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REPORT FROM THE COMMISSION

On the overall operation of official controls carried out in Member States (2022) to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products

{SWD(2024) 208 final}

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Disclaimer

The European Commission is presenting this report in accordance with Article 114 of Regulation (EU) 2017/625 ([1]). This report aims to improve the public availability of information on official controls carried out by EU countries – and the Commission controls on them – 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:

- is information of a general nature and is not intended to address the specific circumstances of any particular individual or entity;
- is not necessarily comprehensive, complete, accurate or up to date; and
- is partly provided by national authorities in the EU countries, over which the Commission has no control and for which the Commission can take no responsibility.

Some data or information in this report may have been created or structured in files or formats that are not error-free.

([1]) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official control and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Executive summary

This report covers the overall operation of EU countries' official controls and the Commission's control activities in 2022. The aim of these controls is to ensure a high level of health protection and trust in the food chain, from farm to fork. They are an important way to verify that businesses comply with their legal requirements so that EU consumers can be confident that the food they eat is safe. They are also key to enabling the smooth 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. If businesses along the food chain do not comply with the applicable legislation, the authorities are required to enforce the requirements and ensure that businesses meet their obligations.

In 2022, there were 16.4 million businesses within the scope of official controls and national authorities carried out around 5 million official controls on them. These controls identified 1.2 million non-compliance issues, leading to the application of just over 475 000 administrative penalties and 12 000 legal actions.

The Commission verifies how EU countries carry out the official controls and enforcement activities.

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

The Commission systematically follows up on its recommendations 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 expert networks.

Since 2020, national authorities have reported the results of their controls using a harmonised electronic format. However, not all EU countries have yet been able to submit all their data in the format required.

Introduction

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

The EU has a comprehensive legal framework to ensure that controls are consistent throughout the food and feed chain, from farm to fork, and properly monitored, while also ensuring an effective single market and trade with non-EU countries. For the purposes of this report, references to EU countries and the statistical data include the United Kingdom in respect of Northern Ireland ([2]).

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 system, based on the Official Controls Regulation ([3]). The purpose is to verify and, where necessary, enforce business compliance with EU standards throughout the food and feed chain. EU countries must draw up multiannual national 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 ([4]) and carries out controls, including audits, in EU countries to verify that the national authorities are meeting their obligations.

EU countries must submit an annual report to the Commission ([5]) on implementation of their official controls in line with their MANCP.

([2]) In accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and in particular Article 5(4) of the Windsor Framework (see Joint Declaration No 1/2023 of the Union and the United Kingdom in the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023, OJ L 102, 17.4.2023, p.87) in conjunction with Annex 2 to that Framework.

([3]) Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official control and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

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

The Commission produces a report ([6]) 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 EU countries.

This report covers the year 2022. It consists of a review of:

- EU countries' annual reports covering 2022;
- Commission controls carried out in EU countries in 2022; and
- Commission follow-up, enforcement and support provided to national authorities.

It includes a compilation of the data provided by the national authorities for 2022. These data will over time make it possible to identify trends in controls and non-compliance issues.

The graphics illustrating national official controls are based on the 2022 aggregated data from EU countries.

As the reporting requirements have changed since 2020, not all EU countries were able to provide all data for 2022 in the detail required. This limits the extent to which the graphics can be compared because some EU countries may have provided combined data that has not been broken down into the required sub-categories.

This report is accompanied by a staff working document ([7]) providing more detail on the controls and audits carried out by the national authorities and by the Commission in the sectors of the food chain that fall under the Official Controls Regulation.

([5]) Article 113(1) of Regulation (EU) 2017/625.

([6]) Article 114 of Regulation (EU) 2017/625.

([7]) Commission staff working document (SWD(2024) 208 final) accompanying the report from the Commission on the overall operation of official controls carried out in EU countries (2022) to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products.

Part 1

Official controls carried out by EU countries in 2022

1.1 General overview

Food is produced and distributed from the farm to our forks following various chains that span a broad range of business sectors and activities ([8]).

Table 1 provides an overview of the results of official controls carried out in the EU countries in 2022.

Table 1: Official controls in 2022 – in figures

All businesses in the food chain	Official controls carried out	Non-compliance issues identified	Administrative penalties applied	Legal action taken
16 414 273	**5 010 943**	**1 205 443**	**476 160**	**12 182**

Figure 1 provides a breakdown of these official controls carried out by EU countries along the food chain, from farm to fork ([9]). It shows the number of operators, official controls carried out, non-compliance issues identified, and administrative penalties applied, with a breakdown by category of activity in the food chain ([10]).

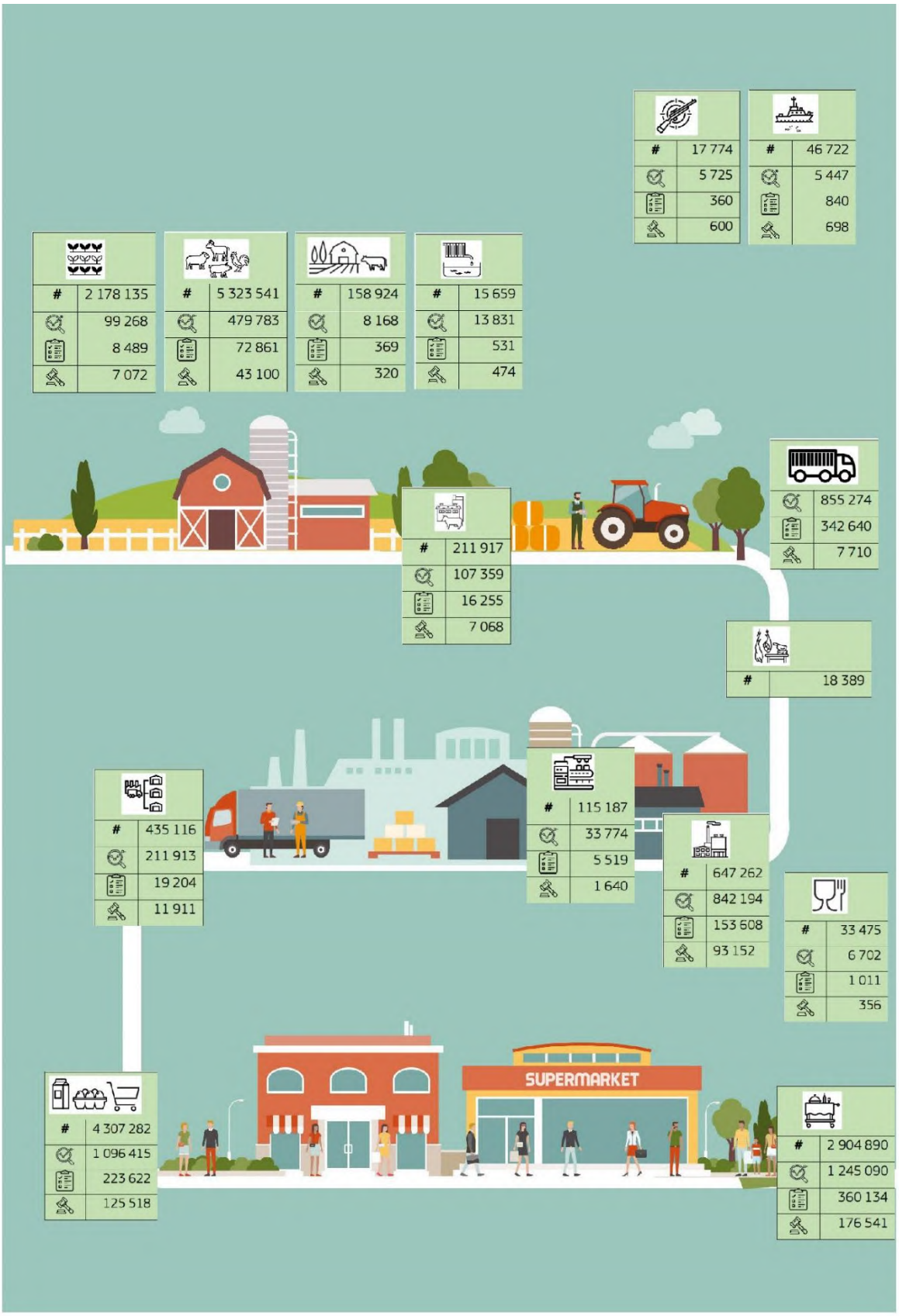
Table 2 shows the top five sectors of the food chain with absolute figures for the number of entities, official controls carried out, non-compliance issues identified and administrative penalties applied. The staff working document accompanying this report provides a further breakdown of these figures across all areas of the food chain.

([8]) See Eurostat – key figures of the European food chain – 2022 for a selection of data for the EU's agriculture and fisheries sectors, and for the wider farm to fork chain.

([9]) 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 that it has been treated to prevent the spread of insects, seeds and fungi), the marketing of plant protection products and the sustainable use of pesticides outside agriculture.

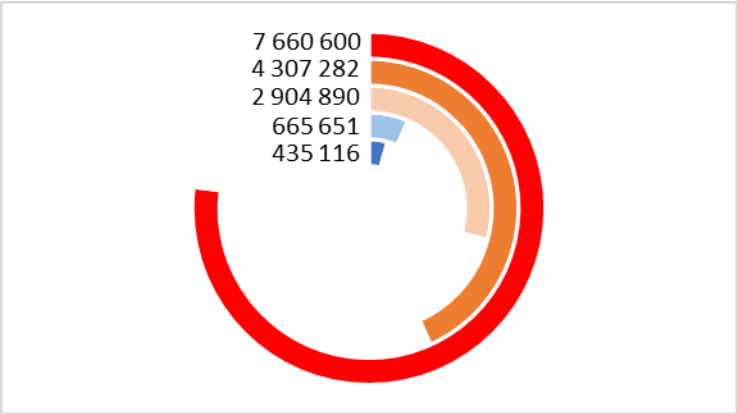
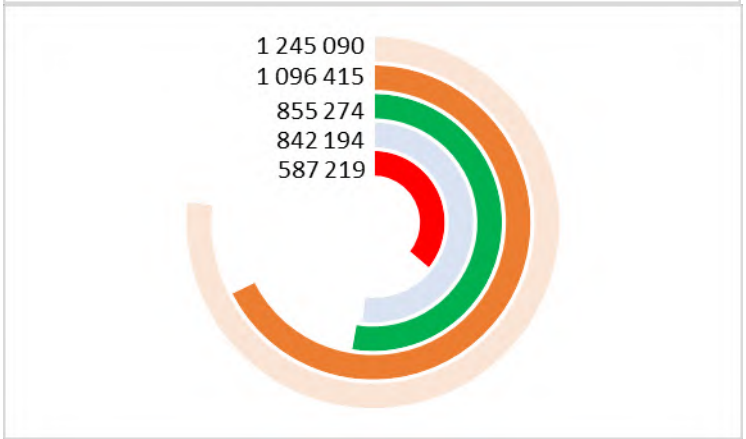
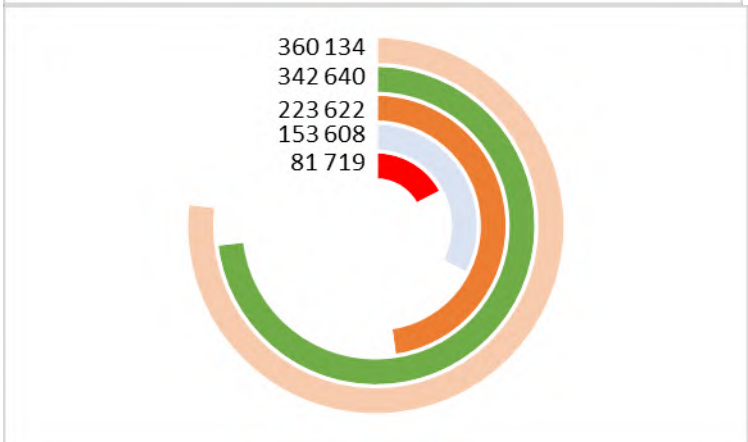
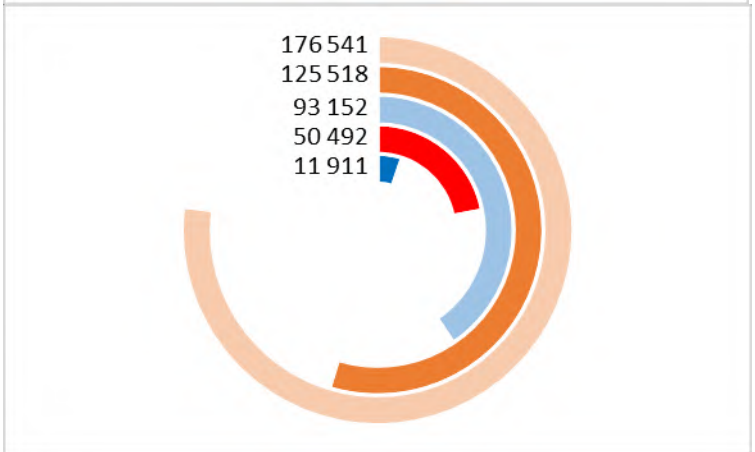
([10]) National authorities do not have to report the number of entities active in animal transport. The data requested for official controls and non-compliance issues for slaughterhouses and game-handling establishments can be given as the number of carcasses or the weight, therefore a total cannot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

Figure 1: Official controls carried out by EU countries in 2022



	Farming – plants	#	Number of operators
	Farming – animals		Number of official controls
	Farming – mixed		Number of non-compliance issues
	Aquaculture		Number of administrative penalties
	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 in 2022 – top five sectors

Entities		Farming	7 660 600
		Food wholesale	4 307 282
		Food service	2 904 890
		Food production	665 651
		Food distribution	453 116
Official controls		Food service	1 245 090
		Food wholesale	1 096 415
		Animal transport	855 274
		Food production	842 194
		Farming	587 219
Non-compliance issues		Food service	360 134
		Animal transport	342 640
		Food wholesale	223 622
		Food production	153 608
		Farming	81 719
Administrative penalties		Food service	176 541
		Food wholesale	125 518
		Food production	93 152
		Farming	50 492
		Food distribution	11 911

1.2
EU country annual reports

The national authorities used the new reporting format only for the third time. Some still had problems in compiling the data in the format required. This means that comparisons between the data submitted for 2020, 2021 and 2022 may not be reliable. The change to the new format also makes it difficult to compare pre-2020 data with post-2020 data. It is therefore still too early to compare the data at EU level year on year.

EU countries are invited to provide assessments of the overall level of compliance and effectiveness of the control system. However, the national authorities provided less information for 2022 than had been envisaged in the guidance document ([11]).

As regards animal welfare on farms and during transport, the Official Controls Regulation states that the annual reports must include an analysis of the most serious incidents of non-compliance. This analysis should be the basis for a national action plan to prevent or decrease their occurrence in the coming years ([12]). In general, and as was also the case for 2020 and 2021, the national authorities did not provide either this analysis or the action plans. This makes it impossible for the Commission to provide the required summary on animal welfare.

The national authorities also provided only very limited information on controls targeting fraudulent and deceptive practices.

([11]) Commission Notice on a guidance document on how to fill in the standard model form

([12]) Articles 151, 152, 154, 156, 157 and 158 of Regulation (EU) 2017/625.

1.3 Organisation and performance of official control systems

The EU countries have set up official control systems to verify that all businesses along the food chain apply the legal framework.

The national authorities' MANCPs describe how their control systems are set up and describe their strategic objectives.

The Commission's guidance for completing the annual reports invites the national authorities to:

- describe any update on how official control systems are organised;
- include a table with the results of performance indicators used to measure the strategic objectives; and
- include a statement on the general level of compliance and the effectiveness of the official control systems, based on the analysis and synthesis of the results of the control systems, their objectives and their performance indicators.

Some EU countries repeat the description of their control systems in the annual report, information that is already available in their MANCP.

The statements on the general level of compliance and effectiveness are mostly very limited. The descriptions range from satisfactory to providing a percentage of the businesses subject to controls with (or without) cases of non-compliance.

Ten EU countries included information on objectives and results. Eight of these countries provided this information in the form of an overview of the results of their indicators. The indicators are sometimes limited to the number of official controls carried out and samples taken.

Some EU country reports do not contain information from all the authorities involved in the official controls along the food chain.

Some good practices to note:

- the Latvian authorities included an indicator on the performance of officials;
- the Belgian authorities define barometers based on the results obtained from the official controls;
- the Danish authorities use the number of cases of foodborne disease caused by Salmonella and the number of recalls.

Several EU countries stated that the number of controls carried out increased again compared to previous years following a gradual lifting of measures to contain the COVID-19 pandemic. Others still report negative effects from the pandemic measures on their ability to completely carry out the controls they had planned.

Other factors that had a negative impact on the inspection programmes reported by the national authorities included insufficient resources (staff, financial and equipment), ongoing animal health issues (e.g. African swine fever and avian influenza) and plant health issues, Brexit and the war in Ukraine.

1.4
Measures taken to ensure the effective operation of the MANCP

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

When official controls identify a case of non-compliance, national authorities are required to take action to ensure that the non-compliant business rectifies the issue to prevent any further occurrence ([13]).

National authorities are also required to verify that the official control system is effective and to take the action needed to rectify any shortcomings identified ([14]).

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

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

1.4.1
Action taken to ensure business compliance

A majority of EU countries (18) reported on measures taken to ensure compliance by businesses. For six of these countries, the information is limited to the classic options to enforce the rules such as warnings, penalties and legal action.

The other reports include information on measures such as information campaigns, guidance and training to businesses to help them comply with food safety rules.

Some good examples:

- the Danish authorities use digital tools and solutions, such as a risk management tool for food businesses and a tool to check for correct storage temperature;
- the Hungarian authorities report on the first positive impact of the more advisory approach taken, in addition to enforcement action;
- in Belgium, businesses certified under the national validated self-checking guides are eligible for lower fees and a lower frequency of official controls.

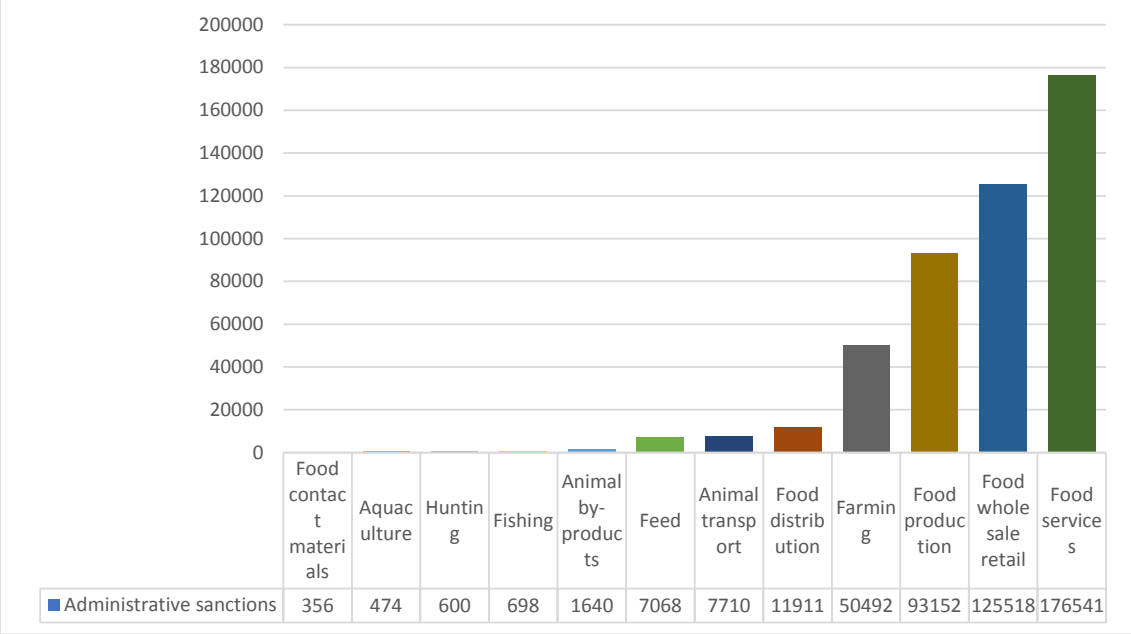
1.4.2
Enforcement by national authorities

National authorities must put in place effective, proportionate and dissuasive penalties ([15]).

National authorities use a range of enforcement methods, from issuing verbal and written warnings to seizing and destroying goods and (temporarily) removing or restricting approvals of businesses. Administrative fines are used as a deterrent. Formal legal proceedings remain a last resort.

Chart 1 shows the number of administrative penalties applied across the different sectors working in the food chain. Chart 2 provides a breakdown by category and Chart 3 shows the number of legal actions taken in each category.

Chart 1: Administrative penalties in 2022 by business sector



([15]) Articles 137, 138 and 139 of Regulation (EU) 2017/625.

Chart 2: Administrative penalties in 2022 by category

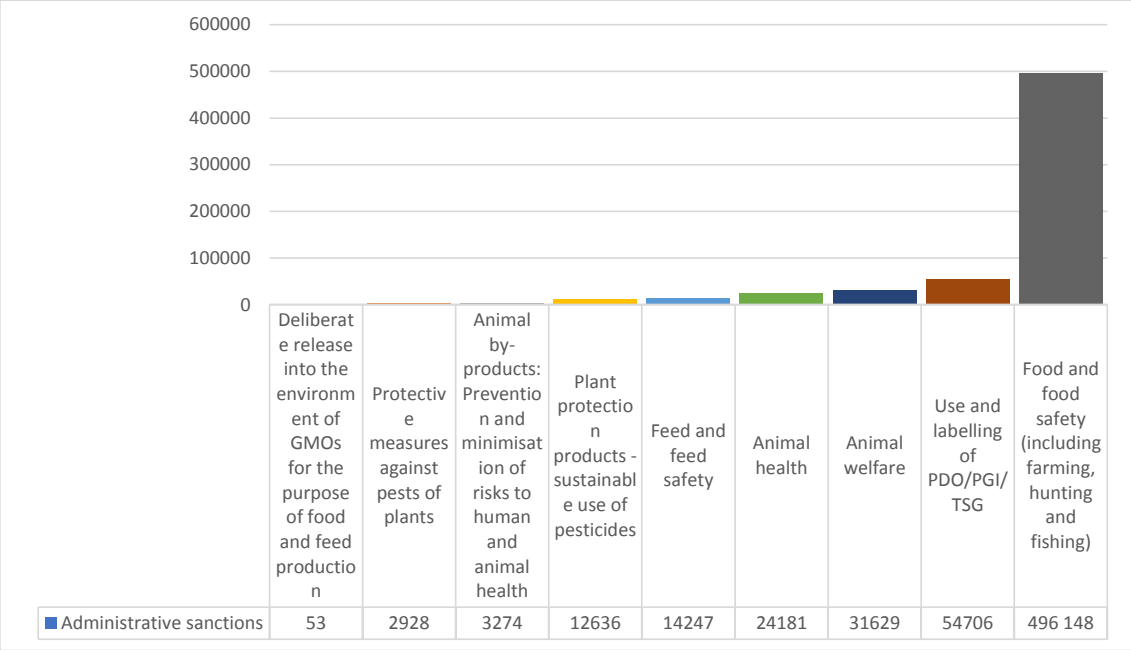
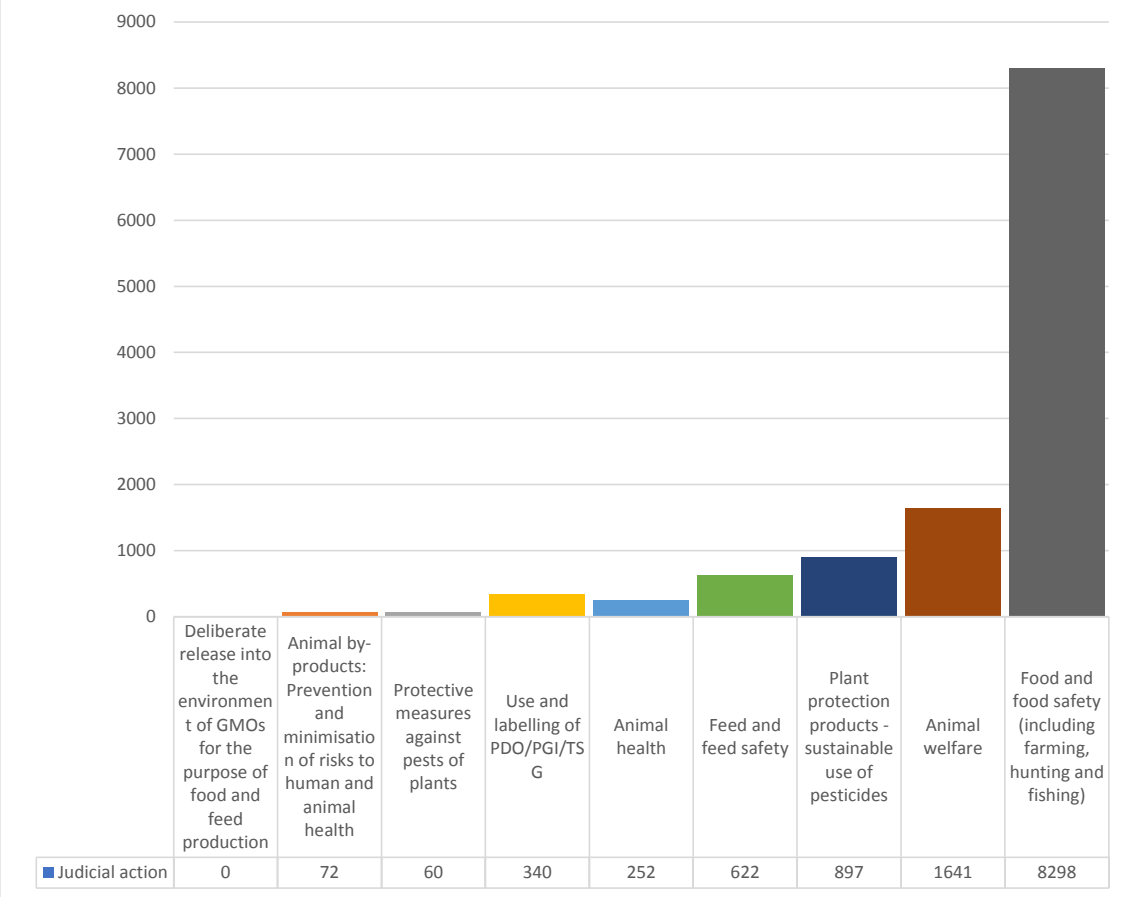


Chart 3: Legal action taken in 2022



1.4.3
Action taken to ensure effective official control systems

National authorities must have procedures and/or arrangements in place to ensure the effectiveness and appropriateness of official controls. To achieve this, they must have or have access to:

- a sufficient number of suitably qualified and experienced staff;
- appropriate and properly maintained facilities and equipment; and
- sufficient laboratory capacity for analysis, testing and diagnosis.

National authorities must carry out audits on their own control systems (or have audits carried out on themselves) and must put in place control verification procedures ([16]) to ensure compliance and that the control systems are effective. This includes audits on any entity or person to whom the national authority might have delegated tasks.

Information on one or more of these aspects is included in 22 annual reports.

The information is rather limited on the training courses provided to or followed by staff, and on audits and other verification methods used to assess the effectiveness of the official control systems.

On resources:

- Czechia reported a lack of funding for laboratory diagnostics towards the end of the year, resulting in limited sampling and testing;
- Bulgaria mentioned a downward trend in the number of officials, combined with a rise in the number of established businesses;
- Estonia stated that the lack of experts and the resulting length of evaluation times for plant protection active substances and plant protection products remain a challenge.

Eight EU countries reported changes to their current MANCP. The reasons given for these changes were:

- significant changes to the structure, management or operation of the competent authorities;

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

- new legislation;
- yearly update of objectives.

Part 2

Commission controls carried out in EU countries in 2022

2.1 Audits and controls

The 2022 audit and analysis programme ([17]) was the second under the 2021-2025 multiannual plan. In 2022, we started tackling several of the priorities set in the multiannual plan. These include:

- animal welfare of calves in control posts during intra-EU transport;
- animal welfare of animals in livestock vessels;
- plant passports used during the movement of plants, plant products and other objects within the EU.

We carried out 120 controls on the official control systems of EU countries in 2022. Table 3 provides a breakdown of the type of controls and the methodology used.

Table 3 – types of control and methodology, 2022

Type of audit	Fully remote	Partially remote	On site
Audit	7	60	3
Desk analysis	27		
Fact-finding study	4	1	9
General follow-up	4	3	2

Figure 2 shows the geographical coverage of these controls. Chart 4 shows the number of audits carried out by category of control.

([17]) The work programmes are published on the Commission website

Figure 2: Coverage of Commission controls in 2022

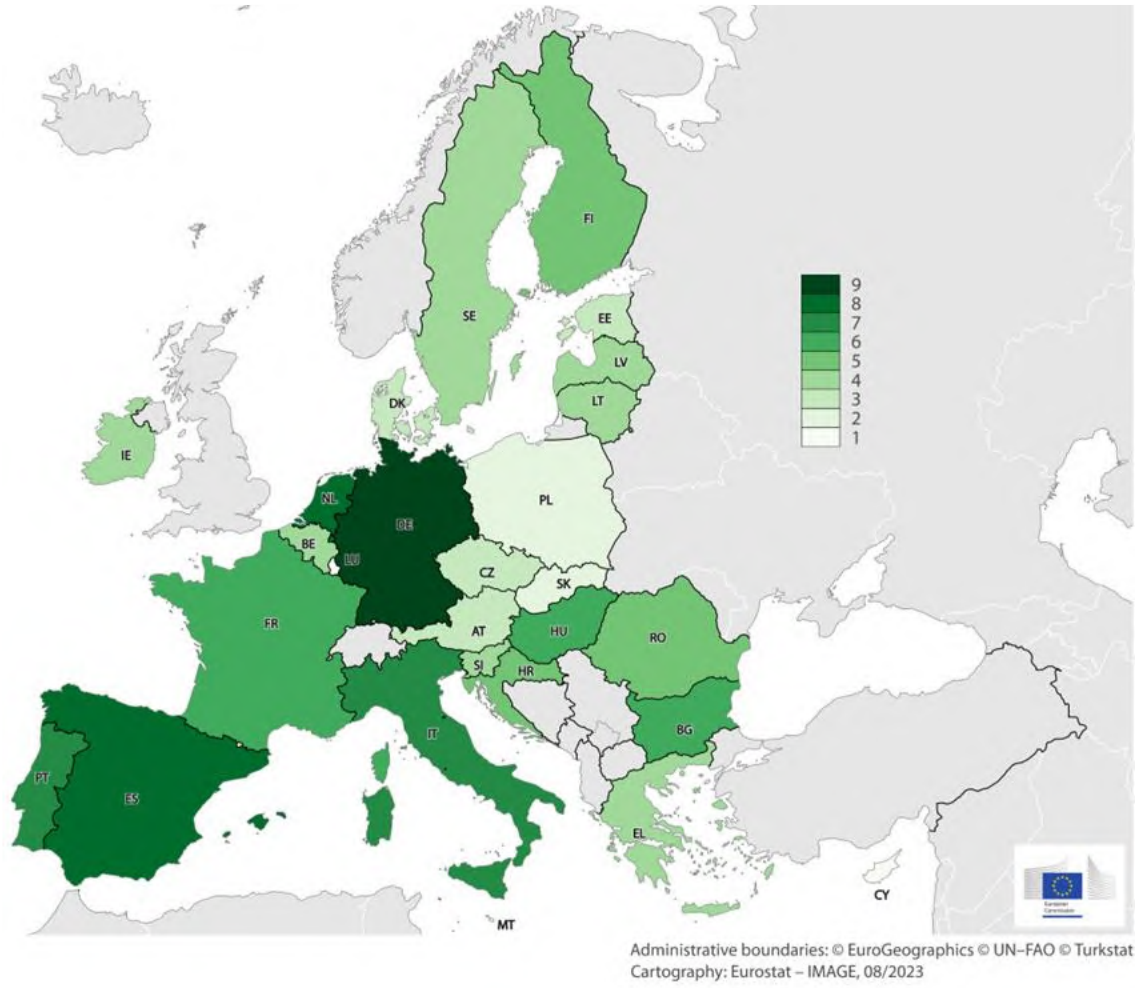
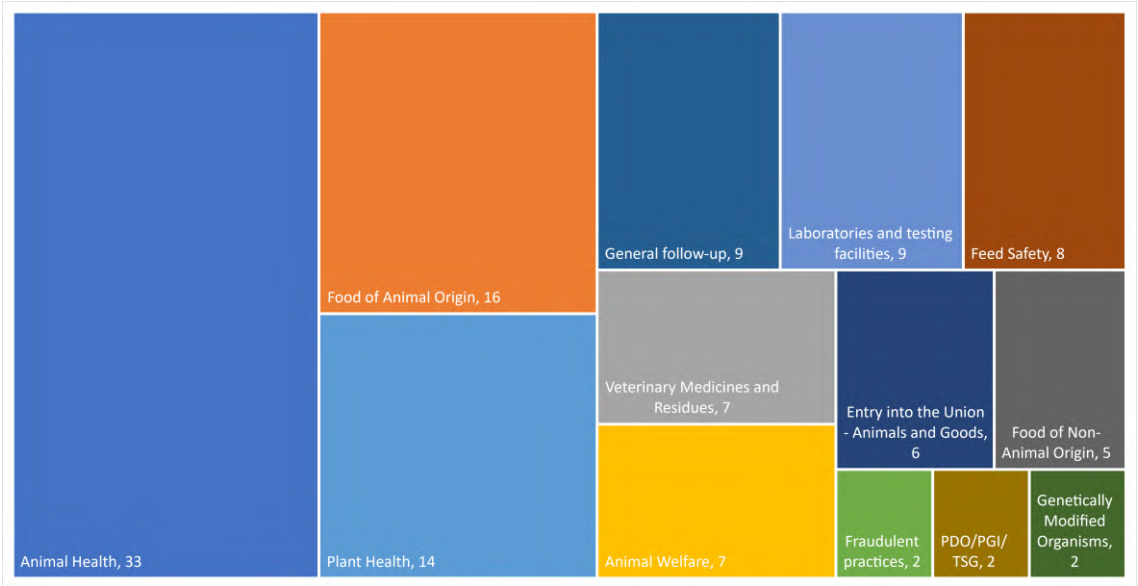


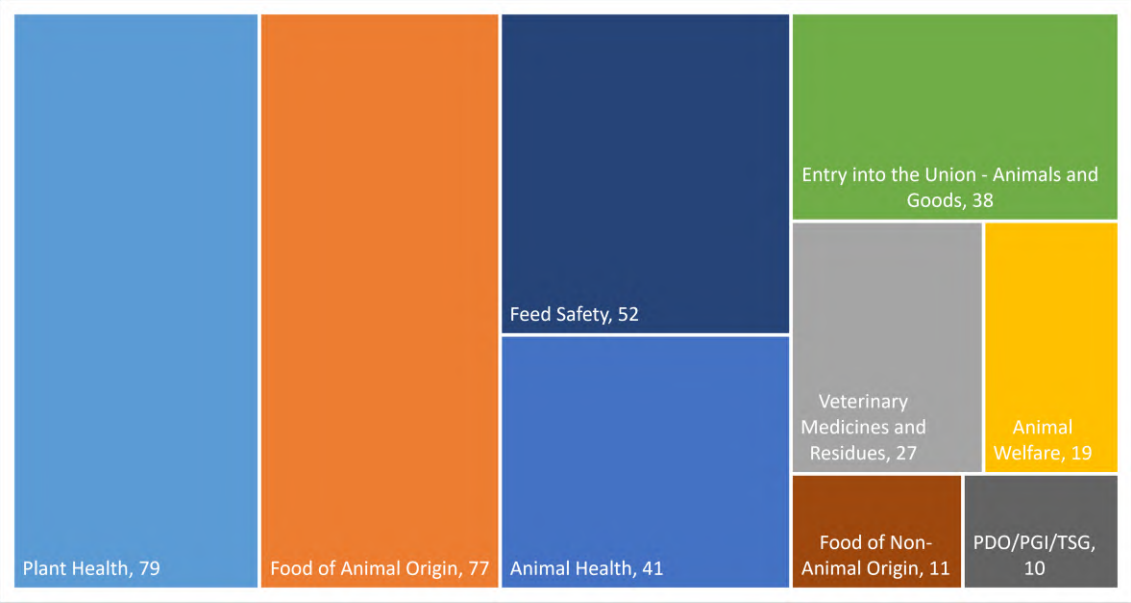
Chart 4: Controls carried out by category, 2022



2.2 Recommendations

The controls carried out in 2022 resulted in a total of 363 recommendations to EU countries. Chart 3 provides an overview of these by sector. The accompanying staff working document provides a further breakdown of the figures by area audited.

Chart 5: Recommendations made in 2022 by sector



2.3 Highlights from the Commission controls carried out in 2022

Food

The audits in the **fisheries** sector found problems in the registration of small fishing vessels, controls of landing sites and related operations and a lack of controls of vessels that land in other EU countries. The use of alternative histamine test methods might undermine the reliability and/or validity of test results.

We extended the scope of our audits in the **meat** sector, starting off with cattle, to pigs, sheep and poultry slaughterhouses. Weaknesses were found in the training and supervision of official veterinarians and the effectiveness of controls in low-throughput slaughterhouses.

Common shortcomings in the **dairy** sector were found in the enforcement of operator procedures on testing raw milk and verifying heat treatment.

The audits on **food of non-animal origin** showed the need to improve the registration of primary producers in implementing risk-based official controls.

GMOs

We carried out two fact-finding studies to gather information on the implementation of controls and provisions on organisms and products, including food and feed containing such products, obtained through new genomic techniques ([18]). The aim was also to identify good practices and common obstacles or difficulties encountered in implementing these controls.

Feed

Our audits revealed areas for improvement in the assessment of operators' hazard analysis and critical control point systems, the implementation of appropriate sampling protocols and official controls on labelling.

([18]) EU legislation on GMOs was adopted in 2001 and 2003. New genomic techniques are techniques that have emerged or have been developed since 2001.

Animal health

Our controls on the measures taken to contain the spread of **African swine fever** indicated challenges regarding early detection of the disease, biosecurity and movement controls from restricted zones.

Regarding the measures taken on **highly pathogenic avian influenza**, there was scope to strengthen contingency planning and preparedness in the areas of epidemiological enquiries and depopulation arrangements.

The results from our controls to assess the effective implementation of **rabies** eradication programmes indicated that, overall, programme implementation is progressing according to objectives.

Animal by-products

The areas identified for improvement include checks on animal by-products generated in the food sector, the assessment of operator hazard analysis and critical control point systems, and verifications of validation of processing plants.

Animal welfare

The outcome of a project looking into quality management systems for animal welfare and the use of indicators was summarised in an overview report. The project concluded that there is a need for universally used indicators to measure the state of or changes to **animal welfare at farm** level.

Regarding **animal welfare during transport**, we started new projects on the transport of weaned calves over long journeys and the transport of animals to non-EU countries by sea vessels.

Plant health

Our audits on the measures taken to contain spread of *Xylella fastidiosa* identified the obstacles that delay implementation of eradication measures required, especially in early stages of outbreak controls.

A new audit series supported national authorities by helping them to adapt their control systems to meet the new requirements on plant passports.

Plant protection products

Our audits and training series focused on official controls on the marketing and use of plant protection products, the sustainable use of pesticides, integrated pest management and pesticide application equipment.

Organic production and labelling of organic products

As the new EU organic legislation has been in force only since the beginning of 2022 and considering the time needed to transition to the new requirements, no audits were carried out in EU countries in 2022.

Protected designation of origin, protected geographical indications and traditional specialities guaranteed

An audit on the evaluation of the official control system in place for PDOs and PGIs in the wine sector revealed gaps in checking compliance with all the aspects covered by the product specifications when carrying out controls at the producers.

Fraudulent and deceptive practices

The project on the arrangements put in place by EU countries to fight fraud in the agri-food chain was concluded and its outcome published in an overview report. In addition, the Commission published a technical report to support Member States in meeting EU legal requirements in this area.

Entry of animals and goods into the EU

The results of the audits confirmed that, overall, EU countries continue to improve their systems and implement controls in this area.

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

The results of the assessments of the national residue-monitoring plans and the eight audits carried out showed compliance with the rules.

One health

The results of the assessments of the national plans on antimicrobial resistance were summarised in an overview report. The findings of this project should help EU countries identify and develop synergies in the context of the One Health dimension. It should also help them identify any gaps and strengthen their existing plans.

2.4 Systematic follow-up of audit recommendations

2. 4.1
General follow-up audits

Based on the three-year audit cycle, we carried out nine general follow-up audits in 2022.

Table 4: General follow-up audits in 2022

General follow-up audits:	

The systematic review of actions taken by Member States to address audit recommendations continued to be effective in dealing with most of the issues identified. The results of the general follow-up audits have been published in the country profiles.

At the end of December 2022, national authorities had taken corrective action or provided satisfactory commitments to address most of the identified shortcomings within acceptable timelines. Based on a three-year rolling indicator, commitments to corrective actions had been made for 93% of the recommendations resulting from the audits carried out over the three-year period 2018-2020.

We continue to monitor all open recommendations by carrying out general follow-up audits.

2.4.2 Enforcement

In 2022, the Commission launched infringement proceedings against the United Kingdom for not complying with significant parts of the Windsor Framework. The aim of these infringement proceedings is to restore the United Kingdom's compliance with the Framework in a number of key areas, with the ultimate goal of protecting the health and safety of EU citizens ([19]).

In 2022, the Commission did not refer any cases to the Court of Justice of the EU in the areas subject to official controls covered by this report.

([19]) Press release 15 June 2022

Conclusions

National authorities continued in 2022 to fulfil their role of monitoring and verifying that businesses along the food chain comply with the applicable EU requirements and took enforcement measures when this was not the case.

Restrictions imposed due to the COVID-19 pandemic (although gradually returning to normal in 2022), staffing levels and resource constraints were cited as reasons why national authorities could not completely implement their planned programmes.

National authorities need to complete the work to adapt their internal data systems to handle complete and consistent data in the required format. The Commission has issued guidance on completing the annual report; following the guidance should improve the comparability of the data provided for 2023 and subsequent years.

The annual reports would also improve when national authorities include statements on the overall level of compliance, the overall effectiveness of their official control systems and their suitability to achieve the objectives of the Official Controls Regulation ([20]).

Regarding official controls on animal welfare, future annual reports must provide a better analysis of the main incidents of non-compliance and the national action plans to prevent any recurrence of such incidents.

The results of official controls carried out by EU countries and of the controls carried out by the Commission on the national authorities show that control systems are in place and that they provide levels of compliance that are compatible with food and feed safety requirements and a healthy internal EU market. Nevertheless, the Commission's controls identified weaknesses and further room for improvement.

The Commission’s systematic follow-up of audit recommendations shows that national authorities are generally taking the corrective measures needed to remedy the shortcomings identified.

Working in partnership with the national authorities, the Commission continues to support the continuous improvement of official control systems through networks of national experts and the Better Training for Safer Food initiative.

([20]) Regulation (EU) 2017/625