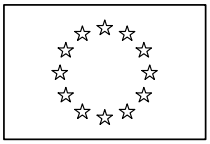

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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL

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

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1. Background

Article 44 (1) of Regulation (EC) No 882/2004[1] (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 Article 41 of that Regulation. The reports should contain:

(a) details of amendments to multi-annual national control plans, to take into account among other factors, changes in legislation, new diseases or risk factors, new science, the results of past controls and significant organisational changes;

(b) the results of controls and audits carried out in the previous year under the national control plan;

(c) the type and number of cases of non-compliance identified through the controls;

(d) actions to ensure effective implementation of the national control plan, including enforcement actions and their results.

Article 44 (4) and (6) of the Regulation require 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;

(b) EU audits[2] and inspections carried out in the Member States;

(c) and any other relevant information.

The Commission submitted its first report to the European Parliament and the Council in August 2010.[3] 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. It also gave a summary of results of EU audits and inspections. It was discussed by Member States in the Standing Committee of the Food Chain and Animal Health in September 2010. The Committees on the Environment and on Agriculture and Rural Affairs of the European Parliament, discussed it in October 2010.

The Commission has begun discussions with the 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.

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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 165, 30.4.2004, p1).

[2] Since 2010, the term "inspection" has been replaced by "audit", to reflect the broader scope of FVO activities. "Audit" is generally used in this report, for ease of reference.

[3] COM(2010) 441 final of 25.8.2010.

This second report takes a somewhat 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:

- recent reports from Member States on controls in specific sectors;
- the results of EU rapid alert systems (Rapid Alert System for Feed and Food - RASFF, the Animal Disease Notification System - ADNS and, the alert system for threats to plant health - Europhyt);
- discussions and decisions on controls in the Standing Committee on the Food Chain and Animal Health and the Standing Committee on Plant Health;
- a review of infringement cases related to weaknesses in control systems in the Member States.

2. The EU Food Chain

To understand how the EU system of official controls along the food chain (including those necessary to ensure plant health, and animal health and welfare) operates, it is useful to first get 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 €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. These global figures give an idea of the scale of the food industry. It is huge, but it is also highly varied and complex.

In primary production, for example, the average size of farm ranges from around 90 ha in countries such as the Czech Republic, to around 50 ha in countries like the UK, France and Germany, and to less than 8 ha in other countries such as Poland, Bulgaria and Romania.

There is also a great variation in the types of farming practiced across the EU; to a large degree this is explained by agro-climatic conditions, but also by longstanding agricultural traditions.

In the EU, there are around 300,000 food manufacturing businesses. However, for many products - such as wine, olive oil, eggs and cheese - processing may be done by agricultural holdings rather than manufacturing enterprises. To focus on the manufacturing sector alone would understate the total size and complexity of the EU food system. Within the manufacturing sector specifically, a small number of enterprises operating on a global scale account for a very large share of output. In the dairy sector for example, 1% of the enterprises produce over 60% of total EU output. Outside of

primary production, the largest number of food business operators is found towards the end of the food chain, in the retailing and catering sectors. There are over one million food retailers in the EU, many of them small family businesses, although a small number of large supermarket chains dominate the sector in terms of total sales. There are almost 1.4 million restaurants and catering establishments.

3. Overview of EU food safety controls

3.1. Review of annual reports of Member States

The EU has developed extensive and detailed legislation designed to ensure that the food provided to consumers through this large and complex system of food production is safe and wholesome. The basic principles of EU feed and food law are laid down in Regulation (EC) No 178/2002[4]. Under this Regulation, the primary responsibility for ensuring that food is safe rests with the food businesses right along the food chain, from primary production to the point of final sale to the consumer. 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). They are required to operate a system of 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 the safety of the food chain. In particular, the Regulation imposes requirements on the Member States: when they verify:

- compliance by operators with the sectoral legal requirements, or
- that goods to be placed on the EU market (either EU produced or imported from third countries) are in compliance with the standards and requirements of sectoral legislation.

In addition, Member State authorities perform other official tasks under Regulation (EC) No 882/2004, such as those carried out to fight or eradicate animal disease agents (e.g.. animal testing for certain diseases in the contest of a programme, an epidemiological investigation following an outbreak, vaccination against animal diseases, or the killing of animals infected with pathogens.)

Regulation (EC) No 882/2004 also sets out detailed rules on controls by the Commission services on the Member States to verify that they comply with the obligations laid down in sectoral legislation and in Regulation (EC) No 882/2004. Member States must establish and implement multi-annual national control plans to give effect to the requirements of the Regulation. These plans typically cover a three to five-year period and were applied for the first time from the start of 2007. Member States are required to submit to the Commission an annual report on the implementation of their multi-annual national control plans. Annual reports have been received for 2007, 2008 and 2009.

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[4] 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.

The results of the Commission's first analysis of national reports were summarised in its overview report of last year, COM(2010) 441. In that report it was very difficult to draw conclusions for the EU as a whole due the large variability between national reports in both structure and content and the absence of harmonised data on controls. This is still a feature of the reports for 2008 and 2009 and reflects, in part, the significant differences between Member States in terms of agri-structures, administrative cultures and size. Nonetheless, the comparability of reports has improved significantly, as a result of a) Member States acquiring experience with their production, and b) the Commission's ongoing and active dialogue with the Member States to further improve the content, and in particular to enhance their comparability. Since information has now been provided by most Member States for a sequence of three years, some interesting trends and developments over time can be identified. These are summarised below.

Data collection and analysis

One feature common to most reports is an increasing effort to improve the gathering and collection of data on the number and type of controls completed and on their results. In the drive for efficiency and effectiveness, good up-to-date data is essential to assess performance and to identify priorities for future control activities. While many new and ongoing initiatives in this direction are referred to in the annual reports, there appears to be limited sharing of know-how and experience across different control authorities within or between Member States. In its annual report last year, the Commission stated its intention to examine, in cooperation with the Member States, how the potential for the electronic transmission and analysis of data can be exploited to achieve simplification and standardisation at EU level. Work has now started on this, and this may in turn assist Member States in the development of their own information management systems.

Overall statements of performance

The Commission's guidelines on the structure and content of reports request each national authority to give an overall statement on the performance of its control system each year. These statements differ in quality. In most reports they are limited to a general statement that controls were carried out in accordance with planned arrangements, that overall standards of food safety, animal health and welfare and plant health are satisfactory, and, where non-compliances have been identified, they are normally of a minor nature. However, some reports provide a more comprehensive and substantiated assessment based on a set of indicators of performance. In some cases these indicators are confined to the number and type of controls carried out and whether they are in line with initial plans. In others (France, Finland, Sweden and the Slovak Republic) the indicators go further and aim to measure performance against the incidence of specific animal diseases or food borne illnesses. In France there is also an attempt to track the cost of controls in a number of specific areas.

Progress in the implementation of multi-annual national control plans

The requirement on Member States to introduce integrated multi-annual national control plans covering all control activities across the whole food chain from farm to fork was a major challenge. National control systems in most countries are highly complex, often

with many different organisations involved in various aspects of control activity in food and feed, animal health, animal welfare and plant health. In most Member States, these different organisations would have had little experience in the past of working together to draw up integrated control plans. Moreover, the operational responsibility for carrying out controls is devolved to regional and local authorities in most Member States. Ensuring that their activities are fully integrated within the national plans in a consistent and coherent manner required national authorities to reinforce mechanisms for consultation and communication with their regional and local authorities. The annual reports on the implementation of the plans indicate that considerable progress has been made in setting up the structures and procedures for integrating the control plans of all the actors at national, regional and local level. The main challenge now for most authorities is to develop information and communication systems that can provide accurate data on the controls carried out and on their results, so that performance under the multi-annual national control plans can be accurately assessed over time, and control objectives and targets adjusted according to risk-based priorities.

Registration of food business operators

Effective traceability of food, from original source to final destination, is a central principle of the EU food safety control system. The key building blocks of the system are a comprehensive registration of all operators, an effective system of animal identification, and traceability of feed and food. There has been significant progress in the registration of food businesses. However, in the feed area, the registration of smaller feed establishments is still incomplete. As regards traceability of animals, some shortcomings are apparent in the identification of cattle and pigs and in particular, in the systems for sheep, goats and horses.

Risk assessment and prioritisation

Regulation (EC) No 882/2004 specifically requires national authorities to have an explicit risk assessment and control prioritisation system. As the pressure builds on resources in the years ahead, this aspect of multi-annual national control plans and related annual reports needs to be given higher priority. Some Member State reports give a good description of the systems of risk categorisation of food businesses and how their controls are organised according to this risk categorisation. The Netherlands, Finland and Slovenia are particularly advanced in this area. In a number of Member States, however, better risk categorisation of food and feed business operators is identified by national authorities as an important area needing improvement. 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.

The intensity and scope of controls

Overall, the reports indicate that there is a high level of control intensity throughout the EU. However, the frequency of inspections varies greatly according to the nature of the businesses. For example in sectors regarded as high risk, such as meat and milk production, controls are much more frequent.

Controls in the areas of feed and animal by-products are less intensive than for food. Major changes in EU law over the past decade regarding feed and animal by-products, in particular the need to have all feed and animal by-product businesses registered, have imposed a heavy workload on businesses and on control authorities. It is acknowledged in most reports that there is scope for improvements and for further intensification of controls based on risk prioritisation in these sectors.

Controls in the area of animal health focus on verification of compliance with requirements concerning animal identification and testing for animal diseases such as brucellosis, tuberculosis, classical swine fever and BSE. In addition, Member States are required to have contingency plans in place to deal with major food and feed safety and animal health crises.

Coordination between national, regional and local authorities

In many Member States, the operational responsibility for conducting official controls rests primarily with regional and local authorities. This is notable in member states with devolved competences, such as Germany, Spain, Italy, Greece, the UK, Sweden and Finland, where regional and local authorities may have a strong degree of autonomy. The challenge these Member States face is how to ensure a sufficiently robust system of accountability through which regional and local authorities can provide a proper and consistent account of their control activities to their national authorities, and through them, to the EU level.

There is also the related issue of overlapping responsibilities and control activities between different authorities. This is a long-standing issue in a number of Member States. In Greece, Portugal and Romania, for example, their own internal audit authorities cite overlapping responsibilities and operational activities as a significant problem. These Member States are also among those that point to inadequate resources as one of the reasons why targets for the number of controls cannot be met. In general, Member States with clearly defined responsibilities and management structures, which demonstrate accountability at all levels, appear to operate most effectively.

National audit systems

Regulation (EC) No 882/2004 requires Member States to carry out internal audits, or have external audits carried out, to ensure that their control systems are achieving the objectives of the Regulation. It also specifies that these audits be subject to independent scrutiny and carried out in a transparent manner.

Almost all Member States have a system of audits in place, although in most cases they cover only a limited range of specific control areas within the overall system. The results of these audits are presented in the annual reports, but often in very summary form. The main weaknesses identified in these internal audits and the remedial actions taken, are generally not reported on in detail. There are, however, some notable exceptions. For example, Finland and the Czech Republic report on the results of their audits and the areas of weakness identified.

In addition, there is limited information in the annual reports on the provisions in place to give effect to the requirements for audit reports to be subject to independent scrutiny.

The reliability, or otherwise, of Member States' own audit systems in delivering necessary improvements in controls will increasingly become a risk criterion taken into account in planning future FVO audits.

Resources

According to data provided by national authorities, it is estimated that over 100,000 people are employed directly or indirectly at national, regional and local level in the carrying out of controls in food and feed safety, animal health, animal welfare and plant health. This is a very substantial resource but, in comparing targets for controls with the actual outturn, some national authorities are pointing to staff shortages as one of the underlying reasons why control targets are not met. Some Member States, such as the Netherlands, are quite explicit in stating that their control systems and operations are being adjusted to take account of the reality of staff reductions and rationalisation in recent years. Risk assessment and prioritisation of controls, are essential elements in this adjustment.

Training

The national reports give a detailed account of the training programmes organised each year for control staff and for food business operators. Overall, the training effort is very substantial. It focuses on three main priorities. First, the hygiene package Regulations introduced in 2006 required an increased focus on good hygiene practice and the application of HACCP[5] principles by all food business operators. Considerable work has been done over recent years to familiarise food business operators and control staff at all levels with the requirements of the new Regulations. Second, developments in science and technology, especially in relatively new areas of food and feed production (e.g. novel foods, GMO, food contact materials, food and feed additives) require constant updating of know-how by staff. Third, increased focus on animal feed and animal by-products controls has called for a special effort to familiarise businesses and control officials with the new requirements of EU law in these sectors.

Training at national level is supported and complemented by training organised by the Commission under the Better Training for Safer Food programme which started in 2006 and is provided for under Article 51 of Regulation (EC) No 882/2004. This programme, covering a wide range of topics, aims to make official controls more effective in ensuring that operators at all levels respect EU legislation safeguarding public, animal and plant health, and animal welfare. This in turn contributes to providing safer food and feed, advancing animal and plant health standards, and raising levels of consumer and animal protection.

The results of Commission control activities, such as in the area of General Hygiene as described in Part 3.2 of this report, confirm that further training is necessary in certain areas.

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5 Hazard Analysis and Critical Control Points.

Laboratories

All Member States must designate laboratories to carry out the analysis of samples taken during official controls. These laboratories are obliged to operate, and be assessed and accredited, according to defined EU or international standards to ensure uniform and high standards. There is a large network of official laboratories across the EU. Many of these operate at national level, but regional and local authorities may also designate their own official laboratories, in particular in Member States with autonomous regions or local authorities. This can lead to a considerable proliferation of official laboratories. The process of accreditation is complex and often relatively expensive, especially for smaller regional or local laboratories. As a result, some Member Sates continue to report delays in reaching full accreditation of all their official laboratories involved in testing in the context of official controls. In 2010, the Commission initiated discussions with Member States on accreditation requirements.

FVO audits confirm that the level of compliance of laboratories with EU law varies between sectors. For example in relation to fish and fishery products, in general, laboratories performing analyses in the context of official controls, seem to be well equipped and able to carry out the analyses required; most are accredited. The situation is different, for instance, in relation to laboratories operating under *Salmonella* national control plans. FVO audits also report laboratory shortcomings in relation to pesticides controls in some Member States.

Outcome of official controls and monitoring

a) 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. The requirements of the hygiene package Regulations took effect from 2006. The national reports on controls for 2007 recorded widespread deficiencies in the application of these Regulations, probably due, in part, to the fact that they had only come into force the previous year. 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. Some authorities point to problems in the retail and catering sectors caused by high staff turnover, especially of seasonal workers, thus making it difficult to have staff well trained on good hygiene practices. On labelling, the main difficulty seems to arise from the complexity of requirements arising from different areas of legislation (e.g. additives, nutrition, place of origin, etc).

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.

Outcome of official controls and monitoring

b) Overall trends in food borne illness

Salmonella and *Campylobacter* are the two main causes of food borne illness in the EU. EFSA's analysis of the zoonoses reports of each Member State confirms a decreasing trend in the European Union of salmonellosis cases in humans. In total 108,614 confirmed human cases were reported in 2009 (data published in 2011) and in particular, human cases caused by *S. Enteritidis* decreased markedly. The EFSA report points to the application of *Salmonella* control programmes in MS as a cause for this reduction.

The annual reports of Member States on controls indicate that sampling and testing of samples for these two microbiological hazards account for a very large share of sampling and testing related to food production in the Member States.

National enforcement measures

Regulation (EC) No 882/2004 lays down that competent authorities shall ensure that business operators take remedial action when non-compliance is identified. It also requires Member States to have clearly defined rules on the sanctions applicable when EU law is infringed. The sanctions must be effective, proportionate and dissuasive. Almost all reports give a brief summary of the actions taken to deal with non-compliances. The most common actions are warning notices, fines, temporary or, in serious cases, permanent business closures, and, in rare cases, criminal proceedings in the case of fraud and serious breaches of legal requirements. In general, information on the systems of sanctions and how they are operated is limited and the level of detail varies from one Member State to another. In the absence of more specific and harmonised data in annual reports, it is not possible to judge how consistent the overall system of enforcement is across the Member States. In certain Member States, such as the Czech Republic, there is a trend towards moving from court based procedures to less onerous and more effective administrative procedures for certain less serious non-compliances.

Official controls following the emergence of specific health threats - food, animals and plants

In recent years, the main health emergencies arising within the EU in the area of food and feed safety had their origin in the manufacturing of feed. In 2008 high levels of dioxin contamination were detected in pig meat in Ireland. The problem was traced to problems in the feed manufacturing process arising from the use of highly contaminated waste oils in the drying process. In 2010, dioxin contamination was discovered in products originating in Germany. This was traced to fats, specifically for industrial use only, being added to animal feed. The Commission is in the process of adopting specific measures to deal with this particular risk.

In the animal health area, Member States have had to focus additional control efforts on Bluetongue, and avian influenza. The recent outbreak of Foot and Mouth Disease in Bulgaria underlines the importance of continued vigilance, but also demonstrates that the

EU control measures are, when properly applied, effective in preventing the spread of the disease.

In the area of plant health, the containment of the pinewood nematode threat in Portugal and the implementation of measures aimed at eradicating the outbreak in Spain, have been assigned a high priority. Similarly, the rapid spread of the red palm weevil in Mediterranean countries and repeated outbreaks of Asian and citrus long horned beetles, required strengthened control and containment action by Member States. The measures at EU level and the control efforts made by the Member States concerned are described in section 3.2 of this report.

Interesting developments as possible examples of good practice

Classification of establishments and publication of the results (Denmark, the Czech Republic, UK, and Belgium): The requirement that all food business operators be registered, combined with the publication of inspection results of these businesses by official authorities, makes it easier to offer consumers a useful indication of compliance standards in restaurants and shops. A number of examples are already available, the oldest one being the Danish 'smiley' scheme (http://www.findsmiley.dk/en-US/Forside.htm). Similar ideas are being pursued in the UK and Belgium.

Self-reporting of remedial actions by business operators (Netherlands): As part of the effort to improve efficiency of control services and to lighten the burden of control activities on food business operators, the Netherlands has introduced an electronic system of self-reporting by food business operators. Using this system, a food business operator can report to the control authority, through a web-based reporting tool, on actions taken in response to recommendations arising from previous control visits. In the case of more routine non-compliances, these reports are generally accepted without the need for follow-up visits by the authorities, although occasional spot checks are done on random basis.

Quality management systems (Belgium, the Czech Republic, Germany, Lithuania and Slovenia): A number of Member States have introduced quality management systems (QMS) within their control services and have had them accredited to international standards. For example, in the Czech Republic, the quality management systems of most control bodies are audited by external bodies against the ISO 9001 standard. They regard these systems as important instruments for improving the overall effectiveness and efficiency of controls, and ongoing independent performance reviews encourage continuous improvement. In Germany, a special Länder Working Group on Quality Management has developed a harmonised framework for the preparation of QMS in each of the 16 Länder.

3.2. Results of the 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 the Commission's obligations, the FVO undertakes, each year, a 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 at the beginning of each year.

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. How recommendations are dealt with is set out in section 3.4 of this report.

Information from FVO audits may trigger the adoption of emergency or safeguard measures by the Commission (in the form of Commission Decisions) in case of a serious threat to food safety, animal or plant health, or where risks cannot be contained by action taken by the affected Member States alone. These legal instruments may impose additional controls, but also measures to prevent trade in, or imports of, feed, food, animals, and plants or any of their products, depending on the situation.

Information from FVO audits may also be used, where relevant, as evidence of violations of EU law, in the context of infringement proceedings (see section 3.4).

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 the EU law.

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.

FVO reports provide meaningful information on how Member States' control systems have been performing in the areas covered by its audits during the reporting period. The following section sets out the issues of interest covered by the programme over the past three years 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.

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

Food Safety

Official controls on milk and meat production

During the period under review, the FVO carried out a series of audits on hygiene controls related to red meat and milk production in almost all Member States. These confirmed that all Member States have introduced robust control systems largely in line with the provisions of Regulation (EC) No 882/2004 and that the necessary upgrading of meat/milk producing and processing establishments to EU standards in the context of

accession, has largely been successfully completed in the ten Member States that joined the EU in 2004. The food business operators have made the transition to the requirements of the hygiene package Regulations. Where deficiencies were seen, they could usually be attributed to individual failures of control staff, which usually points to a weak system of supervision. The other main reason for persisting deficiencies is related to poor enforcement of legislation by control authorities.

Moreover the series identified a tendency, primarily in some of the 'old' Member States, not to comply strictly with current meat inspection requirements, for example, regarding: (a) the use of technical staff instead of official veterinarians to carry out ante-mortem inspection, and (b) the absence of official veterinarians at slaughter, especially in smaller slaughterhouses, with post-mortem inspection carried out at a later stage.

Official controls on baby food

Audits were carried out in 11 Member States and in Switzerland to evaluate controls on the production of baby food. No major shortcomings with regard to the systems of hygiene control and traceability were found at food businesses operating in the sector. However, HACCP programmes in these businesses were generally not designed to take into account the specific risks associated with baby foods. Shortcomings were also noted in relation to composition and labelling requirements, as well as own-checks of residues of pesticides and contaminants.

Official controls on infant formulae and baby food were not always satisfactory in relation to ingredients, compositional criteria and nutritional substances, labelling, as well as pesticide residues. These shortcomings in official controls were frequently connected to limited training of official staff in relation to specific requirements of the legislation, inadequately designed sampling and testing programmes and limited capacities for pesticide residue analyses. As is the case with other sectors, the shortcomings identified are being systematically addressed through various follow-up activities.

Transitional arrangements for compliance with the 'Hygiene Package' Regulations

Under the hygiene package Regulations that apply since 2006, food businesses, whose approvals were then restricted to supplying their domestic markets, were allowed a transitional period until the end of 2009 to meet the full requirements of the Regulations. The businesses were typically small capacity establishments processing limited volumes of food of animal origin. By the end of the transitional period, these establishments had either to adjust the scope of their activities or to comply with hygiene requirements, although the Regulations allow for flexibility in relation to certain provisions.

Six Member States were recently visited to review progress in this area. It was found that, where national authorities had introduced flexibility arrangements in accordance with EU Regulations, this provided solutions for many of the small food business operators, in particular in the red meat and milk sectors. In Member States with less flexible arrangements, non-compliance was more prevalent. However, because Member States do not fully respect the requirement to notify national flexibility arrangements to the Commission, full verification at EU level of compliance with these arrangements is not possible.

Traceability of beef and beef products

A series of audits on traceability of beef and beef products is due to be completed by the end of 2011. In comparison with the situation in 2002, when the last review was undertaken, controls of traceability of beef and beef products and mandatory labelling have improved in the Member States visited. In relation to the traceability of live animals, there were some shortcomings, mainly related to the management of databases, controls on holdings, and notification of movements by livestock markets or dealers.

Official controls on fish and fishery products

Audits were carried out in nine Member States to assess compliance with EU requirements on fish. Overall it was found that comprehensive official control systems for fishery products were in place in all the countries visited, including registration and approval of establishments and fishing vessels. 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, three specific areas of weakness were identified in relation to controls over: (a) primary production sites, such as fishing vessels and fish farms; (b) some factory and freezer vessels; and (c) specific parameters related to fishery products, such as organoleptic checks, freshness indicators, histamine, parasites and microbiological checks.

Official controls on poultry

There were 12 audits of Member State control systems for poultry meat and poultry meat products. Generally the overall level of compliance was good. The entire poultry production chain was covered, although in some cases the number of controls at farm level was limited. The main areas identified for improvement were 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. The latter point mirrors the situation on flexibility arrangements in the red meat and milk sectors described earlier in this report.

Salmonella control plans

Seven audits of Salmonella national control plans in the poultry sector were carried out. In all Member States visited, control plans had been introduced, but in some cases implementation had been delayed for certain categories. In all Member States, the plans for monitoring and official sampling for Salmonella in different poultry categories did not fully comply with EU legislation, largely due to deficiencies in sampling, actions taken following positive test results, and laboratories.

Import controls for food of non-animal origin

On the implementation of Commission Decisions relating to mycotoxin and Sudan dye adulteration, official controls have improved significantly, in particular for sampling,

sample preparation and dealing with non-compliant consignments. However, weaknesses were found in: commodities where the frequency of controls is subject to risk assessment by Member States; Rapid Alert notifications; laboratories; and reporting of analytical results.

More recently, FVO audits in Member States have been paying particular attention to the implementation of Regulation (EC) No 669/2009 on official controls on imports of certain feed and food of non-animal origin[6]. The first results indicate that, overall, Member States have implemented the key obligations of the Regulation, in particular by creating Designated Points of Entry (DPEs) for documentary, identity and physical checks. Areas requiring further development include: improved networking between competent authorities; and the facilitation of onward transportation of consignments between different Member States while results of physical checks are pending.

Pesticide residues

The FVO carried out 10 audits on controls of pesticide residues in the Member States. The results indicate that responsibilities for competent authorities are clearly identified and overall pesticide residue control programmes were being implemented satisfactorily, and were risk-based.

However official controls in several Member States suffer from a lack of laboratory equipment capable of performing effective analyses within the broad analytical scope required by EU legislation. Recommendations for corrective action have been addressed to these Member States and are being actively followed up.

FVO audits noted that, while own-controls are a general requirement under EU food law, food business operators (notably the large retail chains) have implemented particularly comprehensive auto-control systems targeted at pesticide residues. They also noted that these systems, which operate in parallel with official controls, had not been subject to an assessment by competent authorities. Therefore, and in line with Regulation (EC) No 882/2004, FVO recommended that Member States evaluate the reliability of these own-control systems, and take account of the results in establishing the frequency of official controls (the Regulation specifically requires Member States' official controls shall take account of the reliability of own-checks carried out by FBO).

Official controls on the application of Regulation (EC) 852/2004 ("General Hygiene")

Twenty two audits took place to Member States to assess the official control systems in place to verify compliance with: food hygiene rules established under Regulation (EC) No 852/2004; traceability and labelling provisions; and rules applicable to the placing on the market of bottled water. Official controls were in place in all the Member States visited and the inspections observed by FVO audit teams confirmed that national inspectors were confident in assessing hygiene requirements. However, in relation to the assessment of HACCP by competent authorities, weaknesses were encountered in most

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6 Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC.

Member States, with a corresponding low level of implementation of HACCP principles by food business operators themselves. A lack of training was also observed.

Official controls on food additives

Sixteen audits were carried out to assess the official control systems in place for food additives in certain Member States. The results showed that well established legal frameworks and organisational structures were in place for official controls in all the Member States visited, including good laboratory networks. There is generally a sufficient number of control staff, although the level of qualifications and training could be improved. Control procedures are generally well documented, the risk-based approach in controls is broadly followed, and measures are undertaken in cases of non-compliance. However, some deficiencies were identified in controls on the purity and labelling of food additives. In general, there is no control at the point of import, except for the unauthorised colours explicitly referred to in EU legislation. EU legislation on monitoring the consumption and use of food additives was not implemented in a number of Member States. This is being actively addressed through the follow-up process.

Official controls on materials intended to come into contact with food

A series of sixteen audits was undertaken to assess official controls on food contact materials (FCM). While legal frameworks are established for official controls on FCM, implementation has only started recently in a number of Member States and further efforts are needed to develop the control systems, including specific control guidelines, laboratory upgrading, and sector-specific training. The designation of competent authorities for official controls is often unclear, resulting in the lack, or overlap, of controls. As the registration of FCM operators is not mandatory under EU law, there is no guarantee that they are covered by official controls. There were, generally, well established risk-based controls at FCM manufacturing level, but further efforts are needed on controls at FCM user level, such as on food processors. Competent authority staff often had been insufficiently trained on specific issues related to FCM, such as traceability systems, good manufacturing practice, and assessing the declaration of compliance.

Official controls on genetically modified organisms (GMO)

FVO audits focused on official controls carried out to verify compliance with traceability and labelling requirements related to the placing on the market of GMO food, feed and seed, and on the performance of specific controls required under emergency decisions aimed at preventing the import of non-authorised GMO. While controls are in general carried out according to EU requirements, some shortcomings were noted in relation to: import controls of Chinese rice; laboratory accreditation; and insufficient sampling for laboratory analysis.

Animal Health

Animal disease eradication programmes: task force activities

In addition to FVO activities on disease eradication, as described below, a task force for monitoring EU co-financed disease eradication programmes was created in 2000, with the objective of increasing the effectiveness of these programmes. For some diseases,

such as bovine tuberculosis, brucellosis, rabies and classical swine fever, specific subgroups have been created to provide technical support to Member States and to monitor implementation.

Bovine tuberculosis and brucellosis eradication

The eradication of bovine tuberculosis and brucellosis in cattle, sheep and goats is a high priority in Member States not officially free from these diseases. The FVO carried out 10 audits of tuberculosis and/or brucellosis eradication programmes. In general the programmes, approved and co-financed by the EU, were well implemented. Nonetheless, in some of the Member States visited, shortcomings (in some cases serious) were detected in respect of movement restrictions, testing and sampling frequencies, and/or the performance of epidemiological investigations.

As a result of FVO and task force activities, the Commission is paying particular attention to ensuring that shortcomings in these Member States are addressed through enhanced design, implementation and monitoring of eradication programmes.

Rabies

Due to the implementation of the EU-funded rabies eradication programmes, significant progress in the eradication of rabies has been reported in the course of FVO audits to the Baltic Member States. However, in some Member States, the implementation of vaccination programmes showed deficiencies. The results of FVO audits indicate that the incidence of rabies in domestic and wild animals is still of concern.

Classical swine fever

Due to the increased application of bio-safety measures and improved vaccination campaigns for wild boars in the context of an EU funded eradication programme, only sporadic outbreaks of Classical swine fever (CSF) in domestic pigs have occurred in recent years in the EU. These were well contained by the Member States by means of enforcement of the relevant EU legislation and contingency plans (see below). In spite of these improvements, CSF persists in the wild boar population in some regions in a few Member States in central and southeast Europe, thus posing a risk of reintroduction of the virus into the domestic pig population. The FVO monitors the disease situation and the authorities are assisted, *inter alia* through the activities of the task force, particularly in Bulgaria and Romania, in tackling the disease in the special circumstances prevailing in each of those Member States.

Contingency plans

Member States have a legal requirement to develop contingency plans in order to be prepared for possible outbreaks on their territory of major epizootic diseases, such as Foot and Mouth Disease, and Classical Swine Fever. The FVO conducted audits of these contingency plans in eight Member States. These audits concluded that competent authorities have generally demonstrated their ability to respond promptly to notifications of suspect epizootic diseases and to take measures required. Recommendations were made to further improve some aspects, such as the state of preparedness of laboratories, local arrangements, and regular reviews and updates of the plans.

Official controls on Foot and Mouth Disease (FMD) laboratories

There is a legal requirement for the Commission to inspect EU laboratories that handle live foot-and-mouth disease virus, because of the risks to animal health of the virus escaping from a controlled environment. There are 16 National diagnostic laboratories and three laboratories authorised to handle the virus for vaccine production. In recent years, eight laboratories were inspected, with mixed results. Serious problems were found in three laboratories, which could have presented a risk of escape of the virus. In two of these the problems, involving waste disposal systems, were resolved quickly, but in the third, the level of biosecurity was inadequate and approval to handle live FMD virus was withdrawn. Given the risks involved and the significant resources necessary to oversee the operation of these laboratories at both Member State and EU level, these findings confirm that FMD laboratories should only be approved in those Member States that are in a position to guarantee compliance with Article 65 of Directive 2003/85/EC, and in particular to ensure the necessary resources for that purpose.

BSE

On BSE, there has been a sharp fall in the incidence of the disease, and this has allowed a substantial raising of the age for testing. The frequency of FVO audits in this area has been correspondingly reduced.

Bluetongue

Following the availability of vaccines against the bluetongue serotype 8, FVO audits were conducted in four Member States to evaluate the implementation of co-financed emergency vaccination against bluetongue. Although some shortcomings were identified, mainly regarding the exclusion from vaccination of specific sub-populations such as fattening cattle and replacement lambs, the vaccination campaigns were, in general, carried out as required by the approved programmes.

Animal Welfare

The FVO carried out 39 audits of animal welfare controls covering welfare on-farm, during transport and at slaughter. This intensive programme, which covered all Member States, threw up important findings in three main areas.

FVO audits have been monitoring progress by Member States on the phasing out of un-enriched cages for laying hens by the deadline of 1 January 2012. There are concerns that a substantial number of producers in several Member States will fail to meet the deadline. The Commission is working with experts in the Member States with the aim of accelerating the phasing out process and achieving compliance during 2011.

On the welfare of pigs, Member States are at various stages in preparation for the deadline of 1 January 2013 for the obligatory group housing of pregnant sows. FVO monitoring of progress on this issue indicates that in the majority of Member States, significant efforts will be needed to meet the deadline. Not enough progress has been made in regard to more long-standing requirements such as the need to use other environmental or management practices instead of tail-docking piglets, with the exception of Sweden and Finland, where there is already a ban on tail-docking.

Regarding transport, although only a small number of Member States were well organised in 2007 to meet the requirements for approval of means of transport, there has been steady progress in getting better levels of compliance in recent years. Notably, the new requirement, for the installation of temperature monitoring equipment and a warning device, has generally been successfully implemented. However, in a majority of Member States the process of vehicle approval has not adequately addressed certain requirements in relation to watering devices and satellite navigation systems.

Plant Health

Import control of regulated articles

Eleven audits have been carried out on Member State import control systems for plant health, as part of an audit series of the revised EU plant health import regime applied since 2005. Significant improvements were noted in control systems. However, there are points, which still need to be addressed, especially with regards to controls at places other than points of entry. Problems were noted in relation to regulated goods in transit, since it was not possible to identify all such goods at the first point of entry. As a result, some goods were thus not subjected to the necessary plant health controls. Resource allocations and deficiencies in infrastructure are at the root of such shortcomings in some Member States.

Harmful organism outbreaks

Twenty three audits covered a range of harmful organisms. As far as the most important pests are concerned, the Pinewood nematode *(Bursaphelenchus xylophilus*) occurs in Portugal and an outbreak appeared in Spain. A series of legislative adaptations and Commission enforcement initiatives aimed at strengthening controls, including several FVO audits, has contributed to keeping the pest from spreading to the rest of the EU. In the case of the red palm weevil, *(Rhynchophorus ferrugineus)*, FVO audits showed that Member States have been struggling to control this pest. Its biology makes early detection and control difficult, and there have been substantial problems with implementing the required eradication measures in private gardens and cities where the host plants (palms) are typically located. Red palm weevil is now widespread in many of the areas in the EU where palms are grown.

The Chinese Longhorn Beetle and the Asian Longhorn beetles (*Anoplophora spp.)* are pests of a wide range of woody plants. FVO audits have shown that in practice, Member States do not systematically apply the measures necessary for timely eradication. Nevertheless, with the exception of a large outbreak in Northern Italy, outbreaks have generally been at least contained in small areas and some have been eradicated.

Internal plant health controls

Sixteen audits were carried out on internal plant health controls, including protected zone maintenance, implementation of the plant passport system and controls in the potato sector. Most of the audits confirmed proper controls in the protected zones, but there were cases where Member States were requested to improve controls substantially in order to avoid withdrawal of protected zone status. The plant passport audits showed mixed results. They indicated that numerous non-compliances identified during the previous audit series had not been addressed. The results also showed that with adequate

prioritisation of tasks and allocation of resources, a proper control system can be established. Progress was recorded in most audits in the potato sector.

Animal feed and animal by-products (ABP)

Thirty nine audits have been undertaken in this area by the FVO. The main conclusions arising from these audits are set out below.

While the approval process is complete in all Member States for the larger feed establishments requiring approval, the registration of smaller establishments was still very incomplete. EU legislation requires registration of all operators active at any of the stages of production, processing, storage, transport or distribution of feed.

There were frequent flaws in the design and implementation of HACCP-based procedures, coupled with a lack of expertise within the competent authorities on how to assess them.

On import controls, a risk-based approach was lacking in many cases, and there was a low frequency of physical checks for some commodities.

There is a potential risk that processed animal protein, contained in organic fertilisers and soil improvers might find its way into feed. FVO audits have identified the need to strengthen official controls on organic fertilisers and soil improvers, which were largely satisfactory at production plants, but weak in the rest of the marketing and use chain. The next round of FVO audits is placing particular emphasis on controls on this part of the feed chain.

There has been significant improvement in the use of ABP commercial documents, as well as in their accuracy and reliability. The same applies to the collection, transport, identification and disposal of ABP which, aside from the retail sector, are largely in line with the relevant requirements.

Import controls on food of animal origin and animals

There have been 30 FVO audits on import and transit controls. All Member States have comprehensive official systems for import controls in place and in the main, they work properly.

In particular, the development and implementation of a common computerised system for imports in TRACES has facilitated and simplified many procedures for border inspection posts and improved the communication between Member States related to import and transit. It has also facilitated an overview of the pattern of imports into the EU. However, the fact that some of the main importing Member States do not yet fully use TRACES remains a weakness.

The audits identified a number of issues to be addressed:

The current rules regarding controls on transhipments of consignments, originating in one third country en route to another, are complex and difficult to enforce, in particular in relation to notification to the relevant border inspections posts, and follow-up and verification of exit within the required time limits. While these difficulties apply in all

ports, they are most common in the larger ports where the majority of such transhipments take place. Pending a reassessment of the current rules, some amendments have been made to the applicable time limits, and guidelines have been issued to render the rules both more effective and easier to enforce.

There is great variability in the monitoring plans for imported consignments in Member States. The monitoring strategy, the levels of sampling and the range of products and origins tested differ widely.

Competent authorities do not systematically use enforcement measures and sanctions to improve compliance in areas such as the notification of consignments before their physical arrival, and the correct completion of official documentation.

Residues of veterinary medicines and contaminants

The FVO has conducted 20 audits on residues of veterinary medicines and contaminants in the Member States. The main conclusions from these are set down below.

The analysing laboratories in most Member States are now accredited to ISO 17025:2005 but there is a great variation as to the number of residue methods included in the scope of accreditation. The conditions and procedures for such method accreditation depend on the policy of the national accreditation bodies. If they accept "flexible scope", after initial accreditation criteria have been fulfilled, the laboratory can add substance/matrix/species combinations to an already accredited method, without seeking the approval of the accreditation body each time. If the national accreditation bodies require each such additional method to be submitted for approval, which usually takes place in connection with the annual audits, the procedure is much slower and often more costly for laboratories.

Commission Decision 2002/657/EC provides official residue laboratories with binding instructions on the validation of residue methods. Although time-consuming and somewhat complicated, this has harmonised the approach to validation in Member States, increased the reliability of results and provided guidance for residue laboratories in third countries.

Horses treated with certain medicines need to be safely excluded from the food chain for six months (for certain medicines) or for life. This is done in Section IX of the equine passport, which every horse in the EU should have from about six months of age. Although the deadline for registration of all horses has passed, implementation is still ongoing in several Member States. In most Member States equine passports are required and checked at slaughter but very few, if any, Member States have carried out controls on the link between certain treatments and the entries in Section IX of the passport.

Food chain information (FCI) at slaughter is being provided for all species in most Member States. However, the interpretation of the legislation varies considerably. Some Member States require owners/keepers to declare on the FCI all treatments given to an animal during its lifetime. Others only require a declaration that the animals are not slaughtered before the end of a withdrawal period for a medication.

3.3. 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 such 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.

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 hazards and diseases as they develop along the food chain. The data they provide may be an important indicator of compliance shortcomings in relation to established safety standards. 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 is in the process of launching a website with monthly interception reports.

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.

Reporting at SCOFCAH meetings

Reports on the operation of controls are also presented by Member States regularly at meetings of the Standing Committee of the Food Chain and Animal Health. These may

be either routine reports on the incidence and control of food borne illness, animal diseases or plant diseases; or they may be related to recent outbreaks and emergency actions taken in response. They represent another important source of information for the Commission to assess how controls are operating in the Member States. In recent years, the Commission has adopted the practice of publishing these presentations on the Commission's website along with the minutes of the respective meetings.

Also, in some areas, the Commission prepares a compilation of such reports as received from the Member States and makes them available through the proceedings of the Standing Committee (available at the following web site: http://ec.europa.eu/food/committees/regulatory/index_en.htm).

3.4. Commission follow-up and enforcement

Sustained attention to and co-ordination of enforcement action remains a priority in all areas covered by this report. The recommendations contained in FVO audit reports are an important input to this. They 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 the 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 during which the FVO and Member State authorities meet to review progress made on all recommendations made to that Member State; (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.

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 and fuller 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, and contributed to the resolution of enforcement problems, without the need to resort to formal infringement proceedings. .

However, there where competent authorities fail to take to take satisfactory corrective action to address persistent problems, and where the mechanisms described above do not lead to a satisfactory resolution or insufficient progress, 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. Specifically:

- FVO audits found long-standing, fundamental and systemic shortcomings in the official controls carried out by Greece which were mainly attributable to a shortage of human

resources in the Greek veterinary services. As a result, both the central administration and the decentralised authorities, failed to carry out official controls in an effective and substantial way. The Court concluded that the results of the efforts made by the Greek authorities to solve these problems were unsatisfactory[7].

- the Court also concluded that Greece had failed to correctly apply key provisions of EU law on animal by-products not intended for human consumption[8] and on protection of animals during transport and in slaughterhouses[9].

In addition, the Commission issued reasoned opinions in 2010 against Italy and Spain.

- In the case of Italy, FVO audits found that the ability of the Italian authorities to meet their obligations under EU plant health legislation was impeded by a lack of staff. As a result Italy failed in many instances to comply with notification requirements. In addition, the problem identified by the FVO resulted in a chronic failure on behalf of the Italian authorities to ensure a close, rapid, immediate and effective co-operation with the Commission.

- In the case of Spain, FVO audits found that Spain was not correctly applying EU animal welfare requirements in relation to: authorisation of transporters; approval of means of transport; control of journey logs; checks on fitness of animals for transport; inspections; and penalties.

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

4. 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 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,

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7 Judgment of the Court of Justice of 23.4.2009 in case C-331/07.

8 Judgment of the Court of Justice of 17.12.2009 in case C-248/08.

9 Judgment of the Court of Justice of 10.9.2009 in case C-416/07.

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 and with increasing levels of competence, as confirmed by reports from audits carried out by Commission experts.

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 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.

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://ec.europa.eu/food/fvo/specialreports/pesticides_index_en.htm http://www.efsa.europa.eu/en/efsajournal/pub/1646.ht
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 Member States	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

Report	Legal basis	Publication
Commission annual reports on surveillance of avian influenza in poultry and wild birds, by Member States	Article 19.1 of Commission Decision 2006/875/EC and article 9.1 of Commission Decision 2006/876/EC approving programmes for the eradication and monitoring of animal diseases of certain TSEs and for the prevention of zoonoses presented by the Member States and by Bulgaria and Romania for the year 2007.	http://ec.europa.eu/food/animal/diseases/controlmeasures/avian/eu_resp_surveillance_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

Report	Legal basis	Publication
Annual summary of submissions from Member States concerning imports of products of animal origin for personal consumption, summarising the relevant information on the measures taken to advertise and enforce the rules laid down in the Regulation, and on the results thereof	Art. 7 (1) of Commission Regulation (EC) No. 206/2009/EC (repealing Art. 5 (1) of Commission Regulation (EC) No. 745/2004) on the introduction into the EU of personal consignments of products of animal origin	http://ec.europa.eu/food/animal/animalproducts/personal_imports/sum_personal_imports_2005_2007_final.pdf
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