

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

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Regulation (EC) No 882/2004 (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 that Regulation.

The Commission submitted its [first report](#) in August 2010 (please see the summary of the document dated 25/08/2010). The main purpose of that report was to provide a first screening of the data and information on official controls contained in the first annual reports from the Member States. The Committees on the Environment and on Agriculture and Rural Affairs of the European Parliament discussed the report in October 2010. The Commission has begun discussions with Member States on the issues raised in the first report, and specifically on how the collection and handling of data on official controls can be streamlined and standardised.

This second report takes a different approach from the first. It aims to give an overview of EU food safety controls that is not confined to the latest year for which annual reports are available from all Member States but draws on the latest information from all three main sources of information on controls to give as up to date an account as possible of how the EU control system is functioning. The main sources this report draws on are: (a) the annual reports from the Member States for 2008 and 2009, (b) the results of the Commission's control activities over the period 2008-2010, and (c) other relevant information on controls including the results of EU rapid alert systems.

EU food chain: the report gives an idea of the scale and complexity of the EU food chain. According to the latest data available from Eurostat, the value of total output from the EU food chain is around EUR 750 billion. Total employment in the sector, from primary production through to retail and catering, is over 48 million. There are around 14 million primary agricultural producers and 3 million food business operators operating along the EU food chain from food manufacturing to retail and catering. The food industry is huge, but it is also highly varied and complex. The report goes on to give an overview of EU food safety controls, noting that Regulation (EC) No 882/2004 sets out how these controls should be organised and operated.

General findings: 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 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 an overview of the food safety and health situations.

Member State reports provide reassurance that national competent authorities take their role seriously and with increasing levels of competence, as confirmed by reports from audits carried out by Commission experts.

- **Commission audits:** on-the-spot specific audits by the Commission, as well as general follow-up audits covering all sectors, are of particular importance in identifying weaknesses to be addressed, and in ensuring that corrective actions are taken. These Commission audit reports, complementing Member State control activities, provide a robust system for assessing the effectiveness of Member State control systems. In recent years the Food and Veterinary Office (FVO) of the Directorate General for Health and Consumers, through its audits, has been placing increased emphasis on the need for Member States to ensure that official controls in all sectors are carried out regularly on a risk basis and with appropriate frequency. In recent years the **FVO has carried out around 250 audits each year**, covering the whole food chain as well as animal health and welfare and plant health.

Audits in the food safety area make up the main part of the programme. Over the period under review, at least **70% of all audits were concerned with food safety** with some of these also covering related aspects of animal health. Around 12% of audits related specifically to animal health only. Animal welfare and plant health accounted for the balance, with roughly 8% of audits focused on each of these areas each year.

In order to give reasonable assurances of compliance with EU legislation, the Commission, whenever necessary, takes the appropriate measures to achieve improvements in official control and audit systems in the Member States.

- **Main areas of non-compliance:** in food production, there are two main recurring themes in Member States' reports on non-compliance in food production: hygiene controls in establishments; and labelling. Steady progress in this area is recorded in 2008 and 2009 but **most reports point to continuing problems for small operators in the retail and catering end of the food chain**. The main weaknesses include: outdated buildings and equipment; absence or weak systems of own-checks by businesses; poor application of HACCP; and inadequate record keeping. On feed, the main non-compliances relate to: delays in the registration of business operators; inadequate application of HACCP principles; hygiene in feed manufacturers; and contraventions of the rules on additives in feed.

On animal health, the main weaknesses reported relate to animal identification and movement controls.

In relation to animal welfare on farms, many of the weaknesses found were attributed to lack of knowledge of farmers, particularly smaller farmers. Some Member States recorded a reduction in the level of non-compliances on farms following the provision of training and information to farmers.

- **Commission follow-up and enforcement:** sustained attention to and co-ordination of enforcement action remains a priority in all areas. The recommendations contained in FVO audit reports are systematically followed up, through a range of activities. Another source of information which may point to non-compliance or enforcement problems are complaints from members of the public or NGOs, and the Commission is careful to ensure that these are pursued with the Member States concerned as well, with a view to achieving a positive outcome.

In terms of other tools, and during the course of 2009-2010, the Commission found the

EU Pilot Project, which has been operating in 15 volunteer Member States since April

2008 with the aim of providing quicker answers to questions arising from the application of EU laws, to be a useful tool as it has enhanced communication between the Commission and Member States.

However, where competent authorities fail to take satisfactory corrective action to address persistent problems, the Commission may have to launch infringement proceedings, to achieve compliance by the Member State.

This occurred in:

- three cases against Greece because it persistently failed to comply with a range of important components of EU food safety legislation. The Court delivered three judgments condemning Greece for failures in the application of EU law;
- reasoned opinions in 2010 against Italy and Spain.