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REPORT FROM THE COMMISSION

on the overall operation of official controls carried out in Member States (2019-2020) to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products

{SWD(2022) 73 final}

Disclaimer

The European Commission has drafted and published this report in accordance with Article 114 of Regulation (EU) 2017/625. This report aims to improve public availability of information on official controls carried out by EU countries, and Commission controls on these, in the areas of food and feed safety, animal and plant health, animal welfare, organic farming and quality schemes for agricultural products and foodstuffs. Only the Court of Justice of the European Union is competent to interpret EU law. Our goal is to keep this information up-to-date and accurate. If errors are brought to our attention, we will try to correct them.

The material used for this report:

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Executive summary

This report covers the overall operation of EU countries' official controls and the Commission control activities carried out in 2019 and 2020 to ensure a high level of health protection and trust in the food chain, from farm to fork. These controls and audits are important to verify that businesses are complying with the legal requirements and so that European consumers can be confident that the food they consume is safe. They are also key to enabling the smooth operation of safe trade in food, animals and plants, both within the EU and with non-EU countries.

National authorities are responsible for carrying out official controls based on risk. If businesses along the food chain do not comply with the relevant legislation, the authorities are required to enforce the requirements, ensuring that businesses meet these.

The Commission services control EU countries' implementation of official controls and enforcement activities. The reports from these controls, published on the Commission's website, provide a clear picture of EU countries' performance and are a significant part of the review process that ensures EU legislation is 'fit for purpose'.

The Commission's controls show that, overall, EU countries have the necessary systems in place to monitor and ensure that businesses are implementing EU requirements and to take action where there are non-compliance issues. In some countries, the controls identified shortcomings in official control systems, indicating that there was room for improvement.

The Commission systematically follows up on its audit recommendations to EU countries and, where necessary, makes use of other enforcement tools. In addition, it supports EU countries by providing technical assistance and training through the Better Training for Safer Food initiative and technical meetings of EU countries' experts.

The EU countries reported the results of their 2020 controls in a harmonised electronic format for the first time. The Commission and national authorities developed a guidance document to support this. However, not all countries submitted all their data in the format required, and one did not report at all. The Commission will continue to work with national authorities to improve the completeness of data for future annual reports.

During 2020, the COVID-19 pandemic posed challenges for national authorities and the Commission in completing their controls and audits. Carrying out at least some of these controls and audits remotely served to maintain the safe flow of animals,

plants and goods and prevented shortages of supply under the unusual COVID-19 conditions.

Introduction

The EU aims to ensure a high level of health protection and trust in the areas of food and feed safety, animal and plant health, animal welfare, organic farming and geographical origin schemes (protected designation of origin, protected geographical indication, traditional specialties guaranteed, PDO/PGI/TSG). The people living in the EU rightly expect high standards in these areas.

There is a comprehensive EU legal framework in place to ensure consistent controls throughout the food and feed chain, from farm to fork, and appropriate monitoring, while ensuring an effective single market and trade with non-EU countries.

One of the pillars of the EU's integrated food safety policy from farm to fork is that each EU country must have an effective official control[1] system, based on the Official Controls Regulation[2], to verify and, where necessary, enforce businesses' compliance with EU standards throughout the food and feed chain. EU countries must draw up multi-annual control plans (MANCPs) that cover all areas governed by EU agri-food legislation.

The Commission plays an important role in the overall control framework at EU level[3] and it carries out controls, including audits, in the EU countries to verify that their national authorities are meeting their control obligations.

EU countries must submit an annual report to the Commission[4] on the implementation of their official controls in line with their MANCP.

For its part, the Commission produces a report[5] on the operation of official controls in EU countries, taking account of:

- the annual reports submitted by the national authorities on their control activities, and;
- the outcome of Commission controls carried out in the EU countries.

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1 'official control' means any activity carried out by the competent authority in an EU country to verify compliance with food and feed law, rules on animal health and welfare, plant health and plant protection products and that animals and goods meet the requirements.

2 Regulation (EU) 2017/625.

3 Article 116 of Regulation (EU) 2017/625.

4 Article 113(1) of Regulation (EU) 2017/625.

5 Article 114 of Regulation (EU) 2017/625.

This report covers the years 2019[6] and 2020. It consists of a review of:

- EU countries' annual reports covering the years 2019 and 2020;
- Commission control activities in EU countries;
- Commission follow-up and enforcement actions and support provided to national authorities.

It provides a compilation of comparable data into EU-wide statistics for the year 2020. These data will, over time, enable trends in controls and non-compliance issues to be identified.

The report is accompanied by a staff working document which provides more detail on the controls and audits carried out by the national authorities and by the Commission in the areas of the food chain that fall under the Official Controls Regulation.

[6] The requirement for EU countries to submit their annual reports using the new standard model form applies from the year 2020. The reporting requirements for 2019 were under the previous Regulation. As 2019 was a transitional year between the two versions, this report combines both years.

Legal framework

Under the 'General Food Law'[7], businesses along the food chain have primary responsibility for ensuring that food is safe. Specific EU regulations deal with the requirements for organic production and the labelling of organic products[8] and for quality schemes for agricultural products and foodstuffs (PDO/PGI/TSG)[9].

EU countries are obliged to verify that businesses respect the applicable EU legislation, and enforce this where necessary. Their MANCPs describe the systems of official controls for this purpose.

The Official Controls Regulation sets out the requirements for these control systems, for the MANCP[10] and for carrying out official controls. The most relevant requirements relating to the official control systems and the MANCP are as follows:

- the scope includes:

— food and food safety,

— the deliberate release into the environment of genetically modified organisms (GMOs) for the purpose of food and feed production,

— feed and feed safety,

— animal health,

— animal by-products,

— animal welfare,

— plant health,

— plant protection products,

— organic production and labelling of organic products,

— the use and labelling of protected designations of origin, protected geographical indications and traditional specialities, and

[7] Regulation (EC) No 178/2002.

[8] Council Regulation (EC) No 834/2007 on organic production and labelling of organic products.

[9] Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs.

[10] Articles 109, 110 and 111 of Regulation (EU) 2017/625.

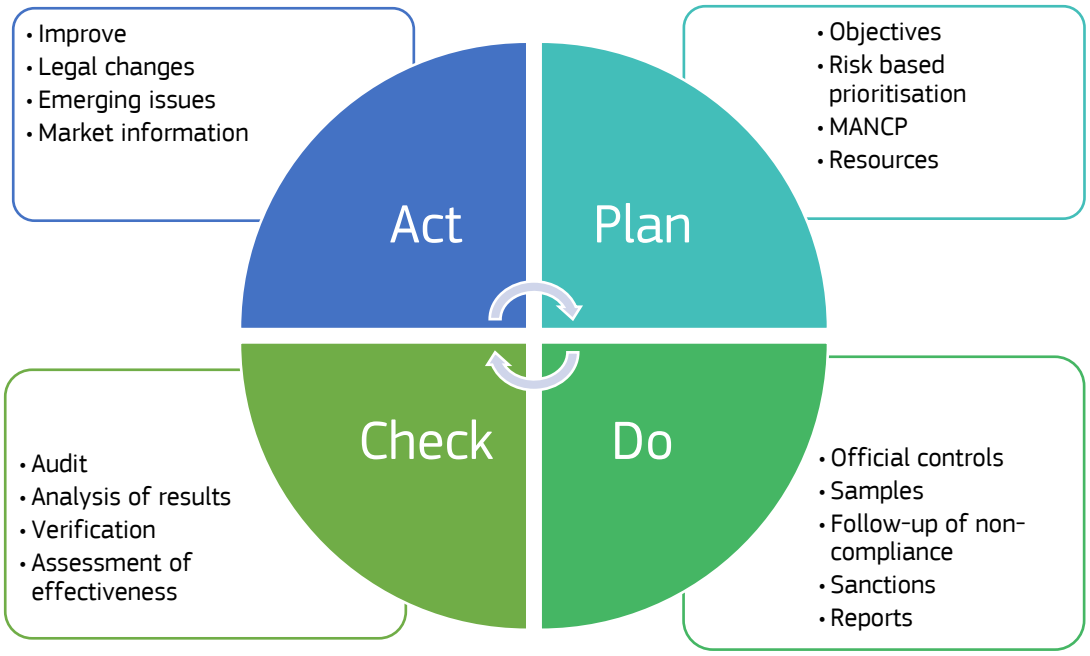
- intentional violations of the rules perpetrated through fraudulent or deceptive practices;

- national authorities must describe their strategic objectives and the risk categorisation of the official controls in their MANCP;

- the MANCP needs to be made public, with certain limited exceptions.

The Official Controls Regulation includes provisions for continuous improvement of official controls[11]. Figure 1 shows how the results of official controls are important in supporting EU countries in assessing the effectiveness of their control system and making improvements as necessary. In addition, changes to legislation, emerging issues and market information can result in changes to the control plan.

Figure 1 – official control systems - continuous improvement cycle



The Official Controls Regulation requires the Commission[12] to carry out controls in the EU countries, who must rectify any issues identified in these[13].

[11] Articles 5(1)(a), 6(1), 12(2), 12(3), 109, 110 and 111 of Regulation (EU) 2017/625.

[12] Article 116 of Regulation (EU) 2017/625.

[13] Article 119 of Regulation (EU) 2017/625.

The EU countries must submit their annual reports in electronic format to further facilitate the compilation of data. The Commission has created a standard model form[14] for this purpose, working with the national authorities. The Commission developed a dedicated digital platform for submitting annual reports in this new format. In addition, the Commission-chaired network of EU countries' representatives on the functioning of the MANCP developed a guidance note[15] on how to fill in the form, to assist national authorities in meeting the new reporting requirements.

The model form covers information on amendments to the MANCP, the results of official controls, the non-compliance issues detected, and measures taken to ensure the effective implementation of the MANCPs.

The aim of the standardised format is to:

- ensure the uniform presentation of EU countries' annual reports;
- integrate other existing reporting requirements; and
- facilitate the collection and transmission of comparable data, the compilation of these into EU-wide statistics and the preparation of Commission reports on the operation of official controls across the EU.

National authorities used the electronic, harmonised form for the first time to report on the official controls carried out in 2020.

EU countries must carry out their official controls with a high level of transparency. At least once a year, they must publish relevant information on the organisation and delivery of these controls. They may decide to do this by publishing the annual report submitted to the Commission.

During the COVID-19 pandemic, there were movement restrictions in practically all EU countries. These impacted negatively on countries' capacity to deploy staff for official controls, particularly those that required a physical presence on-the-spot, laboratory analyses for control purposes, or the signing and issuing of official certificates on paper. In March 2020, the Commission implemented temporary measures[16] in order to maintain the smooth functioning of the internal EU market and to ensure the free circulation of goods. These facilitated:

[14] Regulation (EU) 2019/723 on the standard model form to be used for the annual reports submitted by Member States

[15] Commission Notice on a guidance document on how to fill in the standard model form.

[16] Regulation (EU) 2020/466 on temporary measures during certain serious disruptions of EU countries' control systems due to coronavirus disease (COVID-19).

- the authorisation of individuals to carry out official controls;
- the use of electronic data and acceptance of copies of certificates;
- the use of videoconferencing and other remote communication tools for official controls.

Part 1

Official controls carried out by EU countries

1
General overview

The production and distribution of food from farm to fork consists of various chains, covering a broad range of areas and activities.

Table 1 provides an overview of the total number of entities in the food chain, official controls carried out, non-compliance issues identified, administrative sanctions and judicial actions taken throughout the food chain, in 2020, at EU level[17].

Table 1 – official controls – 2020 – general figures

Total entities in the food chain	Official controls carried out	Non-compliance issues identified	Administrative sanctions applied	Judicial actions taken
16 834 486	**4 125 695**	**654 955**	**388 268**	**12 699**

Figure 2 provides an overview of the official controls carried out by EU countries in 2020, from farm to fork[18]. It shows the number of operators, official controls carried out, non-compliance issues identified and administrative sanctions applied, split by the different activities in the food chain[19].

Table 2 shows the top five sectors of the food chain, in absolute figures, for the number of entities, official controls carried out, non-compliance issues identified and administrative sanctions applied.

[17] The figures are the sum of 26 EU countries, as Malta did not send its annual report by the deadline.

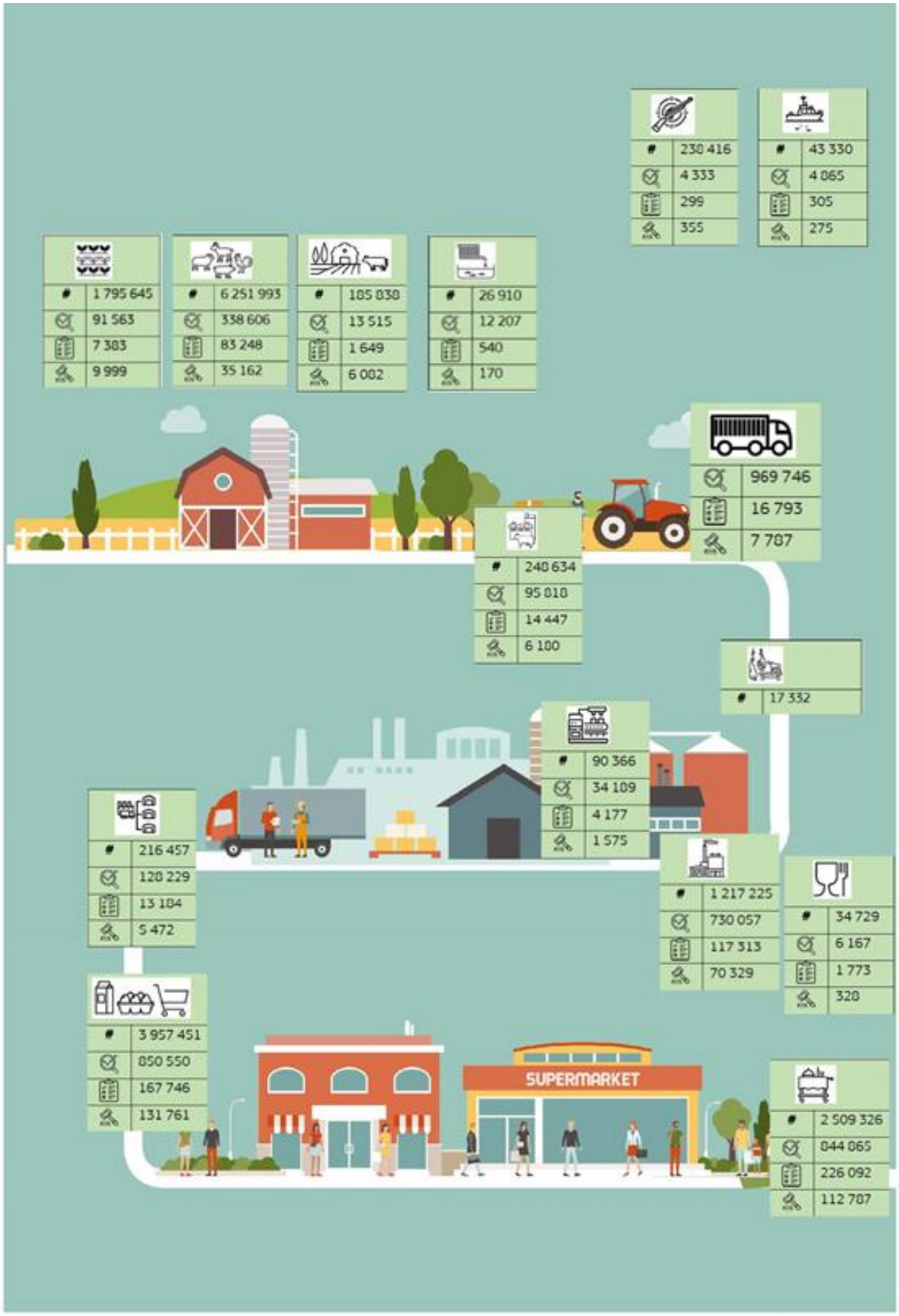
[18] This figure does not include controls related to plant health (i.e. issuing plant passports and applying the ISPM15 mark to wood packaging to show it was treated to prevent the spread of insects, seeds and fungi), the marketing of plant protection products and the sustainable use of pesticides outside agriculture.

[19] National authorities do not have to report the number of entities active in animal transport; the data requested for official controls and non-compliance issues for slaughterhouses and game handling establishments were the number of carcasses or the weight, therefore a total cannot be used.

The staff working document accompanying this report[20] provides a further breakdown of these figures across the different areas of the food chain.

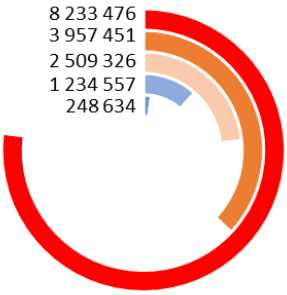
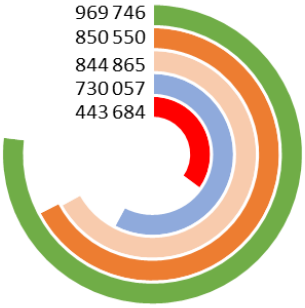
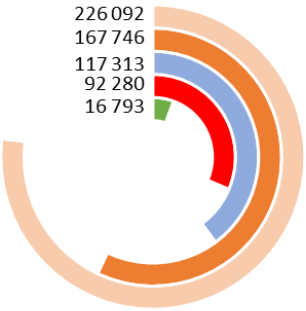
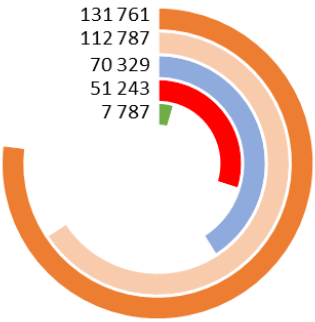
[20] Commission staff working document accompanying the document: report from the Commission on the overall operation of official controls carried out in EU countries (2019-2020) to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Figure 2 – Official controls carried out by EU countries - 2020



	Farming - plants	#	Number of operators
	Farming - animals		Number of official controls
	Farming - mixed		Number of non-compliance issues
	Aquaculture		Number of administrative sanctions
	Fishing		
	Hunting		
	Animal feed		
	Transport of animals		
	Slaughterhouses and game handling		
	Food production		
	Animal by-products processing		
	Food distribution		
	Wholesale and retail		
	Food service		
	Food contact materials producers		

Table 2 – Official controls 2020 – general overview

Entities		Farming	8 233 476
		Food wholesale	3 957 451
		Food service	2 509 326
		Food production	1 234 557
		Animal feed	248 634
Official controls		Animal transport	969 746
		Food wholesale	850 550
		Food service	844 865
		Food production	730 057
		Farming	443 684
Non-compliance issues		Food service	226 092
		Food wholesale	167 746
		Food production	117 313
		Farming	92 280
		Animal transport	16 793
Administrative sanctions		Food wholesale	131 761
		Food service	112 787
		Food production	70 329
		Farming	51 243
		Animal transport	7 787

2
EU countries' annual reports

The use of the new standard model[21] form on the digital platform facilitates reporting, by electronic means and in a uniform way, of the outcome of official controls, the type and number of cases of non-compliance and the measures taken. It allows these to be more easily compiled into EU-wide statistics.

The legal deadline for submitting the electronic report is 31 August. Because this platform was used for the first time for the 2020 annual reports, the platform was opened again on 15 October 2021 to allow for late reporting. Despite this, Malta did not submit its report in time to be included in this report.

Due to the change in reporting, some EU countries encountered problems in gathering the data in the format required. It was also more difficult for EU countries to compare the results of their controls with those from previous years.

The report platform contains some text boxes to describe the relevant topics. The national authorities provided less information than in the previous years' reports, and less than envisaged in the guidance note.

Regarding animal welfare, in general, the EU countries provided neither an analysis of the most serious findings, nor their action plans to prevent or decrease recurrence. This makes it impossible for the Commission to provide a summary in that regard.

Similarly, the information provided on controls targeting fraudulent and deceptive practices was very limited.

[21] Commission Implementing Regulation (EU) 2019/723.

3
Organisation and performance of official control systems

The EU countries have set up official control systems to verify the application of the legal framework by food and feed businesses.

In their MANCPs, the national authorities set out their strategic objectives. The guidance for completing their annual reports invites them to include a table with the results of performance indicators used to measure these objectives. Most EU countries did not provide such an overview of the results of their indicators. Some positive examples to note are as follows:

- Belgium includes barometers for food safety, animal health and plant health in its public annual report (up to the 2019 reporting year, this was the report sent in to the Commission). The comparison of the barometer results for different years allows readers to see whether the situation in these areas is improving or not.
- Finland provided some examples of how the results of official controls can lead to changes in targets or objectives:
    - the high number of deficiencies observed on animal welfare during transport led to an increase in the frequency of official controls on the welfare of animals during transport;
    - for the sampling of fertilisers, the number of deficiencies they identified was relatively high for the low number of samples taken, which gives an indication of successful risk-based targeting of controls;
    - market surveillance of the seed trade showed fewer deficiencies than compared to previous years. On the other hand, approximately 30% of the cases led to sanctions, showing an improvement in the effectiveness of controls.

All EU countries faced problems in implementing the full inspection programmes, due to the restrictions put in place to contain the COVID-19 pandemic.

Other factors leading to national authorities not completely implementing their planned programmes included staffing levels, resources and preparations for Brexit.

Official controls during a pandemic

The various restrictions put in place to contain the spread of COVID-19 and the impact that these had on the deployment of staff resources, made it more difficult for EU countries to carry out all official controls as initially planned for 2020. While there was flexibility in how to carry out official controls, national authorities had to reconsider their business continuity plans and prioritise control activities seen as absolutely essential while addressing pandemic-driven changes in placing food on the EU market, such as the increase in e-commerce and take-away services.

Actions taken by national authorities included:

- postponing and/or reducing the number of controls carried out in certain areas (based on risk assessment);
- reducing the time needed on-the-spot by conducting the documentary part of the control remotely;
- using remote audit techniques.

4

Measures taken to ensure the effective operation of the MANCP

The MANCP's objective is to ensure that official controls are carried out in a manner that is risk-based and efficient across the entire agri-food chain, in compliance with the Official Controls Regulation.

When official controls identify non-compliance issues, national authorities need to take action to ensure that the business remedies the issue and prevents further occurrences[22].

National authorities are also required to verify the effective operation of the official control system, and to take the necessary actions to rectify any shortcomings identified in their control systems[23].

[22] Article 138 of Regulation (EU) 2017/625.

[23] Article 12 (2) and (3) of Regulation (EU) 2017/625.

4.1
Actions to ensure business compliance

Some annual reports provided examples of actions by national authorities.

EU countries run public information campaigns and provide guidance and training to businesses, to help them comply with food safety rules.

Belgium, the Netherlands and Sweden include the results of private (third party) assurance schemes in their official control systems. Belgium and Finland noted that inspection results are better in businesses certified under these schemes.

Finland publishes sector-specific reports. It noted that key ways of improving effectiveness include increasing interaction with all interested parties. As a result, official controls and their published results contribute to improving the operating conditions and competitiveness of companies, for example, by supporting their ability to engage in international trade and through the proactive prevention of problems.

Poland publishes summary information of the results of the controls carried out by its Trade Inspectorate. It adds practical tips for consumers on how to choose products and to prevent being misled. It also publishes administrative decisions imposing fines on businesses for placing on the market products of insufficient commercial quality, including adulterated products.

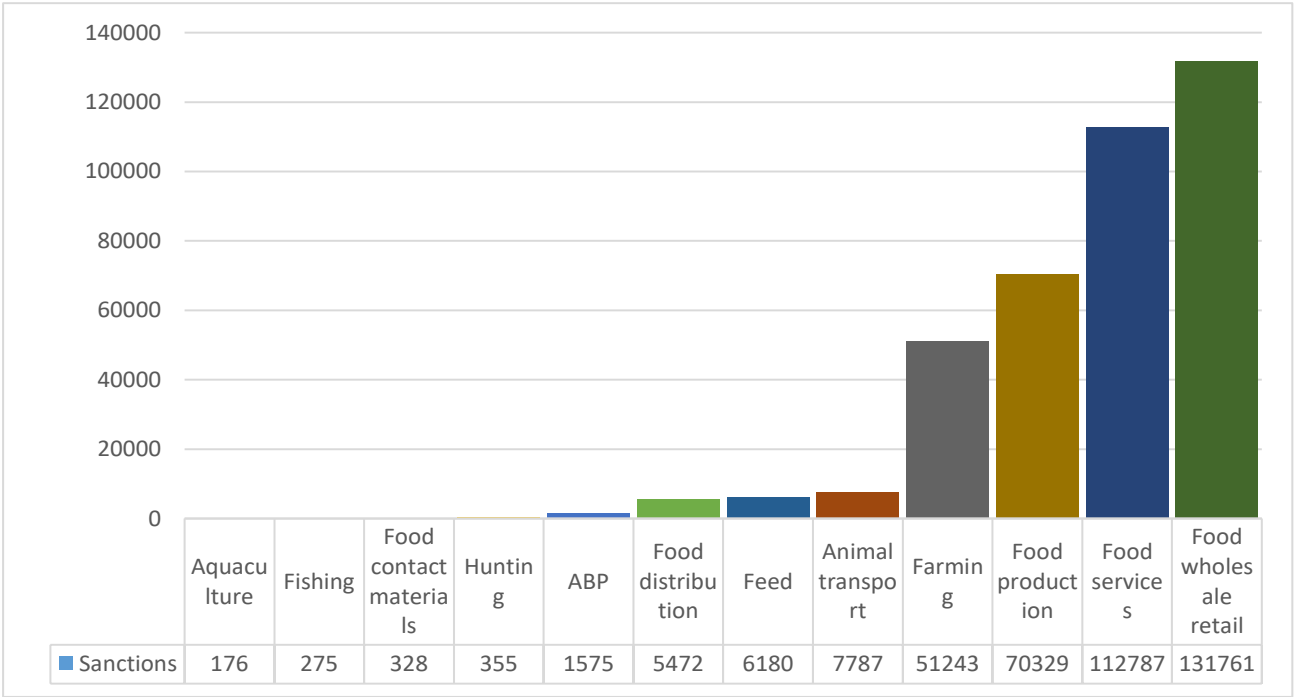
4.2
Enforcement by national authorities

The EU countries apply a range of enforcement actions, from verbal and written warnings, through to seizure and destruction of goods and the (temporary) removal or restriction of approvals of businesses. Administrative fines are used as a dissuasive measure. Referral to Court remains as a last resort.

National authorities must have effective, proportionate and dissuasive sanctions/penalties in place[24].

Table 3 shows the number of administrative sanctions applied across the different parts of the food chain. Table 4 shows these sanctions across the different areas and Table 5 shows the number of judicial actions taken across the different areas.

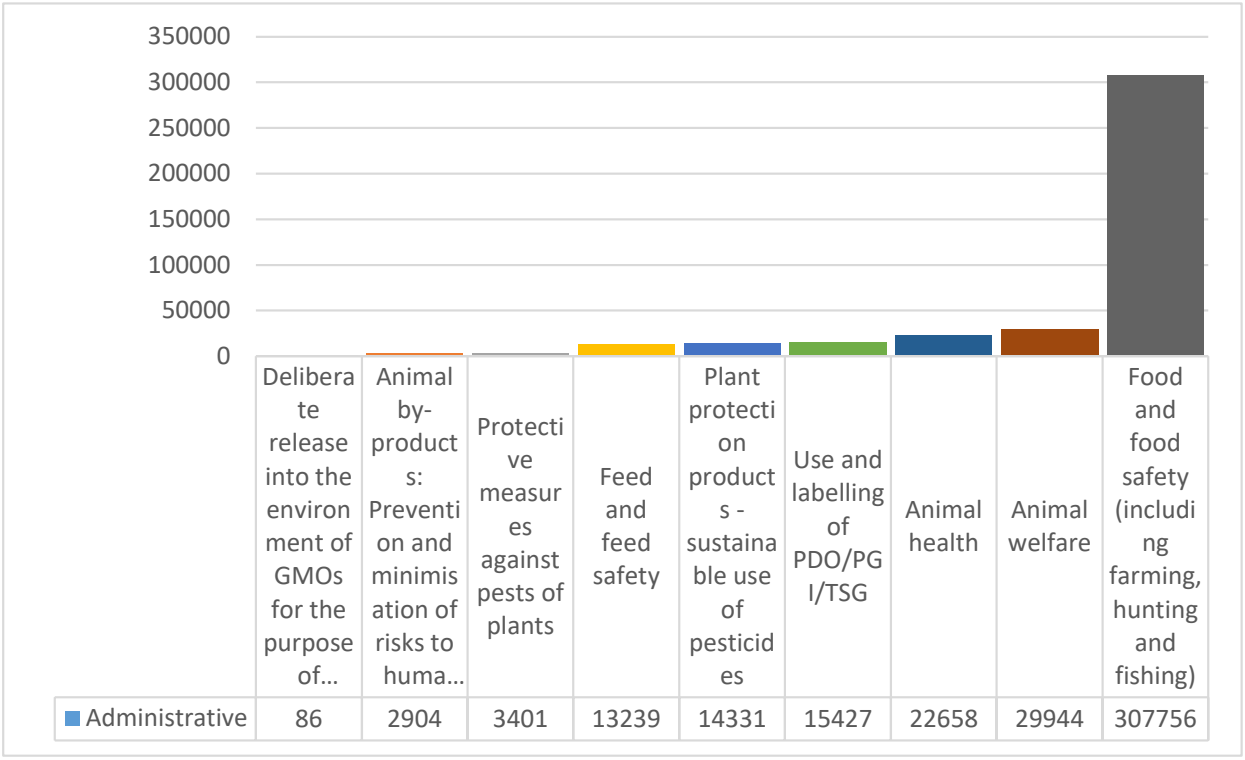
Table 3 – administrative sanctions – activities - 2020



	Aquaculture	Fishing	Food contact materials	Hunting	ABP	Food distribution	Feed	Animal transport	Farming	Food production	Food services	Food wholesale retail
Sanctions	176	275	328	355	1575	5472	6180	7787	51243	70329	112787	131761

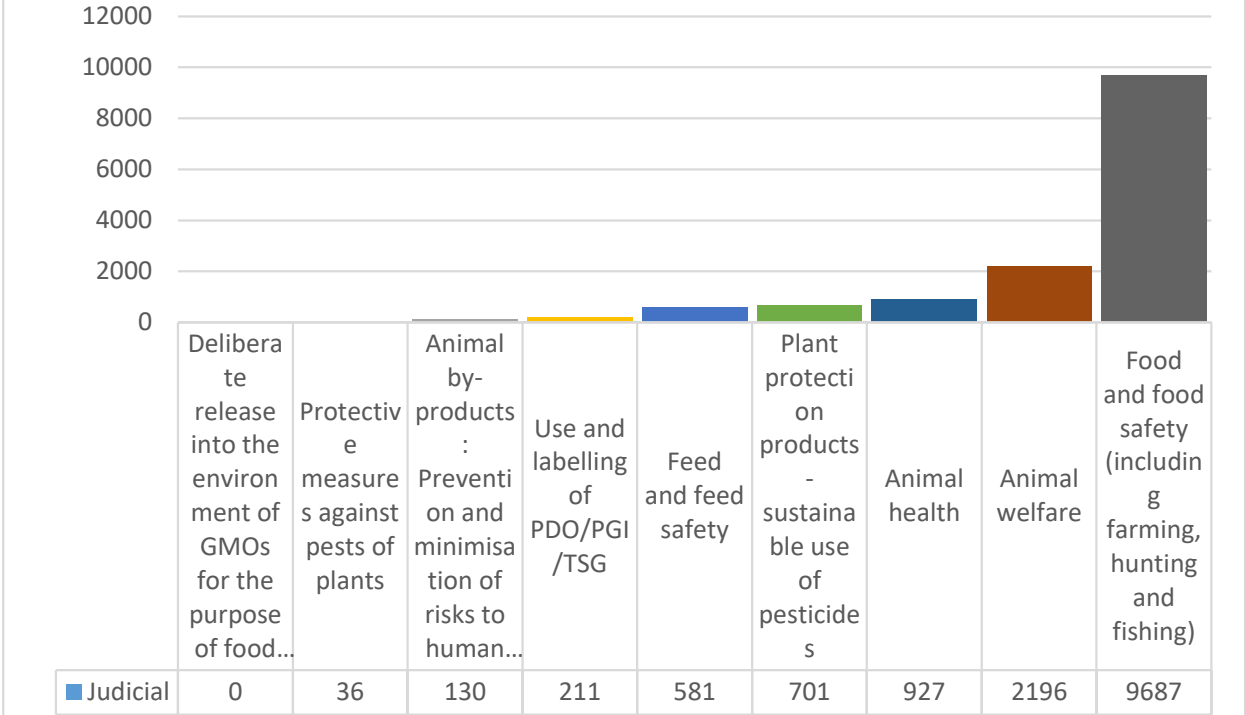
[24] Articles 54 and 55 of Regulation (EC) No 882/2004 (until 14 December 2019) and 137, 138 and 139 of Regulation (EU) 2017/625.

Table 4 – administrative sanctions – areas - 2020



	Deliberate release into the environment of GMOs for the purpose of...	Animal by-products: Prevention and minimisation of risks to huma...	Protective measures against pests of plants	Feed and feed safety	Plant protection products - sustainable use of pesticides	Use and labelling of PDO/PGI/TSG	Animal health	Animal welfare	Food and food safety (including farming, hunting and fishing)
Administrative	86	2904	3401	13239	14331	15427	22658	29944	307756

Table 5 – Judicial actions taken - 2020



	Deliberate release into the environment of GMOs for the purpose of food...	Protective measures against pests of plants	Animal by-products: Prevention and minimisation of risks to human...	Use and labelling of PDO/PGI/TSG	Feed and feed safety	Plant protection products - sustainable use of pesticides	Animal health	Animal welfare	Food and food safety (including farming, hunting and fishing)
Judicial	0	36	130	211	581	701	927	2196	9687

4.3
Actions to ensure the effective operation of official control services

EU countries must carry out audits on their own control systems, or have audits carried out on themselves, and have control verification procedures[25] in place to ensure compliance and that the control systems are effective.

The annual reports included limited information on these audits and other verification activities assessing the effectiveness of the official control systems.

Sweden described some benefits from cooperation between the different authorities. The initial stage of good control practice focused on two areas, namely the control procedure and ethics in the job role. They developed guidelines and an online training course. One of the overall goals is that the cooperating authorities take joint responsibility for the entire food chain, including being prepared for unplanned and unforeseen events. Good control practice involves a shift towards a different control culture and the creation of a system for equivalence between their systems.

To ensure the effectiveness of its official control system, Germany included three operational objectives in the MANCP, relating to the professional standard of the audits, risk-focused audit planning and the effectiveness of official controls.

[25] Articles 6 and 12 of Regulation (EU) 2017/625

Part 2

Commission control activities in EU countries

1
Audits



The Directorate for Health and Food Audits and Analysis in the European Commission's Directorate-General for Health and Food Safety verifies whether the EU legislation on food and feed safety, animal health, animal welfare, plant health, organic farming and geographical origin schemes (PDO/PGI/TSG) is properly implemented and enforced in the EU countries. The main tool used is the audit.

We carry out these controls on a regular basis and in cooperation with the competent authorities in the EU countries.

One frequent element of the audits is on-the-spot verification, where Commission experts engage with the national authorities carrying out official controls. Experts from EU countries regularly assist Commission experts in this task.

These controls aim to:

- verify the application of food and feed law, rules on animal health and welfare, animal by-products, plant health and plant protection products, the sustainable use of pesticides, genetically modified organisms, organic production and labelling of organic products, the use and labelling of protected designations of origin, protected geographical indications and traditional specialities;
- verify the functioning and organisation of national control systems and the competent authorities;
- investigate and collect information
  - on official controls and enforcement practices;
  - on important or recurring problems with applying or enforcing the rules;
  - in relation to emergency situations, emerging problems or new developments.

DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

DIRECTORATE HEALTH AND FOOD – AUDITS AND ANALYSIS



We publish our annual work programme, and a mid-year update, on the Commission website.



Watch our short videos to see how we organise our audit and analysis work and how it benefits people in the EU.

The 2019-2020 audit and analysis programmes[26] focused on:

- antimicrobial resistance;
- better preparedness for, prevention of and response to human, animal and plant health threats;
- safe and sustainable food and food production systems;
- effective implementation of EU food legislation;
- sustainable food production that improves the welfare of animals;
- effective, efficient and reliable controls.

In 2019 and 2020, we carried out 170 audits and similar checks on the official control systems of the EU countries.

Chart 1 shows the number of audits carried out spread over the EU countries. Chart 2 shows the number of audits per control area.

[26] The work programmes are published on the Commission website.

Chart 1 – Audits carried out - EU countries – 2019-2020

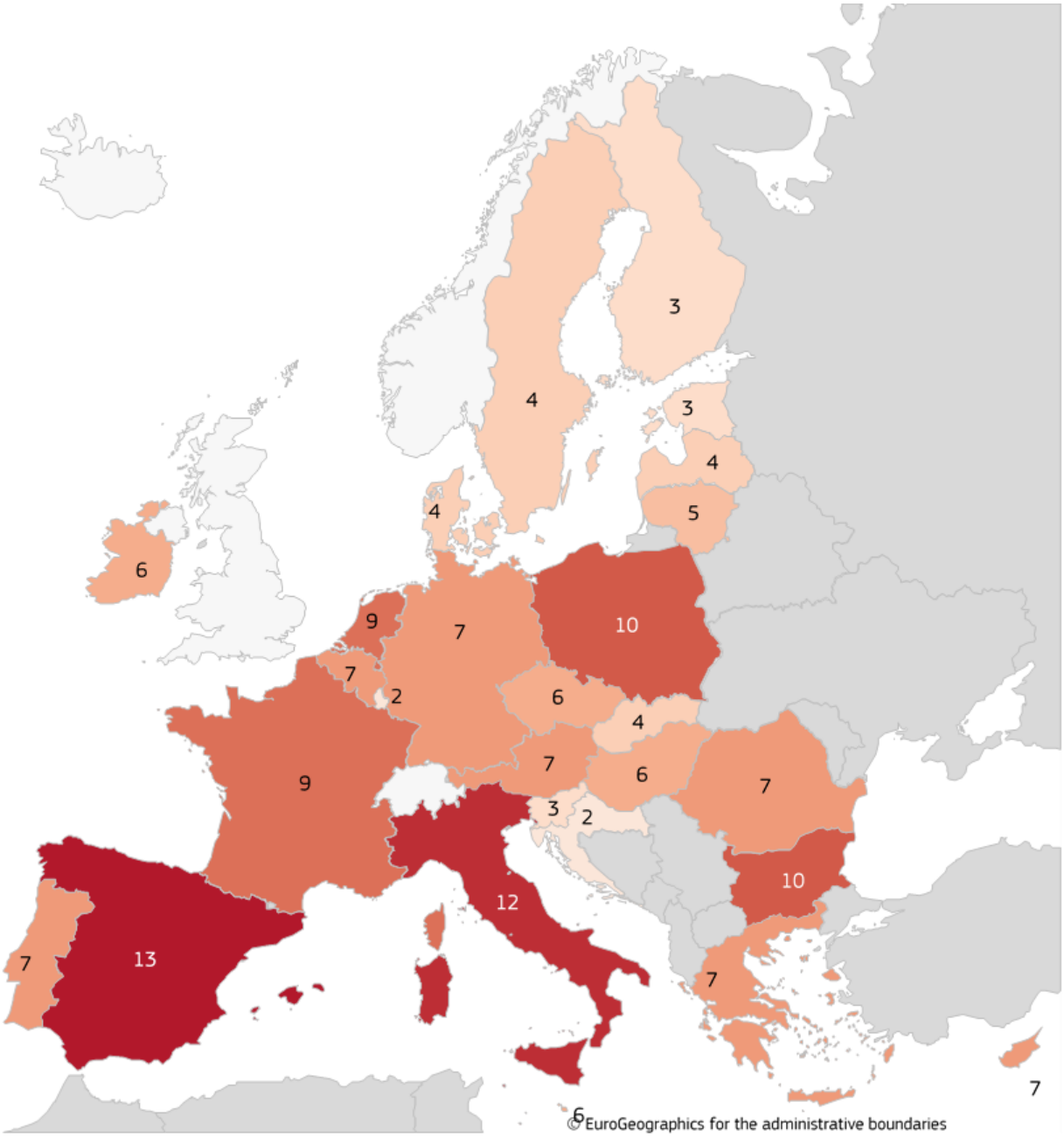
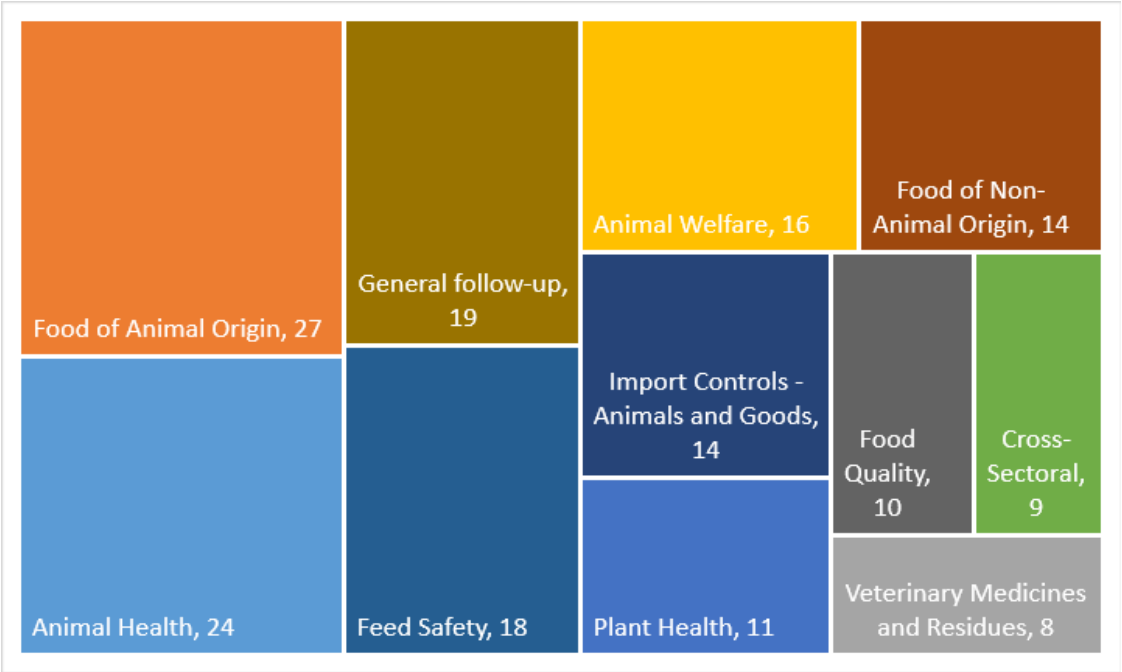


Chart 2 – Audits carried out per control area – 2019-2020



The reports of the individual audits are publicly available on the Commission's website.

Commission controls during a pandemic

Travel restrictions imposed due to the COVID-19 pandemic necessitated a rethink on the way we carry out our controls and the use of remote audit methods in certain areas.

A total of 43 of the 2019-2020 audits were carried out totally remotely, including using videoconferencing in place of face-to-face meetings. These provided a certain level of evidence. Remote visits to the facilities of business operators to ascertain the implementation of official controls were, however, not possible.

The Official Controls Regulation requires the Commission to draw up an annual or multi-annual control programme[27] to verify how EU agri-food chain legislation is being implemented in the EU countries. The programme for 2021-2025[28] was adopted on 23 October 2020.

[27] Article 118 of Regulation (EU) 2017/625.

[28] Implementing Decision (EU) 2020/1550 on establishing the multiannual programme of controls for the period 2021-2025 to be carried out by Commission experts in the EU countries to verify the application of Union agri-food chain legislation.

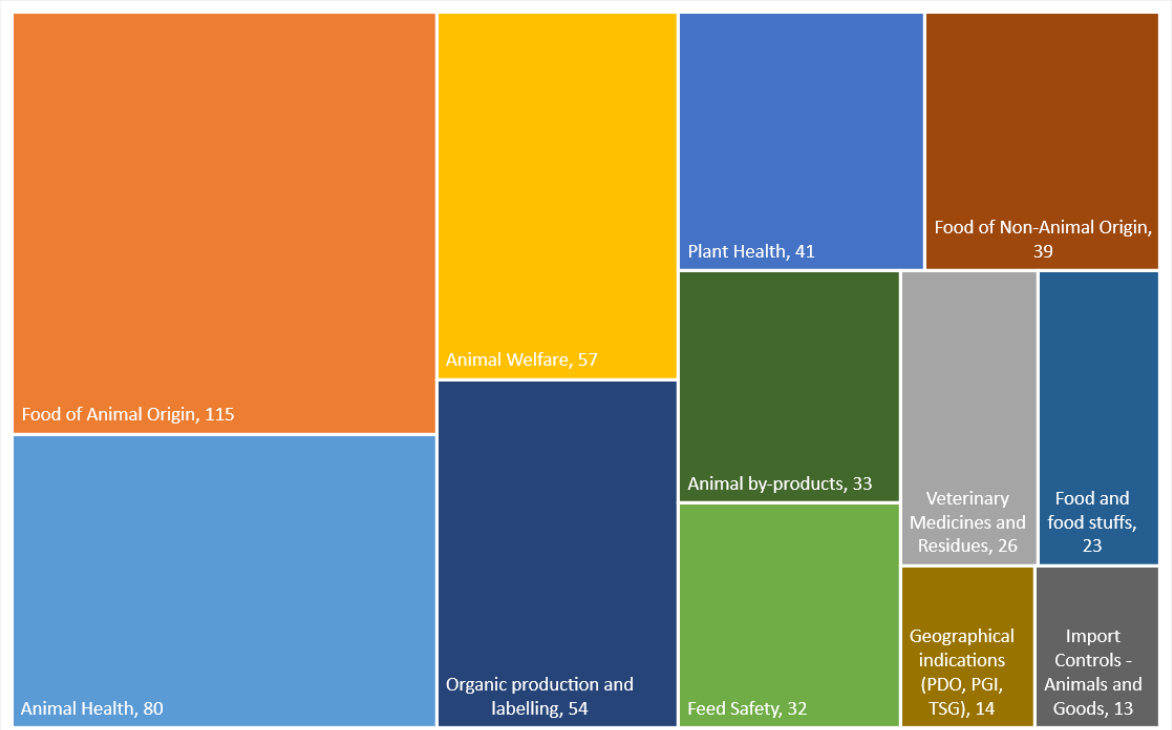
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Recommendations

Our audits generally lead to recommendations for corrective action. EU countries are required to take the necessary actions to address these[29] and describe them in action plans.

The controls carried out in 2019-2020 resulted in a total of 527 recommendations to EU countries. Chart 3 provides an overview of these per sector. The accompanying staff working document provides a further breakdown of the figures over the different audited areas.

Chart 3 – recommendations made over the sectors audited – 2019-2020



[29] Articles 117(a) and 119(a) of Regulation (EU) 2017/625.

3
Overview reports



Overview reports group the findings and conclusions of a series of Commission controls carried out in a specific area to give a general picture at EU level. These reports identify what is working, or not, in relation to the implementation of controls and the application of legislation. They also provide a good opportunity to share examples of good practices observed in EU countries. These reports feed into EU policy and can also provide the basis for exchanges with EU country experts as part of the Better Training for Safer Food initiative to discuss common problems and to share good practices.

Table 4 – Overview reports published in 2019 and 2020

Report number	Topic
2017-6304	Avian influenza
2018-6525	Overview report on the safety of imported food
2018-6537	Overview report on internet sales of food
2018-6780	Biocides
2018-6810	Audits of official controls in EU countries
2019-6788	Measures to tackle antimicrobial resistance through the prudent use of antimicrobials in animals
2019-6789	AMR monitoring in zoonotic and commensal bacteria
2019-6865	Plants for planting and seeds
2019-6876	Plant health – import controls
2019-6834	Welfare of animals exported by road
2019-6835	Welfare of animals exported by sea
2017-6246	Overview report on shared practices in slaughter hygiene
2020-7100	Overview report - official controls on feed additives, their ingredients and traceability
2020-7105	Official controls on hygiene, traceability and trade requirements of processed animal proteins.

4

Highlights from the Commission controls carried out (2019-2020)

The audits in the area of food safety highlighted particular challenges faced by the competent authorities in EU countries in relation to:

- ready-to-eat foods (of animal origin), where a need for training and other support for officials and a lack of systematic reviews of businesses limit the follow-up of deficiencies identified in businesses' procedures to prevent cross-contamination and sampling and testing;
- horse meat, where audits following up on the horse meat scandal identified issues with horse passports, databases and controls of the recording of non-permitted treatments; and
- food of non-animal origin, where there is room to improve the controls on frozen soft fruit and vegetables.

We organised a series of audits to take a deeper and broader look at the overall feed sector, including animal by-products, because previous audit series had revealed some systemic weaknesses. These audits found that there was still a need to improve the traceability of processed animal proteins.

Audits on animal health looked at disease prevention, preparedness for outbreaks and response capacity. The information obtained regarding African swine fever and highly pathogenic avian influenza helped to develop a number of strategic papers and Commission policies on managing these diseases.

Regarding zoonoses:

- for *Salmonella* in poultry populations, the audits showed that, in general, EU countries implemented programmes that complied with the requirements and which were effective in meeting the EU targets in *Salmonella* prevalence. Nevertheless, in most cases the detection rate in samples taken by businesses (that provide a much more continuous coverage of the flock status than official samples) is significantly lower than in the official samples. This may make the

businesses' sampling an ineffective contribution to the programmes, and suggests that it is likely that low-level flock infections remain undetected.

- for rabies, the audits showed good implementation of vaccination programmes, which led to a decrease in the number of cases in animals.

Most EU countries have difficulties in demonstrating their level of or trends in compliance regarding animal welfare, due to the absence of specific objectives and/or a lack of defined indicators to monitor.

A three-year project to reduce the routine tail docking of piglets was completed. It included audits and visits to several EU countries by a team of experts with hands-on experience in rearing pigs with intact tails. Its results included action plans from all non-compliant EU countries, which will help deliver the further progress necessary to stop the routine practice of tail docking.

We continued to carry out audits on the transport of animals by sea and to work with the European Maritime Safety Agency to set up a system to improve official controls on livestock vessels and thus improve animal welfare during sea transport.

The use of visualisation tools in a web portal supports prompt decision making, leading to increased plant health protection. Audits on the control measures taken by EU countries where there are infections by plant pests help to improve controls and support work to eradicate these.

While EU countries have made progress in implementing the Directive on the sustainable use of pesticides, controls on the implementation of integrated pest management by farmers and growers remain an area of concern.

In most EU countries, private control bodies certify organic production and the use and labelling of these products. The supervision of these control bodies by the competent authorities needs further improvement.

Official controls in relation to products certified under the geographical origin schemes (PDO/PGI/TSG) do not always verify that these products comply with the rules in the product specifications.

EU countries have some arrangements in place to deal with fraud threats in the agri-food chain, but official controls focusing on fraudulent and deceptive practices are not yet systematically in place across all control areas.

The staff working document accompanying this report provides a more detailed description of some of the main areas where the Commission carried out audits.

5
Other Commission control activities

5.1
Entry of animals and goods into the EU

EU countries are required to carry out official controls of animals, goods of animal origin and some goods of non-animal origin entering the EU. They carry out the majority of these controls in border control posts designated for that purpose. The purpose of the controls is to ascertain that animals, food and feed meet the same high standards as those in place for animals and goods produced within the EU. EU countries can only designate border control posts for these controls after the Commission has determined that the structure and layout of the proposed border control posts and the arrangements in place meet the applicable EU requirements[30]. In 2020 we received and assessed 67 notifications from EU countries of new (or amendments to existing) border control posts, including their inspection centres.

Our oversight of EU countries' official controls on entry of animals and goods continued in 2019 and 2020, with 11 audits being carried out. The results of these confirm that EU countries continue to improve their systems and the implementation of controls. These audits will continue in future years. In addition, we carried out desk-based evaluations on the implementation of controls on entry of animals and goods through those border control posts located in the outermost regions of the EU, again, with satisfactory results.

[30] Regulation (EU) 2017/625 and associated legislation such as Regulation (EU) 2019/1014, Regulation (EU) 2019/1012 and Regulation (EU) 2019/1081.

5.2
Residues of veterinary medicinal products and environmental contaminants in animals and products of animal origin

Veterinary medicinal products are widely used in animal production to either prevent or cure diseases. Very low concentrations – residues – of the pharmacologically active substances present in the veterinary medicines may be present in the meat, offal and milk products from treated animals and also in milk, eggs and honey. Safe concentrations in food – 'maximum residue limits' – are set at EU level. Food containing residues at and below this limit is deemed safe and may be placed on the market, demonstrating that the principles of good agricultural and good veterinary practice have been adhered to in animal production (medicines used in accordance with their label instructions). EU countries implement annual residue monitoring programmes to verify that veterinary medicinal products are used in accordance with the applicable EU rules, and to detect the potential misuse or illegal use of pharmacologically active substances. These programmes also include monitoring animals and animal products for the presence of environmental contaminants and pesticides.

Each year, we, together with the relevant European Union reference laboratories, review the EU countries' residue monitoring plans, and provide comments and recommendations on their suitability. We also audit EU countries' implementation of their residue monitoring plans, focusing on elements such as laboratory performance and the effectiveness of follow-up investigations of non-compliant results. In 2019 and 2020, we carried out eight audits in EU countries with largely satisfactory results. These audits will continue in future years.

6
Systematic follow-up of audit recommendations

6.1
General follow-up audits

Through general follow-up audits, we systematically follow up the actions that competent authorities committed to implement to address the recommendations made in audit reports. These audits cover all of the 'open' recommendations across all sectors.

These audits can be:

- carried out at the offices of the competent authorities, or by remote means;
- carried out as a desk-based exercise from our offices (administrative follow-up); or
- focused on a specific topic: in a small number of cases, when the outcome of the audit is particularly problematic, sector-specific follow-up audits are arranged, to follow up on actions which must be urgently implemented by the EU countries.

Table 5 – Follow-up audits in EU countries in 2019-2020

General follow-up audits:	
Desk-based follow-up:	
Specific topic:	

This process continued to be effective in dealing with the vast majority of issues identified. The results of general follow-up audit actions are published in country profiles (see 6.2, below).

At the end of December 2020, EU countries had taken corrective action, or provided satisfactory commitments to address shortcomings within acceptable timelines. Based on a three-year rolling indicator, corrective actions had been taken on 92% of recommendations resulting from audits carried out in the three year period 2016-2018.

6.2
Country profiles

Country-specific knowledge is important when preparing audits and in informing policy-making. Therefore, we maintain and publish country profiles.

These country profiles are publicly available and give an overview for each EU country, including:

- the five most recently published audit reports;
- the assessment of the actions taken by the country in response to audit recommendations;
- the organisation of official controls in the country;
- links to relevant websites in the country.

The publication of these country profiles helps ensure the full audit cycle is transparent to the public.

6.3
Enforcement



When an EU country breaches EU law, the Commission determines appropriate actions on a case-by-case basis, in line with the approach laid down in its Communication 'EU law: Better results through better application'[31]. These actions may range from contact with the EU countries' authorities at appropriate levels to ensure the correct application of EU law, up to launching EU Pilot exchanges and/or infringement proceedings as a last resort, where all other avenues to encourage compliance have been exhausted. Enforcement tools other than infringements for food safety also include protective or safeguarding measures. These can range from taking precautionary measures on the trade in and movements of animals, plants or food and feed products to adopting safeguarding measures in accordance with the relevant legislation.

If contact with EU countries or EU Pilot exchanges do not result in the breach of law being corrected, the process may enter the pre-litigation and litigation phases of the infringement procedure[32].

In 2019, the Commission opened an infringement case against Czechia on its systematic official controls of certain foodstuffs coming from other EU countries every time these foodstuffs entered the country, in breach of EU rules on official controls ensuring compliance with feed and food law, animal health and animal welfare rules[33].

The Commission closed two longstanding infringement cases in 2019:

— Greece: relating to a shortage of staff assigned to the services responsible for veterinary controls; and

— Portugal: relating to measures to prevent the spread within the EU of the pine wood nematode.

[31] 2017/C 18/02: Communication from the Commission: EU law: Better results through better application

[32] Article 258 of the Treaty of the Functioning of the EU.

[33] A letter of formal notice was sent in January 2019 and a reasoned opinion in July 2019. . In July 2020 an additional letter of formal notice was sent.



In 2019, the Court of Justice of the European Union ruled that Italy failed to adequately prevent the further spread of the quarantined harmful organism *Xylella fastidiosa* in Apulia[34].

In 2019-2020, the Commission did not refer any cases to the court in the areas subject to official controls covered by this report.

[34] Judgment in case Commission v Italy, C-443/18

7
Support for EU countries

7.1
Networks



The Directorate for Health and Food Audits and Analysis hosts a number of networks and working groups comprised of officials from competent authorities of the EU countries and Iceland, Liechtenstein and Norway to discuss and promote the implementation of certain aspects of EU law.

Since 2008, two networks have met regularly to exchange experiences on the preparation, implementation and reporting of MANCPs and on the implementation of national audit systems (NAS) on official controls. During 2019 and 2020, the MANCP network met six times, twice remotely. The meetings were mostly focused on the development, and finalisation, of the two guidance documents on preparing the MANCP and EU countries' annual reports. The challenges and opportunities that EU countries faced during 2020 because of the COVID-19 pandemic in implementing official controls were also discussed.

The MANCP network also helped test the electronic version of the standard model form for the annual reports, the 'annual reporting on official controls – AROC' tool, to help EU countries get ready to submit this for the first time in 2021.

The NAS network met three times during 2019 and 2020, once remotely. The meetings facilitated the development and finalisation of the guidance document on conducting audits under Article 6 of the Official Controls Regulation. The NAS representatives and the Commission exchanged their experiences in implementing their audit programmes during the COVID-19 pandemic, focusing on good practices identified.

In 2019 and 2020, the network of EU countries' national contact points for the protection of animals during transport met three times to discuss animal welfare indicators for transport controls, the transport of unweaned calves, resting points in non-EU countries, transport in extreme temperatures and the transport of animals using livestock vessels. In 2020, the national contact points finalised the update to the network document on livestock vessels.

During the first wave of the COVID-19 pandemic, the network played an important role coordinating the exchange of information to avoid livestock trucks being held at national border crossings due to restrictions on movement.

In order to help EU countries address weaknesses in the system, the Commission created two working groups, dealing with formulation analysis and enforcement in relation to plant protection products (PPP). Representatives of more than 20 EU countries attended the meeting of the working group for PPP formulation analysis and the three meetings of the PPP enforcement working group organised by the Commission in 2019. Due to the higher priority given to evaluating the Sustainable Use of Pesticides Directive (SUD), the working group on authorisation and formulation analysis was transferred to the Commission policy unit on pesticide authorisation and the working group for enforcement was discontinued.

The Commission organised a joint meeting of the SUD and the PPP Enforcement working groups in May 2019 to address issues of mutual concern, in conjunction with a workshop on integrated pest management (IPM). The workshop's objective was to help EU countries to assess the implementation of IPM at farm level, building on the experience gained during the Better Training for Safer Food courses on IPM. In November 2019, the SUD working group held a joint meeting with the working group on agro-environmental statistics, which addressed issues of mutual concern, in particular relating to the development of more useful harmonised risk indicators. In 2020, one SUD working group meeting was organised in November, focusing on technical aspects of the evaluation and revision of the SUD, which began in late 2019.

In December 2020, EU countries' competent authorities were invited, through the SUD working group, to provide their feedback on possible future policy options. In December 2020, a contract was signed for an external study supporting the evaluation of the Directive and an impact assessment of its possible revision. Preparatory work was also undertaken for a remote Commission stakeholder event to take place in January 2021 and an online public consultation/(have your say) for this initiative to be launched in January 2021. Further details are available on the Commission’s Better Regulation Portal website[35].

[35] Roadmap and results of the public consultation.

7.2
Better training for safer food



Better Training for Safer Food (BTSF) is a Commission training initiative to improve the implementation of EU rules covering food, feed, animal health and welfare, plant health and plant protection products, organic farming and geographical origin schemes (PDO/PGI/TSG). It plays a key role in improving the effectiveness and reliability of official controls and spreading knowledge of EU legislation. The Commission's controls help identify training needs.

The 2019-2020 BTSF programme contained an extensive range of technical topics and a number of sessions of particular relevance for official control systems. These included:

- audit systems and internal auditing;
- EU sanitary and phytosanitary law enforcement;
- food fraud and food e-commerce;
- the Official Control Regulation;
- outbreak preparedness and management; support for EU audits (for national experts); and
- EU overview reports.

In 2020, a workshop on following up recommendations was organised.

200 training courses took place in EU countries during 2019 and up until March 2020, when all face-to-face training courses had to be suspended due to the developing COVID-19 pandemic. In 2020, those contracts were modified to provide virtual training, where possible, and all new contracts now incorporate a virtual learning component.

BTSF has gradually implemented online training throughout 2020, using virtual classrooms and e-learning modules available through the **BTSF Academy**. BTSF is expanding its e-learning offer and translating the existing modules into most official languages to ensure that the maximum audience will have access to training material, no matter what happens in the future. The academy also provides a

repository of existing training resources that officials from both EU and non-EU countries can use.



See the BTSF 2019 annual report for more information.

Conclusions

The EU has comprehensive legislation to minimise safety hazards and non-compliance issues, from farm to fork. The EU countries' annual reports on official controls demonstrate that national authorities continue to fulfil their role monitoring and verifying that businesses along the food chain comply with relevant EU requirements and take enforcement measures when this is not the case.

The introduction of a standard model form for the annual reports facilitated the collection of comparable information and data on the EU countries' official controls across the agri-food chain.

This report and the accompanying staff working document provide a compilation of these comparable data into EU-wide statistics for the year 2020. These data will, over time, enable trends to be identified in controls and non-compliance issues. For 2020, the statistics for 26 countries show that there were 16.8 million entities that came within the scope of official controls and that national authorities carried out more than 4 million official controls on these entities. Based on these controls, some 655 000 non-compliance issues were identified, leading to the application of 388 000 administrative sanctions and almost 13 000 judicial actions.

As the standard model form was used for the first time, not all EU countries were able to submit all of the data in the format required. Following the Commission's guidance note for completing the annual report, would further improve the comparability of information provided in the open text boxes.

The staff working document accompanying this report provides details of the official controls carried out by EU countries and of Commission controls carried out in relation to EU requirements for food and feed law, animal health and welfare, plant health and plant protection products. The results of these show that EU countries have the necessary control systems in place and, overall, they provide levels of compliance compatible with food and feed safety and a healthy internal EU market. Commission controls identified weaknesses in some EU countries' control systems and highlight room for improvement in national control systems.

The Commission's systematic follow-up of audit recommendations shows that, in general, national authorities take appropriate corrective measures to address shortcomings identified.

Working in partnership with the national authorities, the Commission continues to support EU countries to continuously improve their official control systems through the networks and the BTSF initiative.

During 2020, the restrictions imposed due to the COVID-19 pandemic posed a challenge for national authorities and the Commission in completing their control plans. Staffing levels and resource constraints were also cited as reasons for national authorities not completely implementing their planned programmes. The restrictions also led to more use of remote means for carrying out controls. These technologies have demonstrated value and could be further explored.