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**COMMISSION STAFF WORKING DOCUMENT**

*Accompanying the document*

**REPORT FROM THE COMMISSION**

**On the overall operation of official controls carried out in EU countries (2021) to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products**

{COM(2023) 235 final}

## **Disclaimer**

The European Commission presents this report in accordance with Article 114 of Regulation (EU) 2017/625. It 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:

- 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;
- 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

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# Introduction

The Commission publishes an annual report on the operation of official controls in EU countries in the areas of food and feed safety, animal and plant health, animal welfare, pesticides, organic farming and quality schemes <sup>(1)</sup>. For the purposes of this report, references to EU countries and the statistical data include the United Kingdom in respect of Northern Ireland <sup>(2)</sup>.

This report is based on:

- the annual reports submitted by the national authorities on their official control activities; and
- the results of Commission controls carried out.

The Commission's report covers the year 2021. It provides a compilation of comparable data into EU-wide statistics. These data will, over time, allow trends in controls and non-compliance issues to be identified.

This staff working document accompanies the Commission's report and provides more details on

- the legal framework on official controls and Commission controls; and
- the controls and audits carried out by national authorities and by the Commission in specific areas of the food chain, as follows:
  - Food
  - Genetically modified organisms
  - Feed
  - Animal health

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<sup>(1)</sup> Article 114 of Regulation (EU) 2017/625.

<sup>(2)</sup> 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 Protocol on Ireland / Northern Ireland in conjunction with Annex 2 to that Protocol.

- Animal by-products
- Animal welfare
- Plant health
- Plant protection products/Sustainable use of pesticides
- Organic production
- Geographical indications
- Fraudulent and deceptive practices

# Part 1

## Background

### Legal framework

Under the 'General Food Law' <sup>(3)</sup>, businesses along the food chain have primary responsibility for ensuring that food is safe. Specific EU regulations deal with the requirements for food and feed, animal welfare, animal health, plant health, the use of plant protection products, organic production and the labelling of organic products and for quality schemes for agricultural products and foodstuffs (protected designation of origin (PDO), protected geographical indication (PGI), traditional specialties guaranteed (TSG)) <sup>(4)</sup>.

EU countries are obliged to verify that businesses respect the applicable EU legislation and enforce this where necessary. Their multi-annual national control plans (MANCPs) describe the systems of official controls for this purpose. The frequency for these controls is based on risk, unless more specific requirements apply.

#### **Official controls carried out by EU countries**

The Official Controls Regulation sets out the requirements for these control systems, for the MANCP <sup>(5)</sup> 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,

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<sup>(3)</sup> [Regulation \(EC\) No 178/2002](#).

<sup>(4)</sup> See our [information page](#) for more information on the requirements.

<sup>(5)</sup> Articles 109, 110 and 111 of [Regulation \(EU\) 2017/625](#).

- the deliberate release into the environment of genetically modified organisms (GMOs) for the purpose of food and feed production <sup>(6)</sup>,
- 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
- 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 must be made public, with certain limited exceptions.

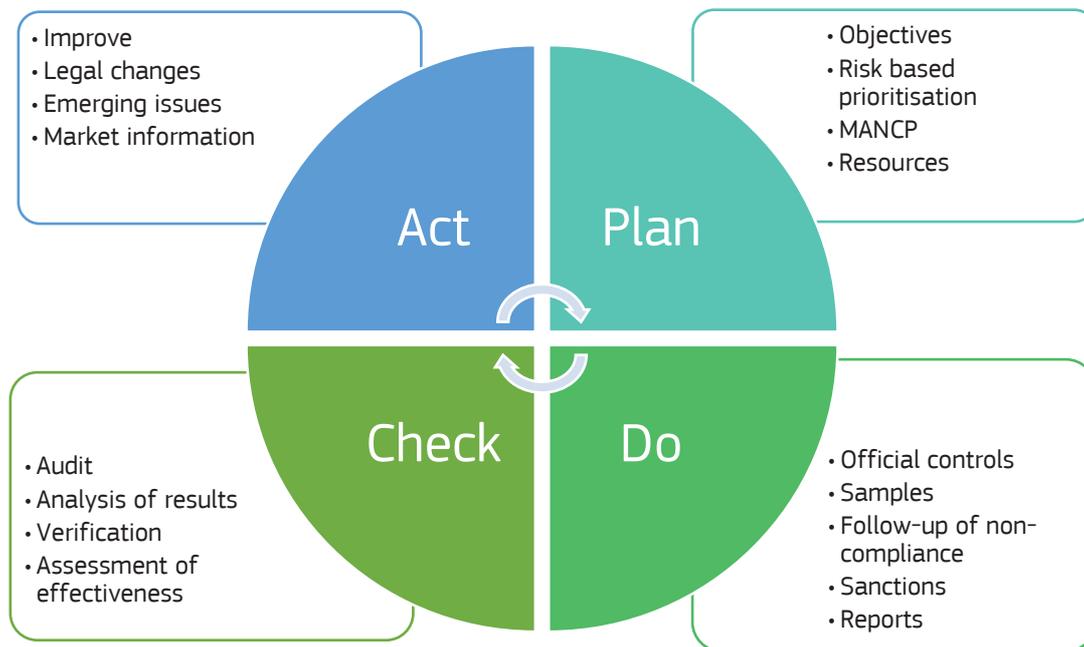
The Official Controls Regulation includes provisions aiming at the continuous improvement of official controls <sup>(7)</sup>. Figure 1 shows how the results of official controls are important in supporting national authorities in assessing the effectiveness of their control system and making improvements as necessary. In addition, changes to legislation, emerging issues and market information can result in changes to the control plan.

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<sup>(6)</sup> Official controls on the use and labelling of GMO are part of the official controls on food and feed.

<sup>(7)</sup> Articles 5(1)(a), 6(1), 12(2), 12(3), 109, 110 and 111 of [Regulation \(EU\) 2017/625](#).

**Figure 1 – official control systems - continuous improvement cycle**



## Annual reports

EU countries have to submit an annual report on the results of their official control systems through a standard electronic form <sup>(8)</sup>. A guidance document <sup>(9)</sup> on how to fill in the form, is available to assist national authorities in meeting their reporting requirements.

The 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

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<sup>(8)</sup> [Regulation \(EU\) 2019/723 on the standard model form to be used for the annual reports submitted by Member States](#)

<sup>(9)</sup> [Commission Notice on a guidance document on how to fill in the standard model form.](#)

- 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.

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 outcome of these controls. They may decide to do this by publishing the annual report submitted to the Commission.

During 2021, some movement restrictions to deal with the COVID-19 pandemic remained in place. These impacted negatively on the EU countries' capacity to deploy staff for official controls. The temporary measures adopted in 2020<sup>(10)</sup> also remained in place, namely:

- the authorisation of specifically authorised natural persons 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.

## Commission controls in EU countries

The Official Controls Regulation requires the Commission<sup>(11)</sup> to carry out controls in the EU countries, which must rectify any issues identified in these<sup>(12)</sup>.

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.

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<sup>(10)</sup> [Regulation \(EU\) 2020/466 on temporary measures during certain serious disruptions of EU countries' control systems due to coronavirus disease \(COVID-19\)](#).

<sup>(11)</sup> Article 116 of [Regulation \(EU\) 2017/625](#).

<sup>(12)</sup> Article 119 of [Regulation \(EU\) 2017/625](#).

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

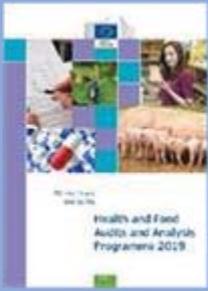
One frequent element of the audits is on-the-spot verification, where Commission experts are present at controls carried out by the national authorities. Experts from EU countries regularly assist Commission experts in this task.

These controls aim to:

- verify the application of the legal framework;
- verify the functioning and organisation of national control systems and the national 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

	<p>We publish our annual work programme, and a mid-year update, on the Commission website.</p>
	<p><u>Watch</u> our short videos to see how we organise our audit and analysis work and how it benefits people in the EU.</p>

The Official Controls Regulation requires the Commission to draw up an annual or multi-annual control programme <sup>(13)</sup> to verify how EU agri-food chain legislation is

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<sup>(13)</sup> Article 118 of [Regulation \(EU\) 2017/625](#).

being implemented in the EU countries. The programme for 2021-2025 <sup>(14)</sup> was adopted on 23 October 2020.

The reports of the individual audits are [publicly available](#) on the Commission's website.

## 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 the 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](#) (BTSF) to discuss common problems and to share good practices.

**Table 1: overview reports published in 2021**

Report number	Topic
<a href="#">2018-6792</a>	Official controls related to food contact materials in EU Member States
<a href="#">2019-6836</a>	African swine fever – preparedness
<a href="#">2021-7329</a>	Microbiological risks of food of non-animal origin

## Recommendations

Our audits generally lead to recommendations for corrective action. National authorities are required to take the necessary actions to address these <sup>(15)</sup> and describe them in action plans.

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<sup>(14)</sup> [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.](#)

# General follow-up audits

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

These audits can be:

- carried out at the offices of the national 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 national authorities.

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

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

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<sup>(15)</sup>Articles 117(a) and 119(a) of [Regulation \(EU\) 2017/625](#).

# 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' <sup>(16)</sup>. These actions may range from contact with the national 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 contacts with EU countries or EU Pilot exchanges with national authorities do not result in the breach of law being corrected, the Commission may start the pre-litigation and litigation phases of the infringement procedure <sup>(17)</sup>.

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<sup>(16)</sup> 2017/C 18/02: [Communication from the Commission: EU law: Better results through better application](#)

<sup>(17)</sup> Article 258 of the [Treaty of the Functioning of the EU](#).

# Part 2

## Control activities 2021

# Food

## Official controls carried out by EU countries

The national authorities report on the official controls carried out in the areas of food and food safety, integrity and wholesomeness at any stage of production, processing and distribution of food. This includes the rules aimed at ensuring fair practices in trade and protecting consumer interests and information, as well as rules on the manufacture and use of materials and articles intended to come into contact with food. Therefore, data relate to the whole food chain, from farming, fishing and hunting to food production, distribution, wholesale, retail sale and food services.

The national authorities do not report on the overall level of compliance in a harmonised way. On the strategic objectives or operational targets most do not describe results obtained. Some provide information across the different sectors in the food area, others only provide a general statement, while a minority did not include any statement at all. None provide a description on how the overall compliance with the rules, per area, was measured during the year.

Most EU countries report that the number of official controls carried out in 2021 was lower than planned due to the COVID-19 pandemic.

A minority of the annual reports contain information on the type of non-compliance issues found with food businesses. Some indicate that reasons for non-compliance include ignorance of legislation on the part of the business operators and, in some cases, intentional misconduct.

Table 2 provides a heat map of the numbers of businesses, official controls carried out, non-compliance issues identified, and administrative sanctions applied across the different parts of the food chain, in 2021.

The highest numbers in each column have the darkest shade of colour.

Only four EU countries include all data in the tables. The sectors mostly unreported are mixed farming, sprouts, fishing, hunting, farmed and wild game meat, and the specific types of meat products.

**Table 2 – official controls – food sectors - 2021**

	<b>Businesses</b>	<b>Controls</b>	<b>Non-compliance issues</b>	<b>Sanctions</b>
Animal production	2 014 777	210 929	128 117	17 335
Aquaculture	15 770	6 178	773	329
Growing of crops	2 230 184	49 066	3 997	2 700
Mixed farming	243 466	8 109	1 093	268
Hunting	24 556	4 852	467	416
Fishing	35 663	3 674	596	440
Meat of domestic ungulates	20 680	168 775	19 615	17 831
Meat from poultry and lagomorphs	5 235	60 211	13 437	8 558
Meat of farmed game	1 361	6 934	1 264	522
Wild game meat	1 624	7 496	1 505	964
Minced meat, meat preparations and mechanically separated meat (MSM)	9 900	48 229	8 472	6 458
Meat products	19 732	84 606	11 450	9 543
Treated stomach, bladders and intestines	971	5 122	1 178	1 161
Rendered animal fats and greaves	1 123	9 006	519	429
Gelatine	176	369	47	35
Collagen	101	469	40	41
Highly refined chondroitin sulphate, hyaluronic acid, other hydrolysed cartilage products, chitosan, glucosamine, rennet, isinglass and amino acids	31	41	12	6
Colostrum, raw milk, colostrum-based and dairy products	23 685	78 637	8 415	7 241
Egg and egg products	8 302	14 610	2 027	1 499
Fishery products	15 210	36 667	7 363	4 139
Live bivalve molluscs	4 479	5 630	1 371	889
Frogs' legs and snails	352	494	132	77
Honey	6 853	3 972	486	213
Sprouts	146	229	79	65
Processing and preserving of fruit and vegetables	36 967	25 227	5 156	3 316
Manufacture of grain mill products, starches and starch products	9 976	6 546	1 065	794
Manufacture of bakery and farinaceous products	209 658	107 895	27 648	20 928
Manufacture of vegetable oils and fats	17 190	8 313	1 515	1 169
Manufacturers of beverages	65 020	39 962	5 208	3 921
Manufacture of other food products	156 354	87 026	21 312	12 977
Establishments producing food contact materials	29 435	5 515	715	391
General activity establishments (cold stores, re-wrapping and re-packing establishments, wholesale markets, reefer vessels)	29 540	83 884	13 608	9 005
Transport and storage	369 034	96 412	8 288	6 436
Wholesale	203 782	59 262	9 622	6 046
Retail	3 515 601	956 496	180 221	130 055
Food and beverage service activities	2 830 838	1 097 087	304 365	166 515
Others	212 232	110 635	21 459	15 837

Official controls in the food chain cover a broad range of food categories and a number of specific topics:

- |   |  |  |
|---|--|--|
| 1. Dairy products                           | 14. Sugar, syrups, honey and table-top sweeteners  | of Article 2 of Directive 2002/46/EC of the European Parliament and of the Council excluding food supplements for infants and young children |
| 2. Dairy alternatives                       |  |  |
| 3. Fats and oils, and fat and oil emulsions | 15. Salts, spices, soups, sauces, salads and protein products  |  |
| 4. Edible ices                              |  |  |
| 5. Fruit and vegetables                     | 16. Foods intended for particular nutritional uses as defined by Regulation (EU) No 609/2013 of the European Parliament and of the Council | 21. Processed foods not covered by categories 1 to 17, excluding foods for infants and young children  |
| 6. Confectionery                            |  |  |
| 7. Cereals and cereal products              |  |  |
| 8. Bakery wares                             |  |  |
| 9. Fresh meat                               | 17. Beverages  | 22. Others – foods not covered by categories 1 to 21   |
| 10. Minced meat, meat preparations and MSM  | 18. Ready-to-eat savouries and snacks  |  |
| 11. Meat products                           | 19. Desserts excluding products covered in categories 1, 3 and 4   | 23. Food contact materials   |
| 12. Fish and fisheries products             |  |  |
| 13. Eggs and egg products                   | 20. Food supplements as defined in point (a)   |  |

Table 3 provides an overview of the official controls in the EU countries carried out during 2021 on the above food categories and specific topics, in relation to EU rules in 10 cross-cutting areas. Belgium, Denmark, Poland and the United Kingdom (in respect of Northern Ireland) did not provide the full information.

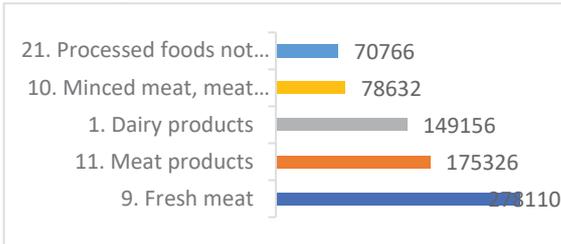
Table 4 gives an overview of the number of non-compliance issues detected and the number of administrative sanctions applied by the national authorities in the different sectors. Belgium and Sweden did not provide the relevant data. The data provided by some EU countries seem to be too low.

Both tables list the top five food categories for the specific topics.

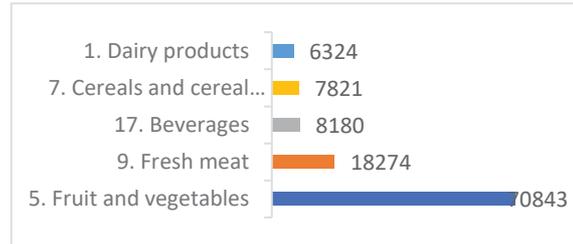
*To avoid the need for EU countries to report the same data separately to both the Commission and to the European Food Safety Authority (EFSA), some of the data reported here is obtained through automatic transfer from EFSA. This transfer process may give rise to some anomalies until it is fully refined.*

**Table 3 – official controls – topics – top 5 - 2021**

**Microbiological criteria**



**Pesticides in food**



**Contaminants in food**



**Residues of veterinary medicinal products in food**



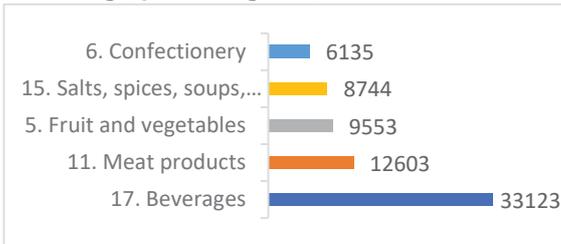
**Labelling, nutritional and health claims**



**Genetically modified organisms (GMOs) in food**



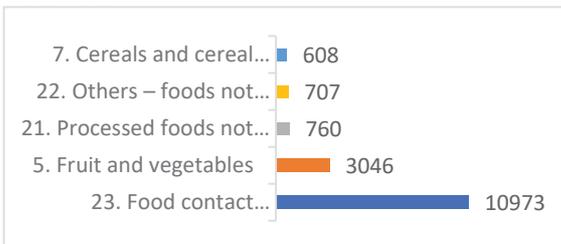
**Improvement agents (additives, enzymes, flavourings, processing aids)**



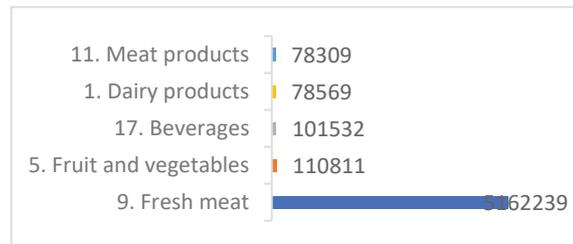
**Irradiation of food**



**Contamination by/migration of food contact materials**

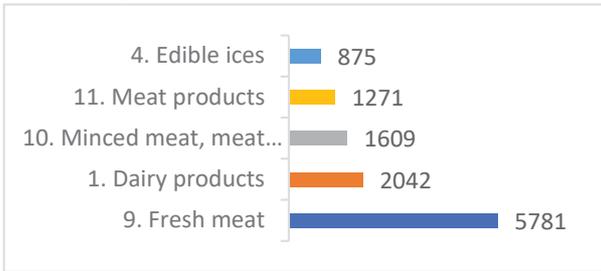


**Other**

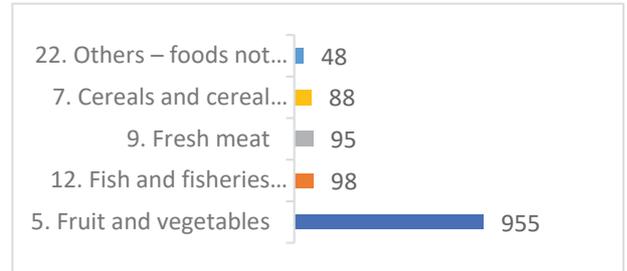


**Table 4 – non-compliance issues & sanctions – topics – top 5 - 2021**

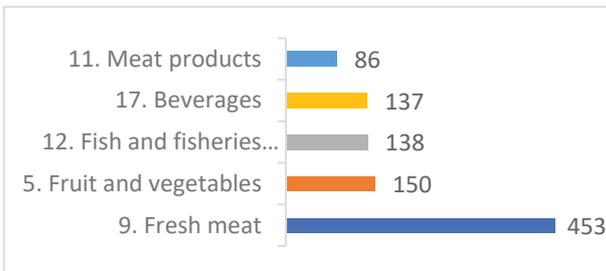
**Microbiological criteria**



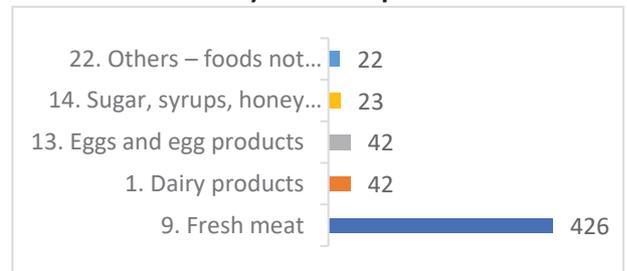
**Pesticides in food**



**Contaminants in food**



**Residues of veterinary medicinal products in food**



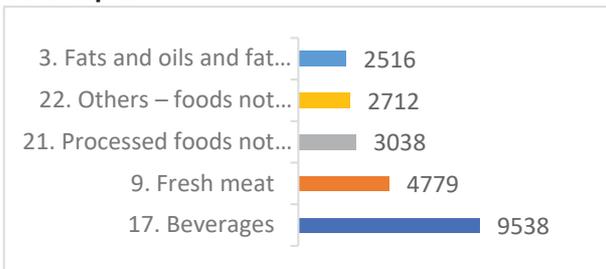
**Labelling, nutritional and health claims**



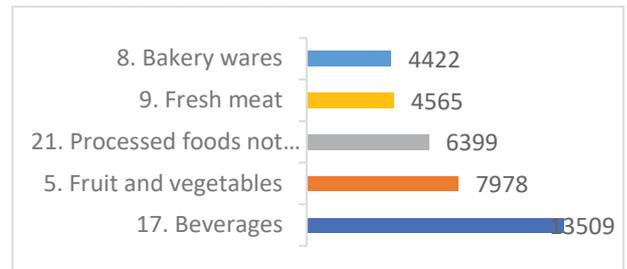
**Improvement agents (additives, enzymes, flavourings, processing aids)**



**Other topics**



**Administrative sanctions**



The non-compliances on the labelling of genetically modified organisms (GMOs) used in food products, the use of unauthorised GMOs in food products, the irradiation of food, novel food <sup>(18)</sup> and food contact materials are reported in a separate table. The results for 2021 across all EU countries are:

	<b>Number of non-compliance issues identified</b>	<b>Number of administrative sanctions applied</b>
The labelling of GMOs used in food products	14	13
The use of unauthorised GMOs in food products	99	3
Irradiation of food	18	12
Food contact materials	3976	781
Novel food	254	186

Belgium, Croatia, Denmark, Latvia, Malta and the United Kingdom (in respect of Northern Ireland) did not report any non-compliances in these areas.

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<sup>(18)</sup> 'Novel food' is food that humans in the EU did not consume to a significant degree before 15 May 1997.

## Commission controls of EU countries

Countries audited:

17



Number of audits carried out:

26

2 audits in Czechia, Denmark, Hungary, Spain, Croatia, Italy, Netherlands, Poland and Romania and 1 audit in the other countries audited

Total number of recommendations raised: 131

Recommendations per audit area:



### Safety of fishery products

In 2021, we carried out, as part of an ongoing audit series, five audits to assess arrangements put in place by the EU countries' national authorities to verify businesses' compliance with food hygiene requirements that apply to fishery products.

In broad terms, the audits established that risk based official control systems cover the elements set out in EU law, allowing the identification of shortcomings, and their correction by food business operators (FBOs). The national authorities have laboratory networks which comply with the relevant EU legal requirements, and which can provide reliable test results. Arrangements are in place and implemented for the follow-up of RASFF notifications <sup>(19)</sup>. In some EU countries, acceptable controls (albeit at reduced frequencies) were performed despite challenges faced due to a lack of human resources, in some cases exacerbated by recruitment difficulties experienced during COVID-19.

However, weaknesses and gaps in these controls were identified and relate mainly to:

- the registration and control of small fishing vessels;
- the lack of controls over landing sites and associated operations.

In some EU countries we identified:

- a lack of public health controls in aquaculture farms (albeit steps are being taken to address this),
- some gaps in the specific official controls on fishery products (e.g. contaminants in smoked products),
- weaknesses in controls over their Hazard Assessment and Critical Control Points (HACCP) plans, and,
- that, as also seen in the 2019 series on ready-to-eat (RTE) products, FBOs were not consistently obliged to demonstrate that their RTE food complies with the relevant food safety criteria throughout its shelf-life.

### **Safety of meat of mammals and birds and products thereof**

In 2021, we continued an audit series on the control systems in place governing the production and placing on the market of bovine meat, including traceability. This series was initiated in 2019 after media reports alleging the slaughter for human consumption, in several EU countries, of unfit cows potentially in contravention of EU animal welfare law and food safety legislation.

Against this background, we carried out six audits in 2021:

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<sup>(19)</sup> [RASFF – the Rapid Alert System for Food and Feed](#) enables information to be shared efficiently between its members (EU countries' food safety authorities, Commission, EFSA, ESA, Norway, Liechtenstein, Iceland and Switzerland) and provides a round-the-clock service to ensure that urgent notifications are sent, received and responded to collectively and efficiently. Thanks to RASFF, many food safety risks have been averted before they could have been harmful to European consumers.

- to assess the performance of the official control systems in this particular area; and
- to gather information on the ante- and post-mortem arrangements in place regarding the poultry sector following the entry into force of new requirements stemming from the Official Controls Regulation.

The audits concluded that, in general, the national authorities had adequate official control systems in place, underpinned by adequate cooperation between and within the authorities.

Nonetheless, the audits identified gaps regarding:

- training of the officials performing the controls,
- the performance of ante-mortem inspection, and
- inadequate reasons in case of emergency slaughter at the farm.

In one EU country there were unsuitable investigations and/or enforcement in case of transport for slaughter of unfit bovines.

In 2021, we also carried out a follow up audit in Poland to assess the implementation of the action plans submitted by the national authorities to address the recommendations of several 2019 audits on bovine meat including traceability following the aforementioned allegations and also on poultry meat.

The audit concluded that several of the actions required to address the recommendations contained in the initial audit reports, had been implemented, but some key shortcomings including resourcing and remuneration of official control staff, the levying of inspection fees in line with EU legislation, and the control of conflict of interest of official staff had not been resolved.

### **Safety of milk and dairy products**

In 2021, as part of an audit series, we carried out audits in five EU countries to assess the official controls related to the safety of milk and dairy products.

The audits concluded that the systems of official controls, including the laboratory network, of the EU countries audited were in general well designed and covered the whole dairy sector.

The audits identified weaknesses in:

- the implementation of the raw milk quality control system for species other than bovines,
- the training in relation to milk and dairy specific controls,
- the oversight by the central national authorities of the controls at lower level, and

- the adequate rating and enforcement of the shortcomings identified.

### **Microbiological safety of Food of non-Animal Origin (FNAO)**

In 2021, as part of an audit series, we carried out audits in five EU countries to assess the official controls related to microbiological risks in primary production.

The audits concluded that, in general, the awareness and knowledge among the national authorities concerning microbiological risks in FNAO had improved since the last audit series resulting in more robust official control systems in the area. Nonetheless, the audits identified that, overall:

- the official controls do not cover adequately seeds for sprouting, and
- weaknesses in the registration systems for primary producers impact negatively on the risk categorisation of producers to be subject of official controls.

# Genetically modified organisms

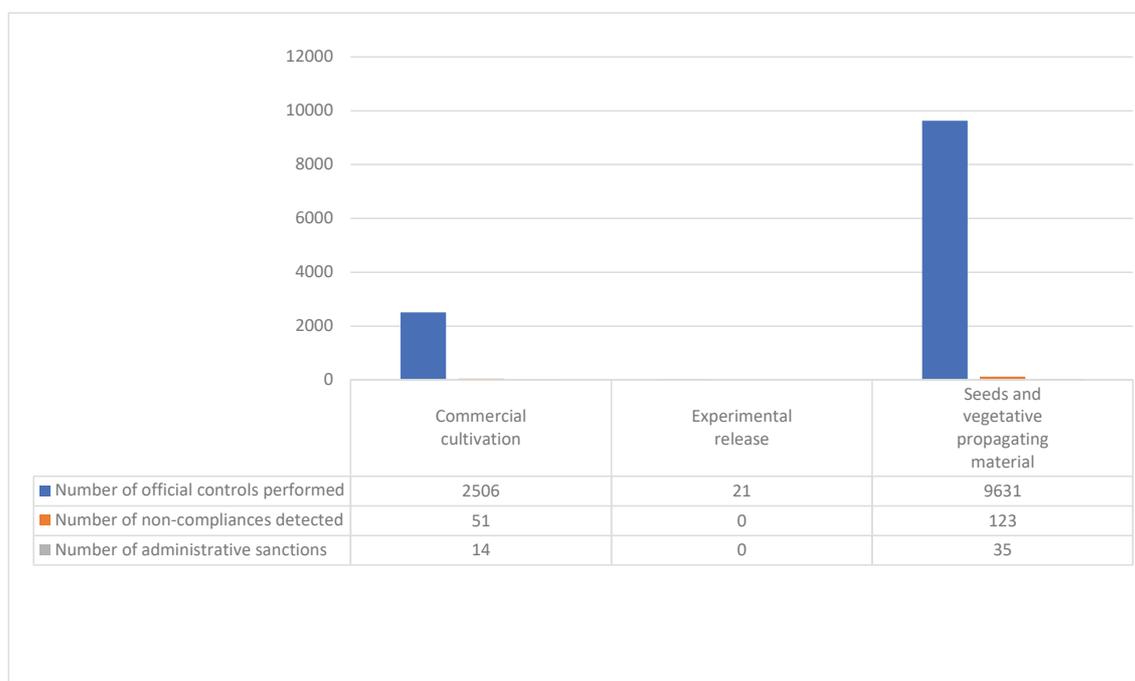
## Official controls carried out by EU countries

National authorities must carry out official controls to monitor the use and labelling of GMOs in food and feed, as well as the deliberate release into the environment of GMOs for the purpose of food and feed production. The use and labelling of GMOs in food and feed is reported in the food and feed sections.

As regards cultivation, 19 EU countries stated that there is no cultivation of GMOs; five stated to have excluded it from the geographical area, two state national legislation does not allow this cultivation, others have no crops authorised or registered or no farmers that cultivate them. One did not state the reason. Italy and Malta stated not to have data to report.

Table 5 provides an overview of the number of official controls carried out, non-compliance issues identified, and administrative sanctions applied in 2021, in relation to the commercial cultivation, experimental release and seeds and vegetative propagating materials for use in food and feed.

**Table 5 – official controls – GMOs - 2021**



## Commission controls of EU countries

The 2021 work programme did not include any audits relating to the deliberate release of GMOs into the environment.

# Feed

## Official controls carried out by EU countries

For this area the information provided in the annual reports on the overall level of compliance is limited and not harmonised. Seven EU countries do not include such a statement and Malta states this to be not applicable. Where data are present, these are mainly related to the number of controls carried out and/or samples taken against the planned numbers. Other reports contain a very generic statement. The Netherlands and France state that most feed business operators are certified by a private assurance scheme. Only France reports on targeted controls carried out, namely on the internet sales of petfood.

Businesses active in the feed sector can be classified as follows:

- registered establishments;
- approved establishments <sup>(20)</sup>;
- businesses manufacturing and/or trading medicated feeding stuffs;
- farmers using feed.

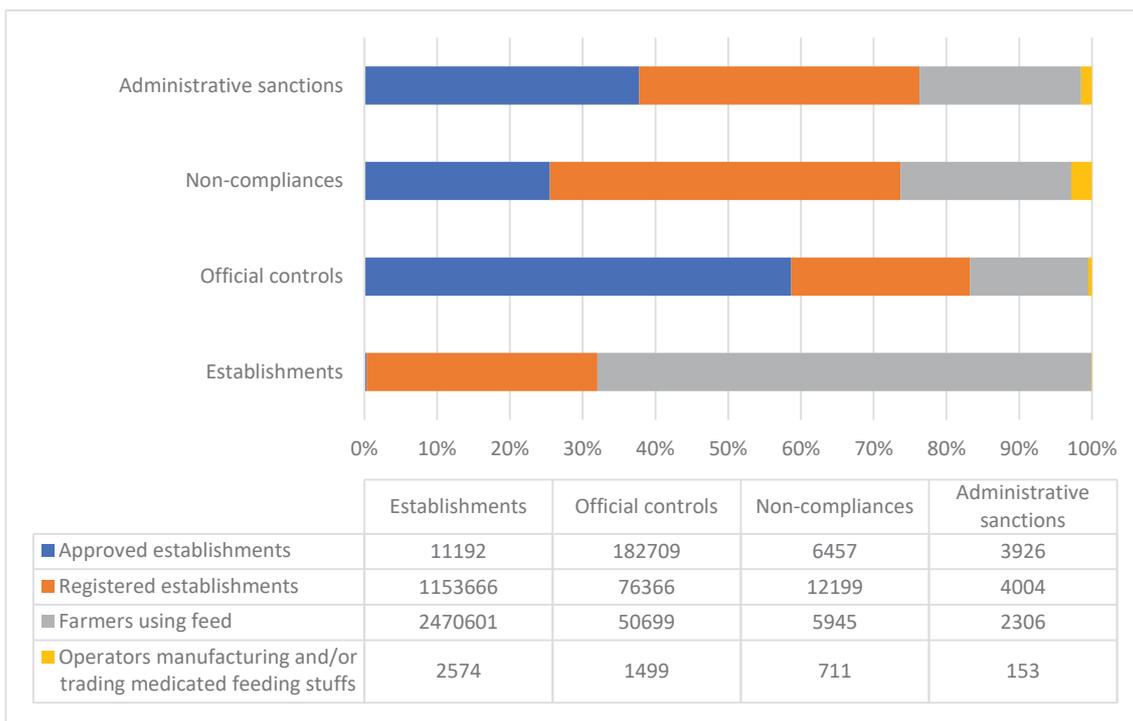
Table 6 gives an overview of the numbers of establishments, official controls carried out, non-compliance issues identified and administrative sanctions applied at EU level, in 2021.

Malta did not report any official control carried out in the feed sector. In seven reports the data provided are or seem to be incomplete. National authorities do not yet collect all data as required.

### **Table 6 – official controls – feed - 2021**

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<sup>(20)</sup> These businesses carry out operations involving more sensitive substances, such as certain feed additives, premixtures and compound feedingstuffs, requiring prior approval (all establishments need to at least be registered with the authorities).



Official controls in the feed sector cover issues such as feed labelling, traceability, additives, undesirable substances, medicated feed, pesticides and GMOs.

Non-compliance issues and sanctions were attributed to businesses' shortcomings in one or more of the following: labelling/traceability, feed safety, additives, undesirable substances, prohibited materials, medicated feed, pesticides, the use of unauthorised GMOs and the labelling of GMOs.

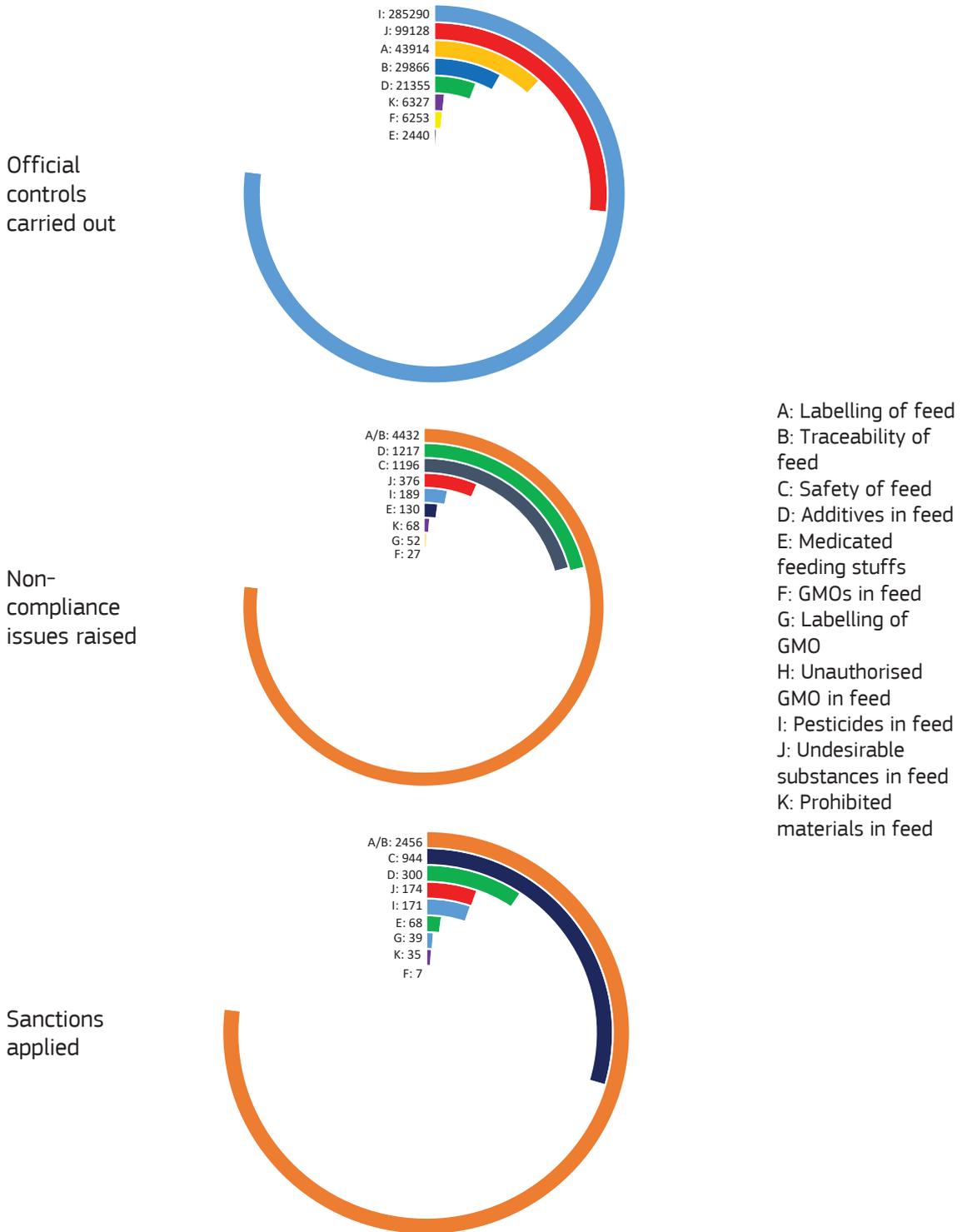
The graphics in Table 7 give an overview and breakdown of the numbers of official controls carried out, non-compliance issues identified and administrative sanctions applied over these different aspects <sup>(21)</sup>, in 2021.

While pesticide residues in feed is the biggest focus of official controls, most non-compliance issues and administrative sanctions related to feed labelling and traceability.

<sup>(21)</sup> Some EU countries indicated that they are not yet able to provide these data in the format required.

## Table 7 – official controls – feed - 2021

Official controls, non-compliance issues and administrative sanctions across 11 different topics, ranked by absolute figures



## Commission controls of EU countries

Countries audited:

6



Number of audits carried out:

6

1 audit per country audited

Total number of recommendations raised: 25

Recommendations per audit area:

Feed hygiene, 25

### Commission controls on feed hygiene

We examined national authorities' implementation of official controls on feed hygiene in six EU countries in 2021. Four audits were conducted remotely due to the COVID-19 pandemic and two were on-the-spot. While the overall results of the audits were positive, showing that national authorities' inspections and testing of feed business operators was working well, several areas for improvement were noted including

- national authorities' assessment of operators' hazard analysis and critical control points (HACCP) systems,
- the implementation of appropriate sampling protocols, and
- official controls on labelling.

National authorities committed to implementing corrective actions accordingly.

# Animal health

## Official controls carried out by EU countries

Only 18 EU countries' annual reports contain a statement on the overall compliance level, ranging from generic statements, to the percentage of controls or establishments with (non-) compliance to results relative to objectives set, e.g. disease-free status.

The Netherlands refers to a targeted action looking into the concentration of disinfectant used for means of transport, as the concentration measured during controls seems to deviate from what is to be expected.

The updated animal health law <sup>(22)</sup> is applicable since 21 April 2021; this is stated by some EU countries as a reason for not realising all official controls as planned.

### **Official controls on the identification and registration of cattle, sheep and goats**

During 2021, 6.63% of all cattle (4.76% of all holdings) were the subject of an official control. 1.1% of all holdings were non-compliant. For 63 185 animals (0.09%) on 6 671 holdings, the authorities ordered movement restrictions, for 2897 holdings (21 979 animals) this affected all animals present. For 104 animals (<0.001%) on 33 holdings (0.002%), destruction was ordered.

For sheep and goats, 6.43% of the animals (4.93% of the holdings) were subject to an official control, with 1.3% of all holdings found to be non-compliant.

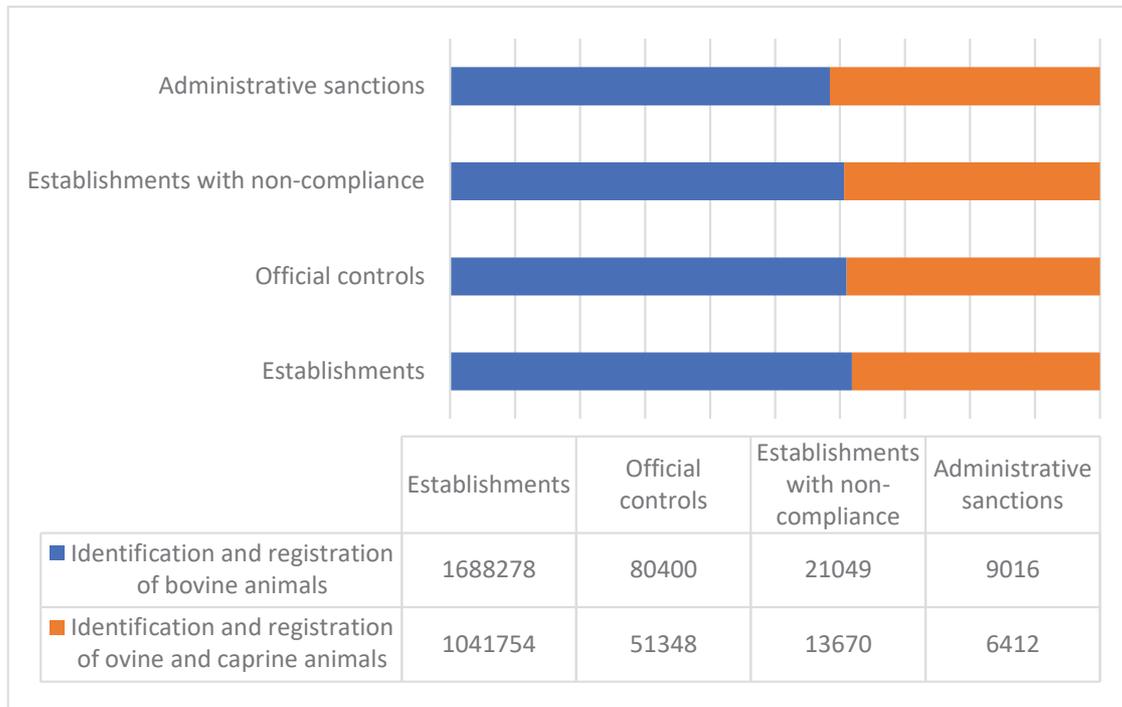
Belgium and Finland note that most sheep and goats in the country are kept as a hobby, with keepers being less aware of the need for identification and registration. Czechia notes that there is a high incidence of the loss of one or both ear tags for grazing animals.

Table 8 shows the number of official controls carried out, non-compliance issues identified and administrative sanctions applied, in 2021.

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<sup>(22)</sup> [Regulation \(EU\)2016/429](#)

**Table 8 – official controls – animal health (cattle, sheep and goats) - 2021**



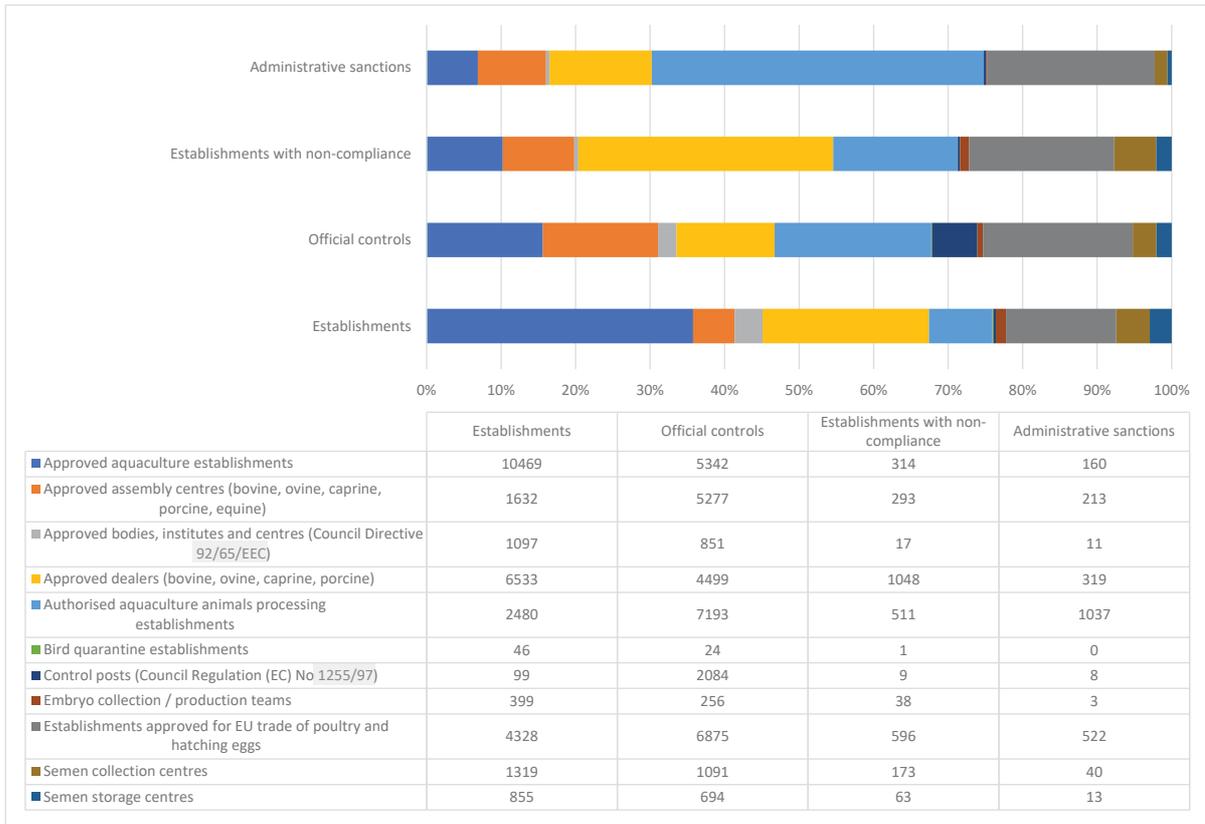
### Other official controls

In addition to animal farming, there is a broad range of activities where controls relating to animal health are vital to control outbreaks and the spread of animal diseases.

Table 9 provides an overview of the number of businesses involved in these activities and the number of official controls carried out, non-compliance issues identified and administrative sanctions applied, in 2021.

The updated Animal Health Law could be a reason why, in 20 reports, the tables do not contain all data. Where some EU countries do not have certain types of establishments in their territory, this is not always stated as a reason for missing data; most missing information concerns approved dealers, assembly centres, control posts and aquaculture. In some reports there are discrepancies in the number of establishments between the tables listing the number of official controls carried out and the number of non-compliances.

**Table 9 – official controls – animal health - 2021**



## Commission controls of EU countries

Countries audited:

5



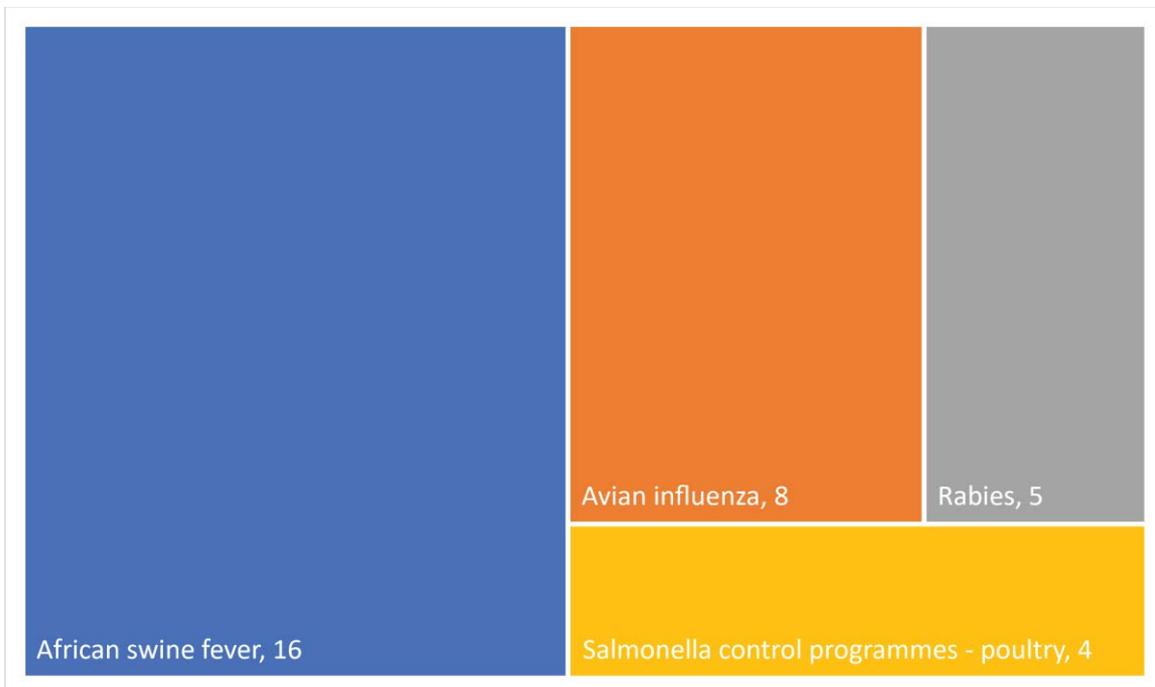
Number of audits carried out:

7

2 audits in Poland and Romania; 1 audit in the other countries audited

Total number of recommendations raised: 33

Recommendations per audit area:



Our controls focussed on African swine fever (ASF) due to recent outbreaks in EU countries. We considered the results of our controls to assess possible support and other measures with regards to combatting ASF in these countries and the EU in general.

On each of the three other topics, only one audit was carried out during 2021, a figure too small to draw systemic conclusions from at this stage.

# Animal by-products

## Official controls carried out by EU countries

Animal by-products (ABPs) are materials of animal origin that people do not consume. ABPs can spread animal diseases (e.g. Bovine Spongiform Encephalopathy - BSE) or chemical contaminants (e.g. dioxins) and can be dangerous to animal and human health if not properly disposed of. EU rules regulate the movement, processing and disposal of these.

Only 13 annual reports contain a statement on the level of compliance, mostly a generic one. Finland focussed on on-farm ABPs.

Table 10 provides an overview of the numbers of establishments, official controls carried out, non-compliance issues identified and administrative sanctions applied, in 2021, comparing the numbers between approved <sup>(23)</sup> and registered establishments.

Poland stated that it cannot distinguish the registered establishments, as in its view the EU technical specifications do not distinguish between approved and registered operators.

Table 11 compares the numbers of non-compliance issues and administrative sanctions between two types of product non-compliance issue:

- labelling and traceability of ABPs and derived products;
- safety of ABPs and derived products.

Ireland, Malta and Romania did not report any non-compliances on either of the two topics. Greece, Malta and Romania did not report any official controls on labelling and traceability.

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<sup>(23)</sup> These establishments process, handle or store ABPs and/or derived products (all establishments need to be at least registered with the authorities).

**Table 10 – official controls – ABPs - 2021**



**Table 11 – product non-compliance – ABPs - 2021**



## Commission controls of EU countries

Countries audited:

5



Number of audits carried out:

5

1 audit per country audited

Total number of recommendations raised: 12

Recommendations per audit area:

Hygiene, traceability and channelling of animal by-products (ABP) and derived products, 12

In 2021, we modified the scope of our audits of EU countries, due in part to the pandemic-related necessity to carry out the audits remotely (four of the five planned audits were conducted in this way). The audits focused on official controls at critical points of the animal by-products chain, taking into account the experience acquired in previous audits and the specificities of the countries audited.

Having a more focused scope made the remote audits more manageable for national authorities and the Commission. In addition, the audits gathered information on the impact of the COVID-19 pandemic on the organisation of official controls on animal by-products and derived products.

The findings of these remote audits have fed into the on-going series of audits of EU countries resulting in further refinements of the scope. This series of audits will be completed in 2024.

# Animal welfare

## Official controls carried out by EU countries

A statement on the overall level of compliance is present in only 16 annual reports.

### ***Animal welfare on farm***

Only six EU countries provided consistent and complete data on the number of farms in their country, and the number and outcome of official controls on animal welfare requirements. The remaining 22 EU countries presented one or more of the following:

- 11 EU countries did not carry out official controls on welfare at farm of one or more categories of animals, including cattle (kept for milk or meat production), sheep, goats and chickens kept for meat production.
- 14 EU countries indicated significantly different total numbers of ruminant farms (cattle, sheep and goats) in their country when indicating those numbers in data for animal welfare compared to the data given in the section on animal health.
- Three EU countries provided incoherent data between the data given for the number and outcome of controls and the data mentioned in their analysis of main issues identified.

This significantly reduces the reliability of the estimation of the level of overall compliance with animal welfare rules in the EU.

The annual reports must include an analysis of the most serious findings of non-compliance. These analyses should be the basis for a national action plan to prevent or decrease their occurrence for the forthcoming years <sup>(24)</sup>. Nine EU countries did not include the required analysis nor provide an indication of the absence or presence of any non-compliances for which an action plan would be necessary. Other EU countries' analysis are so generic that it is not possible to identify issues that might be common to several EU countries.

14 EU countries have not included this action plan. It must be highlighted that for an action plan to adequately address main animal welfare issues it would first require

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<sup>(24)</sup> Articles 151, 152, 156, 157 and 158 of Regulation (EU) 2017/625 require an analysis of the most serious findings of non-compliance and a national action plan to prevent or decrease their occurrence.

good data and a proper analysis of supporting data. In six EU countries, the action plan shows no link to the analysis of the main non-compliances identified.

Overstocking is the more commonly identified animal welfare issue in poultry farms (laying hens and chickens kept for meat production). Concerning farms keeping ruminants (cattle, sheep and goats), a number of EU countries have identified a higher risk of non-compliances in small-sized farms and suggested that this is potentially caused by the lack of competence of the keepers or their poor awareness of legal requirements. In pig farms, the more commonly identified issue is the inadequate and/or insufficient provision of enrichment material. This is one of the factors causing tail biting and leading to routine tail-docking. In six EU countries, routine tail-docking or the multiple factors leading to tail-biting are not taken into account in the analysis of non-compliances in pig farms. In three EU countries, although tail-docking is not directly mentioned, one or more factors leading to tail-biting are taken into consideration.

Table 12 provides an overview of the numbers of production sites, official controls carried out, sites with non-compliance issues and sanctions applied, in 2021, across the animal species listed.

**Table 12 – official controls – animal welfare on farms - 2021**



	Production sites	Production sites controlled	Controls performed	Sites with non-compliance	Sanctions
🐷 Pigs	471724	11687	47751	4362	4284
🐓 Laying hens	34203	2045	5195	506	469
🐔 Chicken	35987	2548	7787	678	593
🐄 Calves	1196970	21780	25106	5352	6293
🐑 Other	1980022	46652	69587	14169	13699

### ***Animal welfare during transport***

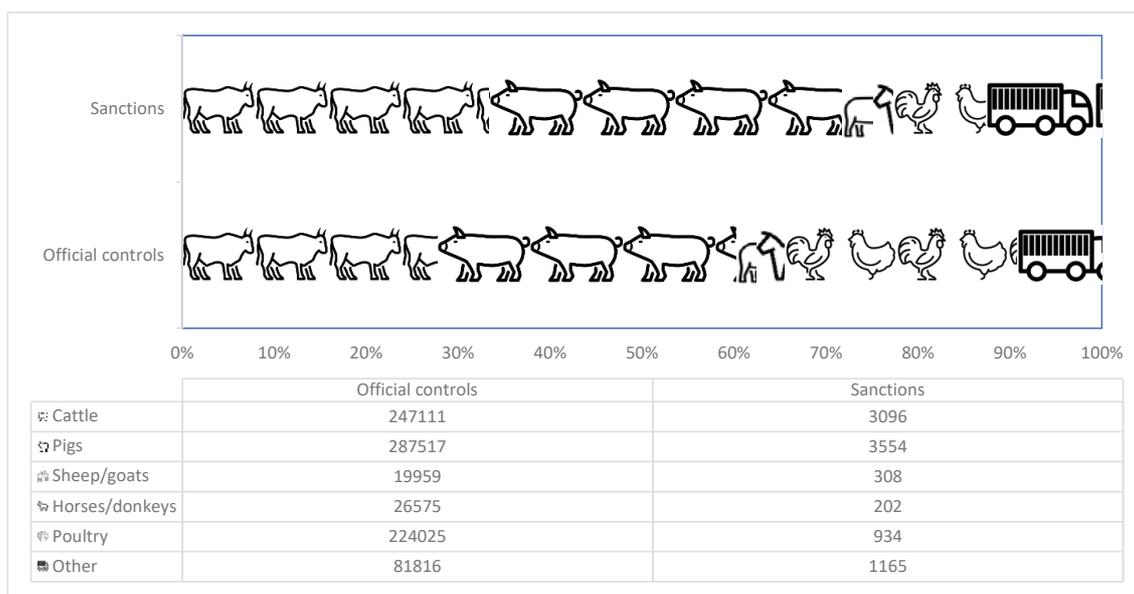
Four EU countries have not reported the official controls that are carried out at slaughterhouses when this is the place of destination.

The analysis of eight EU countries is missing <sup>(25)</sup> or is of poor quality and does not identify the presence – or absence – of main non-compliances for which an action plan would be necessary. Ten EU countries have not included the action plan. It must be highlighted that a proper action plan that adequately addresses main animal welfare issues would first require proper data and a proper analysis of the supporting data.

The most frequent non-compliances are related to documentation (journey logs, transporter authorisations, vehicle certificates of approval, satellite navigation system data). The transport of unfit animals, particularly to slaughterhouses, is also commonly reported as a main animal welfare issue.

Table 13 provides an overview of the number of official controls carried out and administrative sanctions applied across the different animal species, in 2021.

**Table 13 – official controls – animal welfare during transport – 2021**



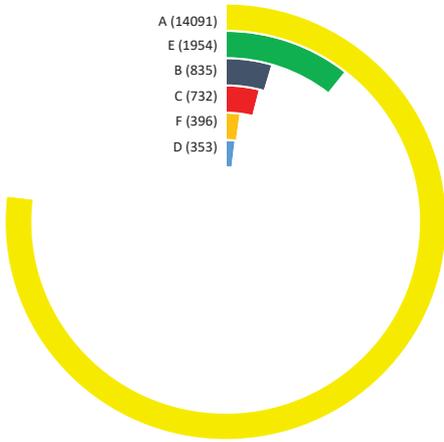
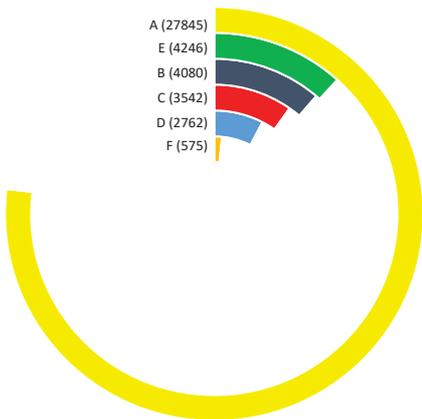
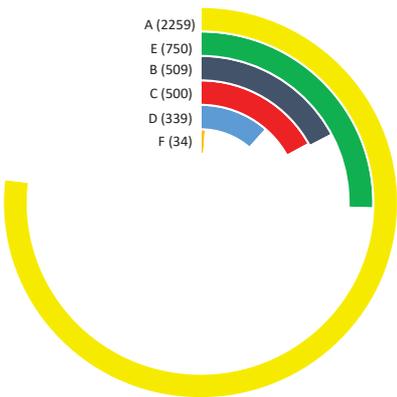
These official controls led to a number of administrative sanctions being applied. The graphs in Table 14 show the number of sanctions applied for the different species. The main issues were:

- for cattle, pigs, sheep and goats and poultry, the fitness of animals;
- for horses, problems with transport documentation;
- for all other also the fitness of animals.

<sup>(25)</sup> Article 154 of Regulation (EU) 2017/625 requires an analysis of the major deficiencies detected and an action plan to address them.

## Table 14 – official controls – animal welfare during transport - 2021

Administrative sanctions for different species relating to six areas

Cattle	 <p>A (14091) E (1954) B (835) C (732) F (396) D (353)</p>	
Pigs	 <p>A (27845) E (4246) B (4080) C (3542) D (2762) F (575)</p>	<p>A: fitness of animals B: transport practices C: Means of transport D: water, feed, journey times E: documents F: other</p>
Sheep & goats	 <p>A (2259) E (750) B (509) C (500) D (339) F (34)</p>	

Horses and donkeys	<p>E (379) A (156) F (92) C (46) B (44) D (26)</p>	
Poultry	<p>A (177209) B (913) E (527) C (259) F (146) D (65)</p>	<p>A: fitness of animals B: transport practices C: Means of transport D: water, feed, journey times E: documents F: other</p>
Other	<p>A (1089) E (899) C (324) D (175) B (138) F (93)</p>	

### ***Animal welfare at the time of killing***

Two EU countries did not provide any information on the outcome of official animal welfare controls carried out in slaughterhouses.

Five other EU countries submitted data exclusively concerning depopulation activities for animal health reasons, which is only an optional item to be included in the report.

The quality of information provided by the remaining 19 EU countries varies. In those that provided some detailed information, the main animal welfare issues concern poultry slaughterhouses (in particular the stunning of birds) and the lack, or expiry, of

certificates of competence of animal welfare officers and other slaughterhouse personnel. None indicated a reason for such a non-compliance. Three EU countries have reported that official controls have not detected any non-compliances in slaughterhouses.

Germany stated that, in its opinion, reporting on official controls on animal welfare at slaughter is optional and therefore unnecessary.

## Commission controls

Countries audited:

11



Number of audits carried out:

11

1 audit per country audited

Total number of recommendations raised: 29

Recommendations per audit area:



### Animal welfare on farm

We completed a project to get an overview of the national controls on the welfare of laying hens through audits and questionnaires. This is an area well-covered by

national controls and where several EU countries are implementing national provisions, which are more stringent than the EU ones. The results did not highlight important compliance issues.

The main effect of the weaknesses in the official controls is overstocking. Due to the absence of EU animal welfare requirements specific to breeder flocks and pullets (young hens) there is no consistency in the controls carried out in different countries and even regions.

We will consider these results in the ongoing fitness check of the animal welfare legislation and in its actions to address the 'End the Cage Age' citizens' initiative.

### **Animal welfare during transport**

We delivered training on retrospective checks (road transport of animals) to the national authorities and established workshops to be delivered under the BTSE initiative in 2022 and 2023.

We continued 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.

# Plant health

## Official controls carried out by EU countries

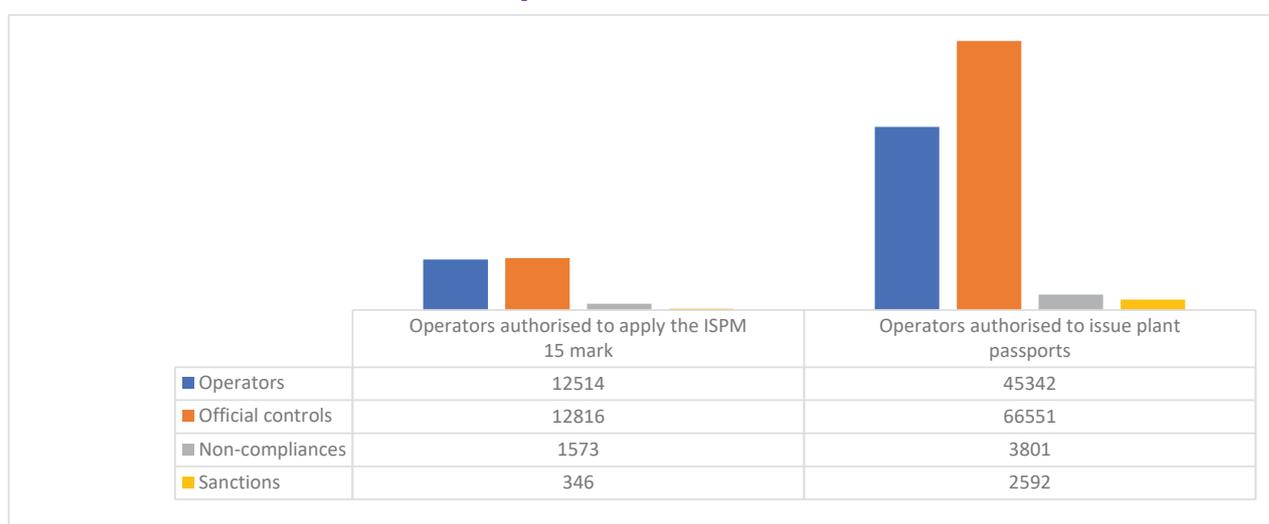
EU countries have to report on the official controls carried out on businesses authorised to issue plant passports <sup>(26)</sup> and businesses authorised to apply the ISPM 15 mark <sup>(27)</sup> to wood packaging materials.

Only 17 reports contain a, mainly generic, statement on the overall compliance. The Netherlands state it is too early to define a level of compliance, as this activity was only recently added to the official control plan.

Only five EU countries carried out at least one official control on every operator, as required by legislation, six more achieved this requirement for one of the two types of operators.

Table 15 provides an overview of the number of businesses involved, official controls carried out, non-compliance issues identified and administrative sanctions applied, in 2021.

**Table 15 – official controls – plant health - 2021**



<sup>(26)</sup> Plant passports are harmonised labels that must accompany all plants for planting during all business-to-business movements within the EU, to ensure the absence of quarantine pests, compliance with regulated non-quarantine restrictions and traceability.

<sup>(27)</sup> A mark on wood packaging materials shows they have undergone treatment to remove or kill pests.

## Commission controls of EU countries

Countries audited:

9



Number of audits carried out:

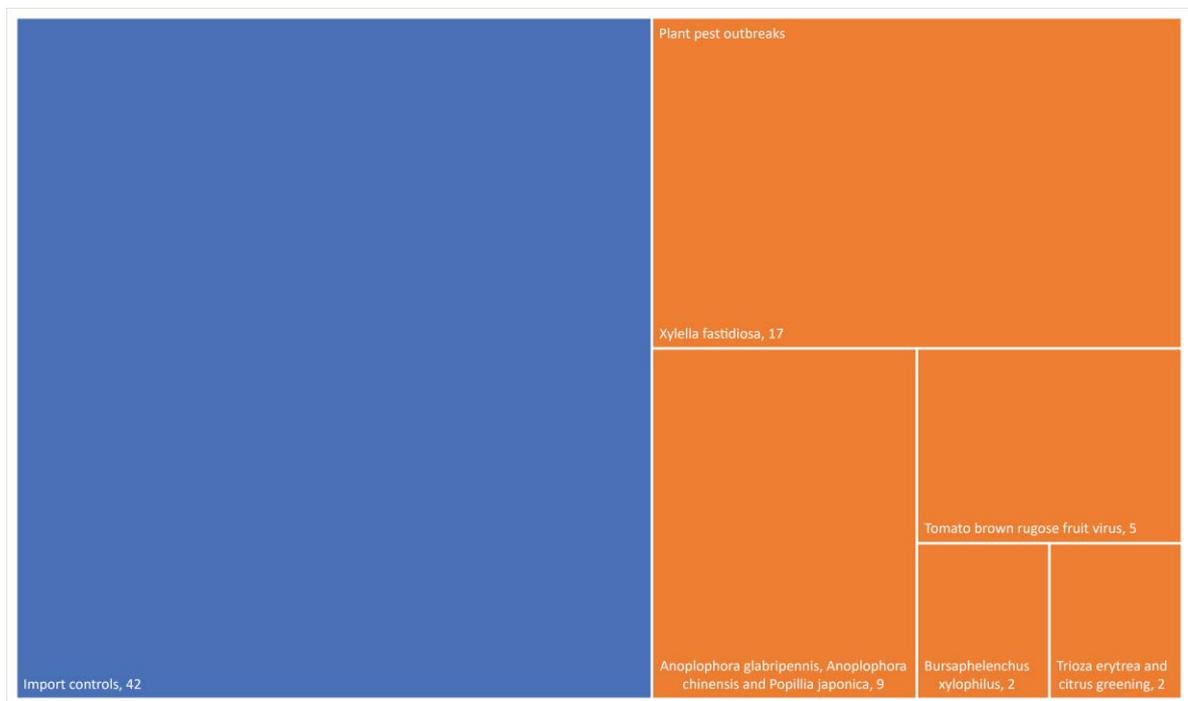
13

3 audits in Italy, 2 audits in France and Portugal, and 1 audit in the other countries audited

Total number of recommendations raised:

77

Recommendations per audit area:



### Controls on harmful pests and diseases

Plant health is important for sustainable agriculture and horticultural production, food security and protection of the natural environment. We continued to conduct a wide range of audit and analysis activities in the field of plant health, in EU countries (and non-EU countries that export plants to the EU), to verify compliance with EU rules.

#### EUROPHYT-Outbreaks

Rapid reporting by EU countries on new outbreaks of pests and diseases, and on their spread in the EU, is fundamental for assessing risk factors and better targeting national authorities' control activities for eradication or containment of the pests. The

web-based module for outbreak notifications under the EUROPHYT system was further developed, helping national authorities to timely report new outbreaks and updates on existing outbreaks. The introduction of new tools for real time data analyses improved the information needed for rapid decision making.

### **Audits on import controls for plant health**

Since the end of 2019, significant changes to the EU plant health import regime apply in the EU. Among other changes, an obligation for a phytosanitary certificate for plants and plant products presented at import now applies to a large range of new commodities, and to plants brought in with passengers' luggage. The requirements of the Official Controls Regulation (OCR) apply to plant health import controls and resulted in a number of important changes. A new audit series with six audits carried out in 2021 has supported authorities with the swift and effective adaptation of their control systems to meet these new requirements. The audit findings are also reflected in the Commission report on the enforcement and effectiveness of plant health measures relating to imports into the Union territory <sup>(28)</sup>. This audit series will continue until 2023.

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<sup>(28)</sup> [Report on the enforcement and effectiveness of plant health measures relating to imports into the Union territory](#)

# Plant protection products

## Official controls carried out by EU countries

Plant protection products (PPP) are subject to official controls at market level and during use.

Only 17 reports contain a, generic, statement on the level of compliance. The Netherlands report that the motivation for compliance is low. Bulgaria states that controls on farmers need to be enhanced to prevent the use of illegal and unauthorised PPP.

The reports do not contain all data as required. The national authorities do not yet register all operators and activities in a way that would allow them to provide the data.

### **Marketing of PPP**

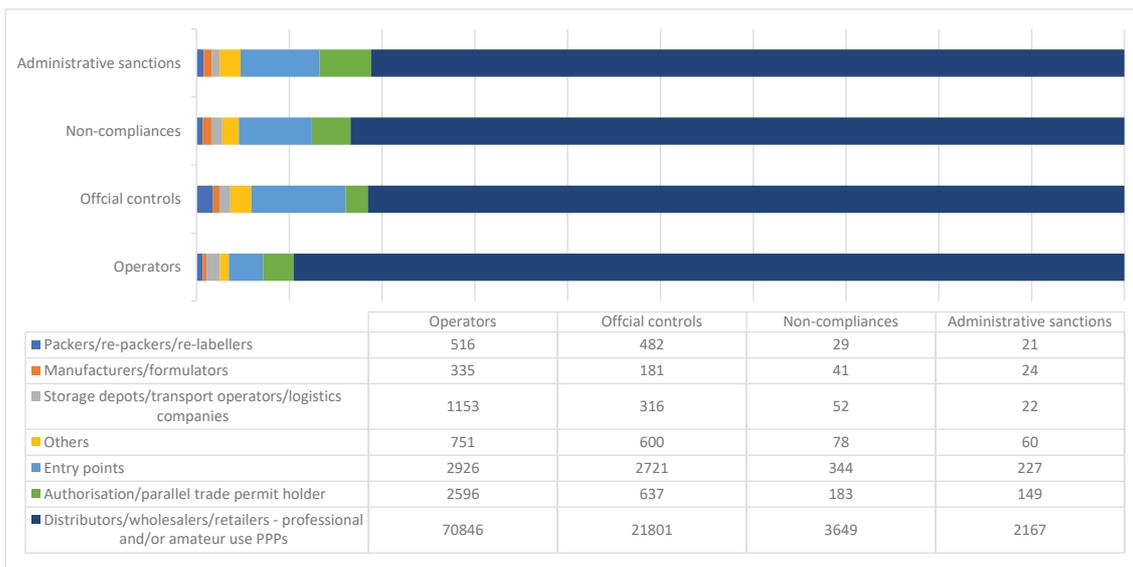
A range of businesses are active in the PPP distribution chain. Table 16 provides an overview of the number of operators, official controls carried out, non-compliance issues identified and administrative sanctions applied across the types of operators, in 2021.

Czechia and Italy report a high number of authorisation/parallel permit holders, this figure might relate to the number of products rather than operators.

The report from the United Kingdom (in respect of its controls performed in Northern Ireland) states that no programme for official controls on the marketing of PPP is in place yet as the Official Controls (Plant Protection Products) Regulations (Northern Ireland) 2020 came into operation only recently (on 31 December 2020).

A specific non-compliance issue at this stage is the storage of PPP that are no longer authorised to be used.

**Table 16 – official controls – marketing of PPP - 2021**



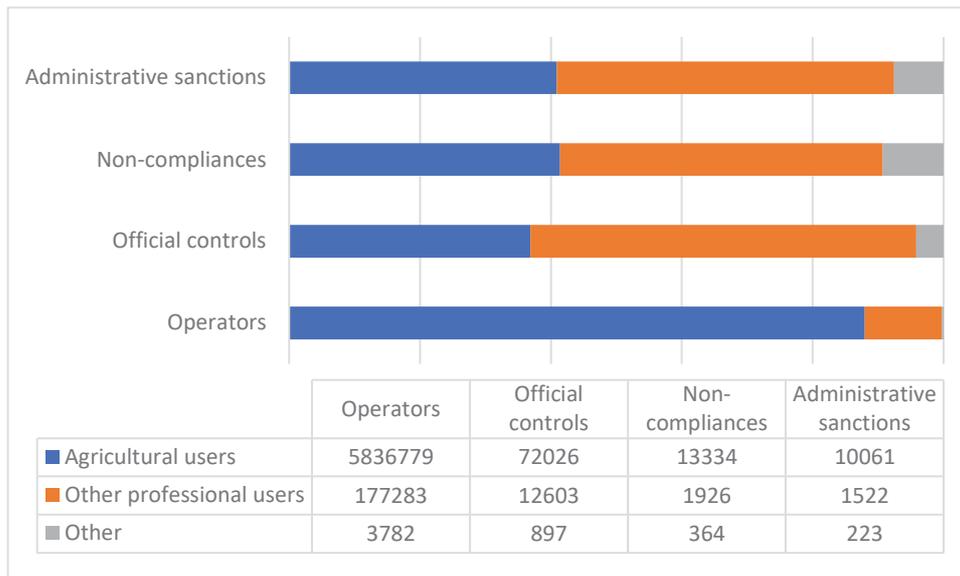
**Use of PPP and sustainable use of pesticides**

Non-compliance issues identified related to accidental application of PPPs on areas where they should not have been used, exceeding the permitted dosage of PPPs, the use of PPPs in violation of the requirements for the protection of drinking water sources, the use of PPPs in an unauthorised crop in violation of its marking (label), excess of the maximum number of treatments per crop, failure to comply with the notification obligation before the application of rodenticide and a product particularly dangerous for bees.

Finland found a relatively large number of shortcomings on golf courses and in real estate management companies. Deficiencies in spraying equipment inspections and compliance with labelling requirements were common on golf courses. For property maintenance companies the main deficiencies concerned the product registers and the lack of qualifications of users.

Table 17 provides an overview of the number of operators, official controls carried out, non-compliance issues identified and administrative sanctions applied, in 2021, across the types of operators in relation to official controls carried out on the use of PPP and the sustainable use of pesticides. Other professional uses include use in forestry, around railways and roads, non-agricultural areas such as golf courses and other public areas, seed treatment operators and spray contractors and/or service providers.

**Table 17 – official controls – use of PPP - 2021**



## Commission controls of EU countries

Countries audited:

5



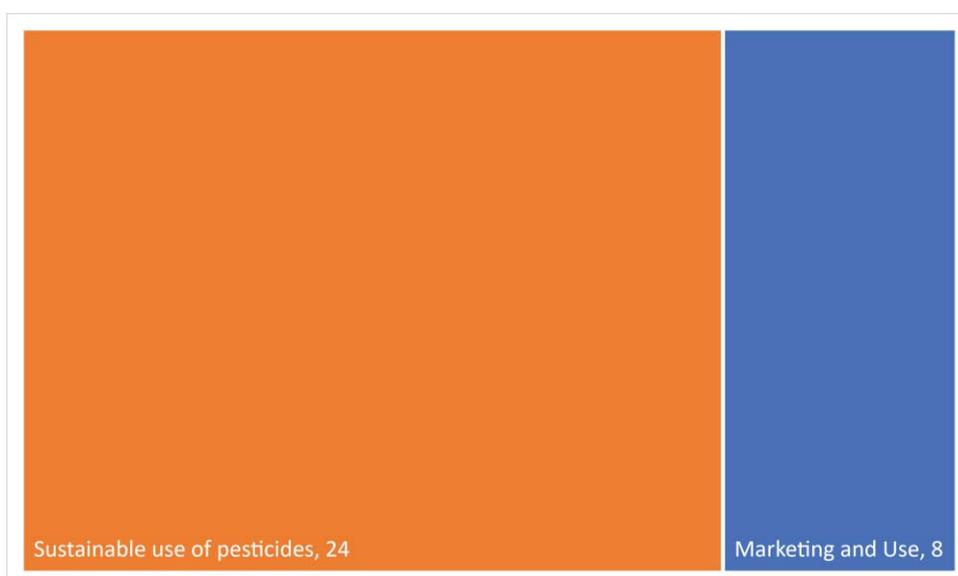
Number of audits carried out:

5

1 audit per country audited

Total number of recommendations raised: 32

Recommendations per audit area:



## The sustainable use of pesticides

The broad range of measures set out in the Directive on the sustainable use of pesticides <sup>(29)</sup> (SUD) provides the basis for reducing the risks and impacts of pesticide use on human health and the environment, in particular by promoting the use of integrated pest management (IPM) and alternatives to pesticides.

### *Evaluation of the SUD*

The [evaluation and impact assessment of a possible future revision of the SUD](#) which started in 2020 continued in 2021. This exercise was carried out in line with the [Commission's guidance on Better Regulation](#).

Additional consultations, also with other relevant stakeholders, were organised in 2021, including via an external study to support the evaluation and impact assessment. On 4 May 2021 a workshop was organised by the external study contractor to discuss the findings of their evaluation work with stakeholders <sup>(30)</sup>.

On 18 January 2021, we launched an online [public consultation/\(have your say\)](#) for this initiative which was open for responses until 12 April 2021. A total of 1,697 online responses to this consultation were received and analysed.

A first remote stakeholder event was organised on [19 January 2021](#), to consult and receive input to the planned work. Two additional stakeholder events were organised, on [25 June 2021](#) and [5 October 2021](#) respectively, to give an update on the work underway and to further consult and engage with stakeholders.

We also signed a contract for a [6 month foresight study](#) in March 2021 aiming to develop future vision scenarios for the sustainable use of pesticides and, in particular, achieving by 2030 the pesticide use and risk reduction targets announced in the Farm to Fork and Biodiversity Strategies.

On 6 October 2021 a workshop was organised by the external study contractor to discuss the findings of their evaluation and impact assessment work with stakeholders <sup>(31)</sup>.

The [Commission's Regulatory Scrutiny Board \(RSB\)](#) reviewed the Commission's draft impact assessment at its meeting of [24 November 2021](#).

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<sup>(29)</sup> [Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides](#)

<sup>(30)</sup> The presentations from the workshop can be accessed [here](#).

<sup>(31)</sup> The presentation from this workshop can be accessed [here](#).

### *SUD implementation*

In 2021, we carried out three audits to evaluate the implementation of measures to achieve the sustainable use of pesticides. They were all carried out remotely, due to the COVID-19 pandemic.

The two series of Better Training for Safer Food courses, i.e. *IPM implementation at farm level* and *testing of pesticide application equipment* continued in 2021. The six IPM sessions organised in 2021 were all online. They covered the following crops: two sessions on winter wheat, two on potatoes and two on vine grapes. Concerning *pesticide application equipment*, no sessions took place in 2021; most of them were suspended because of COVID-19 restrictions.

### *Harmonised risk indicators*

In August 2021, we published [updated EU Harmonised Risk Indicators for pesticides](#) for the period 2011-2019. These indicators show the trends in the risks associated with the use of pesticides since 2011.

Harmonised Risk Indicator 1 (HRI 1) measuring the use and risk of pesticides, shows a decrease of 21% since the baseline period in 2011-2013, and a 4% decline compared to 2018, which was unchanged compared to 2017.

Harmonised Risk Indicator 2 (HRI 2), which is based on the number of emergency authorisations, shows an increase of 55% since the baseline period in 2011-2013, but a 5% decrease compared to 2018. These results show continuing progress in risk reduction, and support the achievement of the [Farm to Fork pesticide reduction targets](#). However, there is no room for complacency if the EU is to further reduce the risks associated with pesticides.

### **Farm to Fork targets on PPPs - Progress**

The Commission set two key pesticide reduction targets as part to the Farm to Fork Strategy and Biodiversity Strategy in May 2020:

- Target 1: to reduce by 50% the use and risk of chemical pesticides by 2030
- Target 2: to reduce by 50% the use of more hazardous pesticides by 2030

In May 2021, we have published the [progress at European Union level](#) towards meeting both Farm to Fork pesticide targets for the first time. Where EU countries

have agreed for the Commission to publish this progress, [these trends](#) were also published. They will be updated annually <sup>(32)</sup>.

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<sup>(32)</sup> More details are accessible [here](#).

# Organic production and labelling of organic products

## Official controls carried out by EU countries

For the 2020 reporting year, the Commission sent follow-up letters to 24 EU countries and two European Free Trade Association (EFTA) countries, because their annual reports for that year lacked quality or accuracy on organic data or official organic control topics <sup>(33)</sup>.

This allowed clarification on issues related to:

- a lack of compliance with the legal control requirements (number of annual inspections, additional risk-based and unannounced inspections carried out);
- a lack of information on the number and type of non-conformities detected and information on the relevant measures applied;
- a lack of information on the supervisory activities by the competent authority in relation to the organic control bodies (audits, number of files examined, witness/review audits, major findings and follow-up given to irregularities);
- a lack of information on actions taken by the competent authority to ensure compliance by the organic businesses and/or the effective operation of their official control services.

The Commission's assessment of the annual reports submitted for the 2021 reporting year in the organics sector is ongoing.

EU countries may delegate to control bodies certain official control tasks and other official activities <sup>(34)</sup>. In most EU countries, private control bodies are active in certification and official controls of organic businesses. The national authorities are required to supervise these bodies <sup>(35)</sup>.

Under the rules on organic production, EU countries' national authorities for organic farming supervise the control bodies to whom they delegate official control tasks and report the results of this supervision activity to the Commission. The supervision

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<sup>(33)</sup> Annexes XIIIc and XIIIb of [Regulation \(EC\) No 889/2008](#)

<sup>(34)</sup> Article 28 of [Regulation \(EU\) 2017/625](#).

<sup>(35)</sup> Article 33(a) of Regulation (EU) [2017/625](#).

audits include office assessments of the control procedures, witnessed audits, where the national authority observes the inspection carried out by inspectors from the control body, review audits, where the national authority directly inspects organic businesses to verify compliance with the organic rules. The national authorities impose measures where necessary, including the withdrawal of these bodies' delegations.

## Commission controls of EU countries

Countries audited:



Number of audits carried out:

2

1 audit per country audited

Total number of recommendations raised: 19

Recommendations per audit area:

The recommendations in this area are not split into further topics.

In its Farm to Fork strategy, the Commission set a target for organic farming at 25% of the EU's agricultural area by 2030. In the last 10 years, there has been an increase of 63%, to currently 8.5% of the total utilised agricultural area <sup>(36)</sup>.

In 2020, the EU imported 2.79 million tonnes of organic agri-food products, a decline of 1.9% compared to the 2.85 million tonnes imported in 2019 <sup>(37)</sup>.

We continue to carry out an annual programme of audits of the control systems for organic products produced or imported into the EU single market.

Private control bodies certify imports from most non-EU countries and audits of these bodies are an important part of the Commission audit programme in the organics sector, accounting for two audits carried out in 2021 although online due to the COVID-19 pandemic.

A main difference between the two types of controls, is that control bodies in non-EU countries may apply group certification if the group has an internal control system. This approach facilitates exports from small farmers in developing countries that cannot afford individual certification.

<sup>(36)</sup> [Organic farming statistics provided by Eurostat](#)

<sup>(37)</sup> [EU imports of organic agri-food products – key developments in 2020](#)

Many of the non-compliance issues found in non-EU countries relate to issues with the implementation of this system.

The most frequent adverse findings identified in the audits in EU countries related to the supervision of control bodies, compliance with minimum control requirements from the control bodies, the notification to the competent authorities of non-compliance issues by businesses from the control bodies and the lack of enforcement of measures in cases of non-compliance issues.

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

Official controls carried out by EU countries

The EU geographical indications (GIs) system protects the names of products originating from specific regions and having specific qualities or enjoying a reputation linked to the geographic area where they are produced (protected designations of origin (PDOs), protected geographical indications (PGIs) and traditional specialities guaranteed (TSGs)). The GIs system enables consumers to trust and distinguish traditional products with specific qualities, while also helping producers to market their products better.

Almost 3 500 names of products are registered and protected under the EU GIs system and more than 1 700 non-EU GI names are protected through international agreements.

Each GI must adhere to a specific set of specifications laying down details of production. The product specification is also serving as a guarantee for the quality and authenticity of the product.

The EU regulations establish obligations and principles for a system of official controls that must be implemented by EU countries. The scope of protection covers both the production phase and the surveillance of the correct use of the protected name.

The EU countries identified various objectives for the official controls of GIs: e.g.

- in Austria and Germany, amongst others, the safeguarding of consumer trust;
- in France, to ensure the confidence of consumers of products presenting on their labelling one of the official GI logos;
- in Czechia, to ensure that the rights of the GI right holders were guaranteed and respected;

- in Estonia, to examine whether registered names, including from other countries, are used legitimately.

Some EU countries (e.g. France and Germany) reported that the planned number of official controls was impacted by effects of the COVID-19 pandemic (e.g. staff assignment, frequency of checks) and by avian influenza (reported by France). However, in general, the number of official controls undertaken in 2021 was maintained at the same level as in 2020.

On the other hand, other countries reported that they reached or even exceeded their GI controls target (e.g. Italy reported that its competent authority carried out 133.3% of the planned controlling activities; Estonia and Finland also reported an increased number of annual GI controls). The figure is linked to the increase in controls of GIs in e-commerce as well as the high incidence of judicial police activities aimed at combating fraud, which cannot be planned.

Based on the submitted information, the following observations are made:

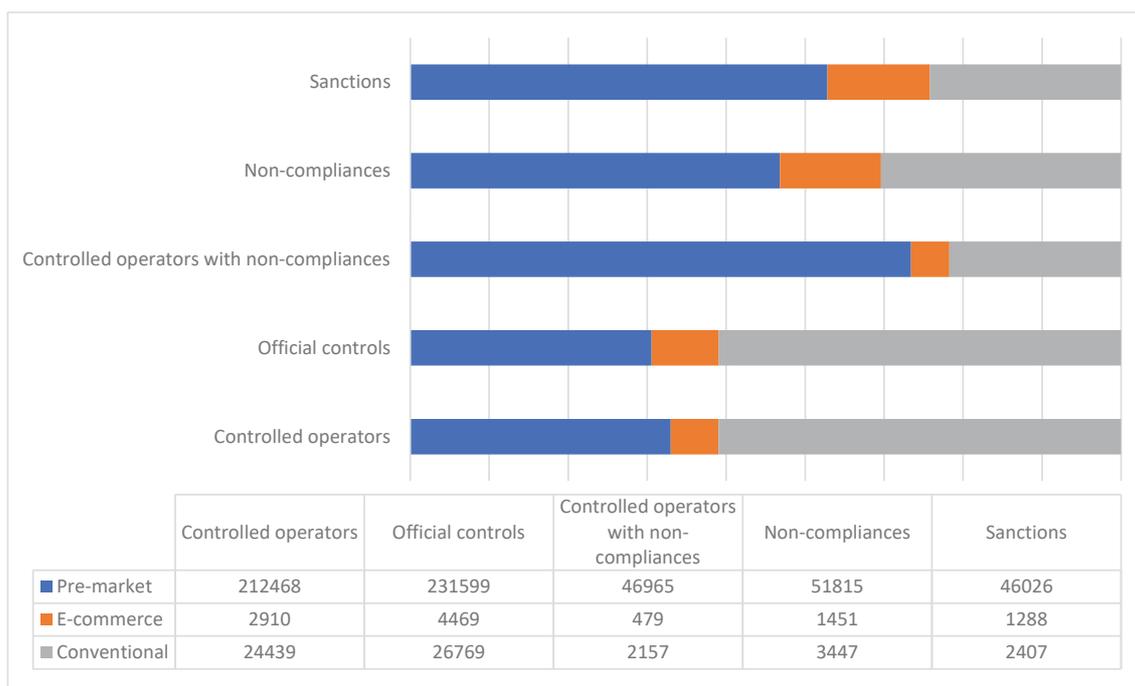
- The official controls of GIs in the EU countries included both pre-market checks and conventional checks on the market. In some EU countries (e.g. France, Italy, Portugal, Greece, Czechia, Poland) the majority of the checks reported concerned pre-market checks. Nevertheless, the number of market controls undertaken is particularly significant as well in some of those EU countries, e.g. France (3 036), Italy (2 995), Spain (1 701) and Portugal (2 251). In other EU countries (e.g. Germany, Cyprus, Romania, Slovakia, Bulgaria, Finland, Sweden) more emphasis was put on the controls in the marketplace. The reason behind the difference might be that EU countries with a high number of GIs focus more on verification of compliance of GIs with their product specification before the product is placed on the market.
- As regards the checks on the market, they were further split into checks in the physical marketplace and checks on internet. Some EU countries (e.g. Finland, Sweden, Estonia) indicated that the controls on e-commerce had not been separately recorded in the control system.
- In addition, there is a number of EU countries (e.g. Austria, Belgium, Bulgaria, Croatia, Denmark, Hungary, Netherlands and Romania) where it is not clear whether the controls on e-commerce were not carried out at all or they were included in the conventional controls on the market.
- In the context of increasing sales of products online and their associated potential for infringements, controls of GIs in e-commerce play a more and more important role and thus these controls might need to be stepped up in the future. Some EU countries clearly declared such intention (e.g. Germany, Finland).

- Some weakness in the GI controls on the market were identified, such as
  - the absence of market controls in Malta;
  - the absence of market controls at the level of one of the regions in Belgium due to the absence of an enforcement cooperation agreement between the region concerned and the federal competent authority for GI market controls;
  - the non-recording and, therefore, non-reporting of GI market inspections by Denmark, although such inspections are reported to have been performed by the designated competent authority.
- Some EU countries indicated particularly high levels of compliance (e.g. Lithuania, Latvia, Slovakia, Czechia – around 99%), while in others a higher non-compliance has been detected (e.g. in Greece 33.8%, in Slovenia 27.6%, in Denmark 69.4%, in Estonia 62% non-compliance rate, calculated as the number of non-compliances found in relation to the controls performed).
- The types of infringements reported by the EU countries included:
  - non-compliance with the product specification,
  - labelling not in accordance with the rules,
  - cases where non-GI products were labelled as GIs or
  - cases of GI misuse or evocation.
- Depending on the EU country, information on the infringements has been reported per sector or product category (e.g. Belgium, Italy or Czechia), or per entire GI sector (covering wine, spirit drinks and agricultural products) (e.g. Austria, Denmark).
- Some EU countries with particularly high GI awareness reported a very high number of official controls for all types of checks (e.g. in Spain over 48 800, in France over 40 400 and in Italy over 162 800 checks took place).
- Limited information (e.g. by Estonia) or mostly no information has been provided by the EU countries on the checks of GIs originating in non-EU countries, but which are protected in the EU either via direct applications or on the basis of international agreements.
- Enforcement actions by the EU countries comprised both administrative and judicial actions (the latter only reported by France, Italy, Spain, Portugal, Greece

and Netherlands). Administrative actions included, among others, temporary closure of operators, downgrades, suspensions of accreditation; accreditation withdrawals, seizure of products or orders to operators to recall and destroy the infringing products. The low rate of judicial actions in comparison to the number of administrative actions might indicate a relatively low gravity of identified infringements. At the same time, it may also signal the need of raising the awareness of all the relevant enforcement authorities about the need of ensuring a strong protection of GIs as intellectual property rights. This even more having in view that GIs became more and more an important candidate for exploitation for fraud purposes due to the high economic value they generate (the GIs' annual sales value in the EU is estimated at around EUR 75 billion, representing 7% of the total sales value of the EU food and drinks sectors) and the emergence of e-commerce.

Table 18 provides an overview of the number of businesses subject to official controls, the number of those with non-compliance issues, the number of official controls carried out, non-compliance issues raised and administrative sanctions applied, in 2021.

**Table 18 – official controls – PDO/PGI/TSG/GI - 2021**



## Commission controls of EU countries

Countries audited:

2



Number of audits carried out:

2

1 audit per country audited

Total number of recommendations raised: 8

Recommendations per audit area:

The recommendations in this area are not split into further topics.

We continued to carry out a limited annual programme of audits in the EU countries on the control systems for GIs.

The overall conclusion is that EU countries have well-structured official control systems in place for the protection of GIs, with designated national authorities and well-trained staff. The shortcomings identified and, hence, the biggest challenges ahead for the national authorities concern

- the strengthening of the GIs' controls on the market, including as regards the protected GIs from other EU countries and from third countries, and
- the surveillance of the use of GIs on internet to discourage, identify and remove any misappropriations of GIs on e-commerce platforms.

Enforcement is the key to the GI system, therefore awareness of all the enforcement authorities needs to be raised on the scope of the GIs protection and on the administrative and judicial actions that may be taken to prevent or stop the unlawful use of GIs.

For this purpose, a robust control and enforcement system must be in place across the EU. While the general rules of such a system are set out in the EU legislation, the organisation and implementation is the EU countries' remit. Consequently, various systems are being implemented among the EU countries.

In 2021, the evaluation support study on GIs/TSGs <sup>(38)</sup> was carried out to obtain an independent evidence-based assessment of how the GI scheme works.

Under the study, an electronic survey of the national authorities (27 replies) was conducted. Enforcement and controls of GIs was one of the aspects covered by the survey. As regards the types of non-conformity, the national authorities' survey suggests that most common infringements detected differ largely depending on the types of products covered. Main infringements reported concern:

- the rules of production for agricultural products and foodstuffs;
- the misuse of protected names for the wines and aromatised wine products;
- the labelling requirements for spirit drinks and aromatised wine products.

Overall, the study confirmed that the general organisation and implementation of controls are effective, with a better effectiveness at the production and processing stages than in the downstream sector (wholesalers and retailers), including export markets and online sales. The main reasons behind are large number of businesses at downstream level and difficulties in carrying out efficient controls on online sales.

The survey confirmed that the frequency of control at farm stage reaches 100% per year in several EU countries for agri-food GI products (71% in the wine sector). However, it remains very limited in other EU countries with rates as low as 0.6% for agri-food GI products and 5% in the wine sector. At processing stage, the frequency of control ranges from 25% up to 100% per year for all products, while at wholesale stage and retail stage the frequency of controls ranges between 0 and 35% in most cases. Only one EU country provided data for online sales, with a 5% frequency of control.

Although EU law covers the misuse of protected names on the internet, it focuses on "commercial use" and "comparative" or "misleading advertising", and not on the registration of a domain name, which remains an issue. Domain names that are identical or similar to GIs are mostly registered without any recognition of prior GI rights and can work to the detriment of both consumers and producers.

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<sup>(38)</sup> [Commission Staff Working Document Evaluation of Geographical Indications and Traditional Specialities Guaranteed protected in the EU](#)

# Fraudulent and deceptive practices

## Official controls carried out by EU countries

Fraudulent and deceptive practices are characterised by their intentional nature, aimed at achieving an economic gain, in violation of legal rules and at the expense of the immediate customer or the final consumer.

There are different types of fraud in the agri-food chain: dilution, substitution, concealment, unapproved enhancement, counterfeit products, mislabelling and forgery.

### National official controls programmes

National authorities are required to carry out official controls to identify possible intentional violations of the rules <sup>(39)</sup>, through fraudulent or deceptive practices, and taking into account information regarding such violations shared through the mechanisms of administrative assistance and any other information pointing to the possibility of such violations.

EU countries reported on such official controls. Examples included official controls on:

- honey;
- olive oil;
- labelling of food supplements (declared level of vitamins);
- labelling the country origin;
- labelling as organic or a PDO/PGI/TSG product;
- illegal slaughter and sale of undeclared meat;
- placing food on social media using false profiles;
- unregistered/unauthorised sale of food;
- presenting food supplements online, claiming they can prevent or cure disease;
- the use of the ISPM15 mark on wood packaging materials without authorisation.

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<sup>(39)</sup> Regulation (EU) 2017/625 introduced new rules on fighting fraud in the entire agri-food chain. Article 9(2) requires EU countries to carry out official controls regularly, with appropriate frequencies determined on a risk basis, to identify possible intentional violations of the rules through fraudulent or deceptive practices.

## Coordinated control programmes

EU countries contributed to EU control programmes coordinated by the Commission.

The European Anti-Fraud Office (OLAF) works together with the Directorate-General Health and Food Safety in joint actions targeting counterfeited foodstuff. In 2021, OLAF worked intensely on cases targeting for example counterfeit wine, sparkling wine, whiskey and vodka. The exchange of intelligence and actions taken by OLAF in coordination with national authorities from the EU and non-EU countries led to many results, including the following:

- 421 000 bottles of counterfeit wine of several brands seized in the EU and Moldova;
- 339 696 bottles of counterfeit rum seized in the EU and Honduras (estimated value of € 4.5 million) and one illegal factory dismantled in Honduras;
- 576 litres of counterfeit Prosecco seized in the EU.

OLAF targets international trade in counterfeit or sub-standard food and beverages, as well as food fraud and adulteration, like for example honey being adulterated with sugar syrups.

## Operations coordinated by Europol

The EU countries participate in yearly operations coordinated by Europol:

- Operation Silver Axe VI <sup>(40)</sup>, targeting the counterfeit and illicit trade of pesticides, led to the seizure of 1 203 tonnes of illegal pesticides;
- Operation OPSON X <sup>(41)</sup>, targeting the trafficking of counterfeit and substandard food and beverages, led to the disruption of 42 organised crime groups involved in food fraud and the arrests of 663 suspects. The operation included more than 68 000 checks. As a result, about 15 000 tonnes of illegal and potentially harmful products worth about €53 million were seized.

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<sup>(40)</sup> [Europol press release on Operation Silver Axe VI.](#)

<sup>(41)</sup> [Europol press release on OPSON X.](#)

## Commission controls of EU countries

Countries visited:

4



Number of fact-finding studies carried out:

4

One study per country visited

Total number of recommendations raised: 0

Recommendations per audit area:

During fact-finding studies no recommendations are raised.

To support and monitor the implementation by the EU countries of the new provisions in the Official Controls Regulation on controls on fraudulent and deceptive practices, we launched a project in 2019 including a desk study and two pilot fact-finding studies of two EU countries. In 2021, we carried out fact-finding studies in four EU countries and organised meetings with several EU countries to get a better understanding of the challenges and opportunities to fight fraud in the agri-food chain. The collected information including good practices examples are being used to prepare, in close cooperation with EU countries, a guidance document to assist them with the implementation of the legal requirements <sup>(42)</sup>.

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<sup>(42)</sup> Article 9(2) of Regulation (EU) 2017/625.

# Part 3

## Other Commission control activities

### 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 most 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 <sup>(43)</sup>.

In 2021, we received and assessed 84 notifications of new (or amendments to existing) border control posts, including their inspection centres. In addition, we received and assessed 27 notifications regarding the extension of the scope of designation of existing border control posts to include organic products and in-conversion products as a result of the new legal framework for organic production and labelling of organic products <sup>(44)</sup>.

Our oversight of performance of official controls on imports of animals and goods continued in 2021, with four controls being carried out (in Cyprus, France, Hungary and the United Kingdom (Northern Ireland)). The results of these confirmed that

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<sup>(43)</sup> [Regulation \(EU\) 2017/625](#) and associated legislation such as [Regulation \(EU\) 2019/1014](#), [Regulation \(EU\) 2019/1012](#) and [Regulation \(EU\) 2019/1081](#).

<sup>(44)</sup> Regulation (EU) 2018/848 ('Organic Production Regulation') applicable from 1 January 2022

Cyprus, France, Hungary continue to improve their systems and implementation of controls, while the control in Northern Ireland highlighted a failure to respect the EU rules. Audits of national authorities' implementation of such controls will continue, given the importance of effective controls in providing the people living in the EU with confidence in the safety of imported food, feed, plants, and animals.

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

EU countries monitor animals and animal products to detect

- residues of veterinary medicinal products which may be present in animal tissues following treatment and
- pesticides and environmental contaminants in food of animal origin.

Modern laboratory methods can identify very low concentrations of such residues in products like meat, fish, 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. Compliance with the limits indicates that the principles of good agricultural and good veterinary practice have been adhered to (medicines used in accordance with their label instructions).

With the assistance of the designated European Union Reference Laboratories, we review every year the EU countries' residue monitoring plans to check

- that they comply with the legal requirements on the numbers of samples to be taken and
- that the appropriate substances are being tested for with sufficiently sensitive methods.

In 2021, the plans from EU countries were assessed as compliant and approved.

In parallel with this exercise, we regularly audit EU countries to verify the effective implementation of the plans and the follow-up of non-compliant results with a view to minimising the risk of recurrence. In 2021, five audits were conducted (in Estonia, Germany, Ireland, Luxembourg and Slovakia) with largely satisfactory results. Such audits will continue given the importance of ensuring the chemical safety of food.

# Part 4

## Support for EU countries Networks



The Directorate for Health and Food Audits and Analysis hosts a number of networks and working groups comprised of officials from national authorities of the EU countries and Iceland 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 2021, the MANCP network met three times remotely. The meetings were mostly focused on the future model and content of the Commission's Annual Report <sup>(45)</sup> and the implementation of the electronic version of the standard model form for the annual reports of the EU countries. The MANCP network also discussed the development of the new Country Profile Web Portal and initiated the review of the network reference documents.

The NAS network met twice remotely during 2021. The meetings facilitated the review of the network reference documents on risk-based planning for audits of official controls system and auditing effectiveness of official controls. The NAS representatives and the Commission exchanged experiences on classification of recommendations and changes in the national authorities' audit systems.

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<sup>(45)</sup> Article 114 of the OCR

In 2021, the EU network of national contact points for the protection of animals during transport discussed resting points in non-EU countries, animal transport in extreme temperatures, the transport of end-of-career dairy cows, and the transport of animals using livestock vessels. In the network, we presented an update on the work with the European Maritime Safety Agency to set up a system to improve official controls on livestock vessels.

The working groups on the sustainable use of pesticides (SUD) had two meetings in 2021. The discussions at both meetings were driven by the ongoing SUD evaluation and impact assessment which the Commission had committed to undertake in 2021. The Commission updated and actively involved the group members in the process of the evaluation and impact assessment. This included intensive discussion of potential policy options and for which the Commission had sought written input from the working group members earlier in the year. This discussion and the outcome of the impact assessment was helpful in shaping the Commission proposal for the new legislation. Other topics discussed included the new Farm to Fork indicators which the Commission had designed to measure progress towards the 50% pesticide reduction targets to be reached by 2030, and as described in the Farm to Fork Strategy and the Biodiversity Strategy; the revision of the rules on statistics on agricultural input and output; and the definition of pesticide data collection <sup>(46)</sup>

## 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 2021 programme delivered training on retrospective checks (road transport of animals) to the EU countries and established workshops to be delivered under the BTSF initiative in 2022 and 2023.

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<sup>(46)</sup> As required under Article 67 of Regulation (EU) No 1107/2009

We continued working in improving and harmonising official controls in the EU by developing the BTSF Academy. This is a platform for virtual classes and e-learning courses. During 2021, more than 5 000 officials from the EU countries attended over 140 virtual courses and around 4 000 completed one of the eight e-learning courses.



See the [BTSF 2021 annual report](#) for more information.

# General legend

EU countries (EU27)

	Belgium		Greece		Lithuania		Portugal
	Bulgaria		Spain		Luxembourg		Romania
	Czechia		France		Hungary		Slovenia
	Denmark		Croatia		Malta		Slovakia
	Germany		Italy		Netherlands		Finland
	Estonia		Cyprus		Austria		Sweden
	Ireland		Latvia		Poland		