in annual reports on RASFF and ADNS published on the Commission's web site:

http://ec.europa.eu/food/food/rapidalert/index_en.htm
http://ec.europa.eu/food/animal/diseases/adns/index_en.htm .

For Europhyt, the notification tool for interceptions of consignments for plant health reasons, the Commission has launched a website with monthly interception reports[6]. It is planned to publish an Annual Europhyt report in 2013.

TRACES, the system which allows the exchange of information between the Commission and the Member States on controls carried out on animals and animal products (on domestic products and imports from third countries) is another important source of data, not only on volume of movements of the commodities covered, but also on official veterinary controls carried out:

http://ec.europa.eu/food/animal/diseases/traces/index_en.htm.

6 http://ec.europa.eu/food/plant/europhyt/interceptions_en.htm

5. OUTCOME OF OFFICIAL MONITORING

Salmonella and *Campylobacter* are the two main causes of food borne illness in the EU. The analysis of the zoonoses reports of each Member State by EFSA and ECDC[7] confirms a decreasing trend in the European Union of salmonellosis cases in humans. In total 99,020 confirmed human cases were reported in 2010 (data published in 2012), a reduction of 8.8 % compared with 2009, and part of a trend which has continued for the sixth successive year. The EFSA report points to the application of *Salmonella* control programmes in Member State poultry populations as a reason for this ongoing reduction. Audits of the poultrymeat sector in the Member States substantiate this view.

6. COMMISSION FOLLOW-UP AND ENFORCEMENT

Sustained attention to and co-ordination of enforcement action remains a priority in all areas covered by this report.

Significant efforts are deployed to eliminate, in cooperation with the Member States concerned, obstacles to the correct application of EU legislation. The approach adopted in each case takes into account the seriousness of the shortcoming, the risks involved, the action already taken by the Member State, and whether or not other Member States are also concerned. The underlying causes of the shortcomings are examined so that solutions are sought with a view to preventing further occurrences.

Thus, for example, 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.

One such Member State is Greece. The Greek authorities 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.

An important source of information in relation to non-compliance or enforcement problems is complaints from members of the public or NGOs, and the Commission is careful to ensure that these are pursued with the Member States concerned, with a view to achieving a positive outcome. If laws are not being properly applied, there is a risk that European policy objectives in the food safety area will not be attained. The application and enforcement of EU law involves both European institutions and Member States,

[7] Scientific Report of EFSA and ECDC: The European Union Summary Report on Trends and Sources of Zoonoses, Zoonotic Agents and Food-borne Outbreaks in 2010
http://www.efsa.europa.eu/en/efsajournal/doc/2597.pdf

including local and regional authorities and courts. Member States have primary responsibility for the correct and timely application of EU Treaties and legislation. The Commission launches infringement proceedings as a last resort to achieve compliance when it has evidence that there is a systematic and persistent pattern of inadequate application of EU law.

The Commission can institute infringement proceedings asking Member States to correct an absent or wrong transposition or incorrect application of the law. The Commission can bring the matter before the Court of Justice, seeking a declaration of an infringement of Community law by the Member State. It can apply to the Court a second time seeking the application of financial sanctions until the first ruling of the Court is respected.

The infringement process plays an essential role in guaranteeing the correct application of EU legislation, and bringing benefits to citizens. The Commission has shown that it takes this role seriously through the package of infringements launched in 2012 in relation to implementation of legislation on the protection of laying hens and the clear signals of a similar approach towards the protection of pigs.

In terms of other tools, the Commission EU Pilot Project is aimed at providing quicker and fuller answers to questions arising from the application of EU laws. It is used to enhance communication between the Commission and Member States, and to contribute to the resolution of enforcement problems, without the need to resort to formal infringement proceedings.

More information on infringements is available in the annual reports on monitoring the application of EU law published on the Commission's website:
http://ec.europa.eu/eu_law/infringements/infringements_annual_report_en.htm

7. INTERNATIONAL TRADE

The Commission participates actively in international standard setting bodies which operate in the fields of food safety, animal and plant health. There are also very extensive contacts with non-EU countries where assurances are both sought and given in relation to the safety of trade in food. This in turn involves extensive discussion on the efficacy of controls in place aimed at ensuring that trade takes place on a safe basis. The lessons learned in this process feed through to the management of the control systems in place in the Member States.

8. CONCLUSIONS

On the whole, Member States ensure a good level of implementation of official controls across the food chain, and respect for food safety, plant and animal health, and animal welfare issues. While there is still scope for improvement, there has been progress in the efficient use of control instruments and resources, and in planning, implementation, and co-ordination of controls across all sectors.

Official controls, and legislative instruments to optimise their effectiveness, are key features of the EU food chain. They allow competent authorities to perform controls on a

risk basis, and to identify shortcomings and address them in a timely manner. They also provide competent authorities with a meaningful overview of the food safety and health situations.

Member State reports provide reassurance that national competent authorities take their role seriously, with controls becoming increasingly risk-based, as confirmed by reports from audits carried out by Commission experts. New instruments to enhance oversight and the performance of control authorities are being introduced.

On-the-spot specific audits by the Commission, as well as general follow-up audits covering all sectors and focusing on underlying causes of non-compliance, are of particular importance in identifying weaknesses to be addressed, and in ensuring that corrective actions are taken. The Commission operates a system, reviewed on an ongoing basis with targets and indicators, to quantitatively review progress by Member States in taking corrective action.

These Commission audit reports, complementing Member State control activities and reports, provide a robust system for assessing the effectiveness of Member State control systems.

This system allows the Commission, whenever necessary, to take the appropriate measures to achieve improvements in official controls and audit systems in Member States.

ANNEX

LIST OF PUBLISHED COMMISSION SECTORIAL REPORTS ON THE IMPLEMENTATION OF EU LEGISLATION ON FOOD SAFETY, ANIMAL HEALTH, ANIMAL WELFARE AND PLANT HEALTH

Report	Legal basis	Publication
Annual Report on the monitoring and testing of ruminants for the presence of transmissible spongiform encephalopathy (TSE) in the EU	Article 6 (4) of Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies	http://ec.europa.eu/food/food/biosafety/tse_bse/monitoring_annual_reports_en.htm
The EU Summary Report on trends and sources of zoonoses, zoonotic agents and food-borne outbreaks in the European Union	Article 9 (2) of Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC (*Mandated to EFSA, elaborated by EFSA in cooperation with ECDC*)	http://www.efsa.europa.eu/en/efsajournal/doc/2090.pdf
The Rapid Alert System for Food and Feed (RASFF) annual report	Article 50 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety	http://ec.europa.eu/food/food/rapidalert/rasff_publications_en.htm

Report	Legal basis	Publication
Annual EU-wide Pesticide Residues Monitoring Report	Article 32 of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC *(Mandated to EFSA)*	http://www.efsa.europa.eu/en/efsajournal/doc/2430.pdf
Annual report on food irradiation	Article 7(3) of Directive 1999/2/EC of the European Parliament and of the Council of 22 February 1999 on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation	http://ec.europa.eu/food/food/biosafety/irradiation/index_en.htm
Commission Staff Working Paper on the Implementation of National Residue Monitoring Plans in the	Article 8 of Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC	http://ec.europa.eu/food/food/chemicalsafety/residues/control_en.htm
Reports of the meetings of the experts sub-groups (Bovine brucellosis, sheep& goats brucellosis, bovine tuberculosis and rabies) of the Task Force (TF) for monitoring disease eradication in the Member States.	The Task Force was created in 2000 as an action foreseen in the Commission White Paper on Food Safety.	http://ec.europa.eu/food/animal/diseases/eradication/taskforce_en.htm

Animal welfare: transport Regulation	Article 27(2) of Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97	http://ec.europa.eu/food/animal/welfare/transport/inspections_reports_reg_1_2005_en.htm