



**EUROPEAN COMMISSION**  
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Directorate F - Food and Veterinary Office

DG(SANCO) 2012-6811 - MR FINAL

FINAL REPORT OF AN AUDIT

CARRIED OUT IN

BELGIUM

FROM 19 TO 23 NOVEMBER 2012

IN ORDER TO EVALUATE THE CONTROL SYSTEMS RELATED TO PROTECTED  
DESIGNATIONS OF ORIGIN (PDO), PROTECTED GEOGRAPHICAL INDICATIONS (PGI)  
AND TRADITIONAL SPECIALITIES GUARANTEED (TSGS) FOR AGRICULTURAL  
PRODUCTS AND FOODSTUFFS

## ***Executive Summary***

*This report describes the outcome of a Food and Veterinary Office (FVO) audit in Belgium, carried out between 19-23 November 2012, under the provisions of Regulation (EC) No 822/2004 on official food and feed controls.*

*The objectives of the audit were the evaluation of the official control systems in place for the implementation of European Union legislation concerning:*

- Protected Designations of Origin (PDOs) and Protected Geographical Indications (PGIs) for agricultural products and foodstuffs: Regulation (EC) No 510/2006 and Regulation (EC) No 1898/2006;*
- Traditional Specialities Guaranteed (TSGs) for agricultural products and foodstuff: Regulation (EC) No 509/2006 and Regulation (EC) No 1216/2007;*
- Traceability and labelling: Article 18 of Regulation (EC) No 178/2002 and Directive 2000/13/EC.*

*All objectives were met.*

*Overall the Competent Authorities (CAs) are designated and adequately staffed to provide an operational official control system for PDO/PGI/TSG. The lack of written procedures within the CAs and the lack of a formal prioritisation of official controls undermines the effectiveness of the current system. During the site visits, inspectors did not always assess all elements of the product specification. A number of product specifications require amendments to ensure compliance.*

*The report makes a number of recommendations to the competent authorities, aimed at rectifying the shortcomings identified and enhancing the implementation of control measures.*

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**ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT**

<b>Abbreviation</b>	<b>Explanation</b>
BELAC	Belgian Accreditation Authority
BTSF	Better Training for Safer Food
CA(s)	Competent Authority(ies)
CB(s)	Control Body(ies)
DG AGRI	Agriculture and Rural Development Directorate General
DGARNE	Directorate General for Agricultural Operations, Natural Resources and Environment
DGCM	Directorate General Enforcement and Mediation
DG SANCO	Health and Consumers Directorate-General
DOOR	Database of Origin and Registration
EN	European Standard
EU	European Union
FASFC	Federal Agency for the Safety of the Food Chain
FBO(s)	Food Business Operator(s)
FOD Economie	Federal Service of Economy
FTE	Full Time Equivalent
FVO	Food and Veterinary Office
ISO	International Organization for Standardization
MANCP	Multi Annual National Control Plan

MS(s)	Member State(s)
PDO(s)	Protected Designation(s) of Origin
PFN(s)	Protected Food Names
PGI(s)	Protected Geographical Indication(s)
PJ	<i>Process Juridical (a legal instrument to initiate court proceedings)</i>
PVW	<i>Proces Verbaal van Waarschuwing (a written warning)</i>
TSG(s)	Traditional Speciality(ies) Guaranteed
VO	Vlaamse Overheid

## 1 INTRODUCTION

The audit took place in Belgium from 19 to 23 November 2012. The team comprised two inspectors from the Food and Veterinary Office (FVO), one official from Agricultural and Rural Development Directorate General (DG AGRI) and one expert from a European Union (EU) Member State (MS). The audit formed part of the FVO's planned programme.

Representatives from the relevant Competent Authority (CA) for each region accompanied the audit team for the duration of the audit. An opening meeting was held on 19 November 2012 with representatives from the Federal Agency for Safety of the Food Chain (FASFC), the Federal Service of the Economy (FOD Economie), the Directorate General Enforcement and Mediation (DGCM) within the FOD Economie, the CA in Flanders, the Vlaamse Overheid (VO) and the CA in Wallonia, Directorate General for Agricultural Operations, Natural Resources and Environment (DGARNE). At this meeting, the objectives of, and itinerary for, the audit were confirmed and the control systems were described by the authorities.

## 2 OBJECTIVES AND SCOPE

The objectives of the audit were the evaluation of the official control systems in place for the implementation of EU legislation concerning:

- Protected Designations of Origin (PDOs) and Protected Geographical Indications (PGIs) for agricultural products and foodstuffs: Regulation (EC) No 510/2006<sup>1</sup> and Regulation (EC) No 1898/2006;
- Traditional Specialities Guaranteed (TSGs) for agricultural products and foodstuff: Regulation (EC) No 509/2006<sup>2</sup> and Regulation (EC) No 1216/2007;
- Traceability and labelling: Article 18 of Regulation (EC) No 178/2002 and Directive 2000/13/EC.

The EU schemes known as PDO, PGI and TSG promote and protect names of quality agricultural products and foodstuffs. These schemes encourage diverse agricultural production, protect product names from inter alia misuse, evocation and imitation and help consumers by giving them information concerning the specific character of the products:

PDO - covers agricultural products and foodstuffs which are produced, processed and prepared in a given geographical area using recognised know-how.

PGI - covers agricultural products and foodstuffs closely linked to the geographical area. At least one of the stages of production, processing or preparation takes place in the area.

TSG - highlights traditional character, either in the raw materials, composition or means of production

Further details on the quality schemes are available on the following website:

[http://ec.europa.eu/agriculture/quality/schemes/index\\_en.htm](http://ec.europa.eu/agriculture/quality/schemes/index_en.htm)

In terms of **scope**, the audit reviewed the designation of competent authorities (CAs) for PDOs,

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1 Replaced by Regulation (EU) No 1151/2012 of the European Parliament and Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs from 3<sup>rd</sup> of January 2013

2 Replaced by Regulation (EU) No 1151/2012 of the European Parliament and Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs from 3<sup>rd</sup> of January 2013

PGIs and TSG schemes, their co-operation, audits and resources for performance of controls, as well as control procedures. In the context of this audit the following product specifications were to be officially controlled:

- 2 PDO products
- 2 PGI products
- 1 TSG product

In pursuit of these objectives, the following sites were visited:

Visits/meetings	Comments
<b>Competent Authorities</b>	
<p>All CAs mentioned attended the opening and closing meetings.</p> <p>In addition a separate meeting was held with the VO in Flanders and the DGARNE in Wallonia.</p>	<p>4</p> <p>Federal Agency for Safety of the Food Chain (FASFC), Federal Service of Economy (FOD Economie) and the Directorate General Enforcement and Mediation (DGCM) with in the FOD Economie.</p> <p>Vlaamse Overheid (VO) Flanders, Directorate General for Agricultural Operations, Natural Resources and Environment (DGARNE) Wallonia and Brussels Capital Region.</p>
<b>Establishments</b>	
PDO producers	<p>2</p> <p>Producer of animal origin.</p>
PGI producers	<p>2</p> <p>Producer of pastry product and plant product.</p>
TSG producer	<p>1</p> <p>Producer of product of plant origin.</p>
Supermarket	<p>1</p> <p>A large supermarket.</p>

### 3 LEGAL BASIS AND STANDARDS

#### 3.1 LEGAL BASIS

The audit was carried out under the general provisions of EU legislation, in particular:

- Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

EU legal acts quoted in this report refer, where applicable, to the most recently amended version. Full references to the EU acts quoted in this report are given in Annex 1.

## **4 BACKGROUND**

### **4.1 COUNTRY PROFILE**

The FVO has published a country profile for Belgium, which describes in summary the control systems for food and feed, animal health, animal welfare and plant health and gives an overview on the state of play of the recommendations of the previous FVO audits. The country profile can be found at: [http://ec.europa.eu/food/fvo/country\\_profiles\\_en.cfm](http://ec.europa.eu/food/fvo/country_profiles_en.cfm)

### **4.2 STATUS OF REGISTERED PRODUCTS IN BELGIUM**

There are five PDOs, two PGIs and five TSGs from Belgium registered in the Database of Origin and Registration (DOOR). In conjunction with DG AGRI four protected food names (PFNs) were selected to form part of this audit. The criteria for selection was to include at least one PDO, PGI and TSG product and also to focus on the products generating significant economic value and production volume.

## **5 FINDINGS AND CONCLUSIONS**

### **5.1 RELEVANT NATIONAL LEGISLATION**

#### **Legal Requirements**

Art. 291 of the Treaty on the Functioning of the EU establishes that MSs shall adopt all measures of national law necessary to implement legally binding EU acts.

#### **Findings**

##### *5.1.1 Federal Level*

The legal basis for undertaking official controls of PDO/PGI/TSG is the Law of April 6 2010 on Market Practices and Consumer Protection.

##### *5.1.2 Flanders Region*

The Decision of the Flemish government of 19 October 2007 determines the legal framework for the registration and controls on PDO/PGI/TSG products in Flanders. This decision specifies that the Minister of Agriculture can determine additional rules on controls.

The Ministerial Decree of 7 March 2008 implements the Decision of the Flemish Government of the 19 October 2007.

In practice the controls are delegated through an agreement between the VO and FOD Economie, signed 17 July 2006.



### *5.1.3 Wallonia Region*

The legal basis is the decree of 7 September 1989 concerning the quality label for the Walloon local designation of origin and the name of Walloon origin and the implementation of Regulation (EC) No 2081/92 and Regulation 2082/92, as modified by the decree of 19 December 2002.

The legal basis is the Walloon Government Order of 25 September 2003 giving effect to the Decree of 7 September 1989 relating to the designation of local origin and the name of Walloon origin and implementation in the Walloon Region of Regulation (EC) No 2081/92 and Regulation (EC) No 2082/92, as modified by the decree of 19 December 2002.

### *5.1.4 Brussels Capital Region*

The legal basis is the Decree of the Government of the Brussels Capital Region of 22 October 2009 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs and traditional specialities guaranteed for agricultural products and foodstuffs.

The legal basis is the the Ministerial Order of 27 April 2012 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs as traditional specialities guaranteed and agricultural products and foodstuffs.

## **Conclusion**

Relevant measures of national law are in place.

## **5.2 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS**

### *5.2.1 CAs: Designation, Cooperation and Coordination*

#### **Legal Requirements**

Article 10 (1) of Council Regulation (EC) No 510/2006 and Article 14 of Council Regulation (EC) No 509/2006 require MSs to designate CAs or authorities responsible for controls in respect of the obligations established by this Regulation in conformity with Regulation (EC) No 882/2004.

Article 11(1) of Council Regulation (EC) No 510/2006 and Article 15(1) of Council Regulation (EC) No 509/2006 establish that verification of compliance with the specifications before placing a product on the market can also be ensured by one or more control bodies (CBs) within the meaning of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body.

Article 4 (3) of Regulation (EC) No 882/2004 provides for efficient and effective coordination between CAs.

Article 4 (5) of Regulation (EC) No 882/2004 requires that when, within a CA, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.

## **Findings**

### *5.2.1.1 Federal Level*

The FOD Economie is the CA for controlling PDO/PGI/TSG products already on the market and their labelling for the entire country of Belgium. The DGCM, within the FOD Economie, is tasked with undertaking all official controls on the market.

### *5.2.1.2 Flanders Region*

For products registered in Flanders, as PDO/PGI/TSG, the official controls on compliance with the product specifications at producer/processor level are carried out by the DGCM of the FOD Economie. The VO has delegated the implementation of the inspections to the DGCM in an agreement signed 17 July 2006. Consequently, in Flanders, the DGCM is responsible for carrying out official controls on PDO/PGI/TSG at production / processing level and on the market.

### *5.2.1.3 Wallonia Region*

The CA in Wallonia which is responsible for the implementation of EU legislation pertaining to PDO/PGI/TSG is the DGARNE. Within DGARNE, the Department of Development, Quality Directorate is responsible for registration of PDO/PGI/TSG products from Wallonia. The official control at producer/processor level has been delegated by DGARNE to CBs. There is currently one CB involved in the official controls of PDO/PGI/TSG and DGARNE is responsible for its supervision.

### *5.2.1.4 Brussels Capital Region*

At the time of the audit there were no producers/processors of any PDO/PGI/TSG products in the Brussels Capital Region. The official controls of products on the markets is carried out by DGCM.

### *5.2.1.5 Cooperation – Coordination Activities*

The three CAs have an annual interregional meeting, the most recent was held in January 2012. The topics are mainly about new applications for PDO/PGI/TSG designations, major non compliances and preparing the Belgian position for EU level on PDO/PGI/TSG. There is also a twice monthly meeting for the three CAs and the federal CA which is entitled the Inter Ministerial Conference on Agricultural Policy. These meetings are dedicated to discussing agricultural legislation and provide a forum for preparing a Belgian position. Minutes of the above meetings were presented to the audit team.

Data on the official controls undertaken on PDO/PGI/TSG are submitted by FOD Economie each year to FASFC for the purpose of completing the Multi Annual National Control Plan (MANCP) and the annual report. This information is also sent to VO. In Wallonia DGARNE also transmits data to FASFC for the purpose of completing the MANCP and the annual report.

In the Wallonia region, the FOD Economie / DGCM are responsible for controls of PDO/PGI/TSG in the market place and /or undertaking investigations in response to complaints. The FOD Economie / DGCM stated that when a non compliance is detected in the market place which involves a product which is produced in Wallonia, the DGARNE is informed by official letter. The

audit team were shown a labelling problem related to a product from Wallonia found on the market in Brussels. However the DGARNE contradicted this information, stating that it had no competence to take any action on non compliances relating to products on the market.

## **Conclusions**

CAs have been designated at federal level and regional level for the official controls of PDO/PGI/TSG.

There is a lack of co-operation between DGARNE and FOD Economie/DGCM (relating to the handling of non compliances from the market) contrary to Article 4(3) of Regulation (EC) No 882/2004.

### *5.2.2 Control Bodies*

## **Legal Requirements**

Article 11(3) of Council Regulation (EC) No 510/2006 and Article 15(3) of Council Regulation (EC) No 509/2006 requires that product certification bodies from 1 May 2010 be accredited in accordance with, European standard (EN) 45011 or International Organization for Standardisation (ISO)/IEC Guide 65<sup>3</sup> (General requirements for bodies operating product certification systems).

Article 5(2)(e) of Regulation (EC) No 882/2004 requires the CBs to communicate the results of the controls carried out to the CA on a regular basis and when ever the CA so requests. If the results of the controls indicate non compliance or point to the likelihood of non compliance, the CB shall immediately inform the CA.

Article 5(3) of Regulation (EC) No 882/2004 requires that CAs delegating specific tasks to CBs shall organise audits or inspections of CBs as necessary.

## **Findings**

### *5.2.2.1 Wallonia Region*

The CB responsible for undertaking official controls of PDO/PGI/TSG at producer/processor level in Wallonia is accredited to EN 45011 by the Belgian Accreditation Board (BELAC) for the certification of PDO/PGI/TSG products.

Each year BELAC, as part of the assessment of the CB's accreditation status to EN 45011, observes an audit being undertaken by the CB inspector on one specified PDO/PGI product. In relation to the supervision of the CB by the DGARNE there are two elements. An annual meeting is held with the producers group and the CB to review all issues relating to the official controls of PDO/PGI/TSG in that year. In addition, there is an annual assessment by BELAC to confirm the accreditation of the CB. The DGARNE always attends this assessment. The DGARNE stated that attendance at the BELAC assessment and the annual meeting with the producers group fulfils its legal requirement to

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3 The ISO/IEC 17065: 2012 – Conformity assessment – Requirements for bodies certifying products, processes and services, was published in September 2012 and will replace ISO Guide 65 and EN 45011. In accordance with an International Accreditation Forum (IAF) decision, the implementation of the new standard will be subject to a three year transition period.

audit/inspect the CB.

## **Conclusions**

The CA ensures its duty to audit/inspect the CB is fulfilled by attending the annual BELAC assessment of the CB.

The CB is accredited by BELAC as required by the legislation.

### *5.2.3 Resources for Performance of Controls*

#### **Legal Requirements**

Article 4 of Regulation (EC) No 882/2004 requires the CAs to ensure that they have access to a sufficient number of suitably qualified and experienced staff; that appropriate and properly maintained facilities and equipment are available.

Article 6 of Regulation (EC) No 882/2004 requires CAs to ensure that staff receive appropriate training, and are kept up-to-date in their competencies.

Article 11(4) of Regulation (EC) No 510/2006 and Article 15(4) of Regulation (EC) No 509/2006 requires CAs and CBs to offer adequate guarantees of objectivity and impartiality and have at their disposal the qualified staff and resources necessary to carry out their functions.

#### **Findings**

##### *5.2.3.1 Federal Level*

At the central level, the FOD Economie / DGCM has three full time equivalent (FTE) staff working on the official controls of PDO/PGI/TSG. These staff are responsible for all market controls in Belgium as well as all producer/processor controls in Flanders. The DGCM has seven Directorates throughout Belgium with approximately 120 staff, which can be redeployed for any special national campaigns relating to the controls of PDO/PGI/TSG. Five staff from, FOD economie / DGCM attended the Health and Consumers Directorate General (DG SANCO) Better Training for Safer Food (BTSF) training course on Quality Schemes. Staff at FOD Economie / DGCM are obliged to transfer their knowledge gained through this course to other staff members. This was done by preparing a report which was made available to colleagues. The VO informed the audit team that laboratory analysis could be subcontracted to accredited laboratories.

##### *5.2.3.2 Flanders Region*

The VO confirmed that the staff of the FOD Economie undertakes official control of producers and processors of PDO/PGI/TSG products in Flanders.

The VO has 0.6 FTE staff in Flanders dealing with PDO/PGI/TSG. These are mainly involved in registration issues. One person from the VO attended the DG SANCO BTSF training on Quality Schemes.

#### 5.2.3.3 *Wallonia Region*

The DGARNE has 0.2 FTE personnel dedicated to work on PDO/PGI/TSG. These are mainly concerned with registration issues and supervision of the CB.

The CB which has the designated responsibility for official controls of producers/processors of PDO/PGI/TSG products in Wallonia has one experienced inspector dealing with official controls of two out of the four PFNs registered for that region. However, there are other qualified staff members who can take over in case of necessity. This staffing arrangement at the CB has been accepted by BELAC.

One person from the DGARNE and one person from the CB attended the DG SANCO BTSF training on Quality Schemes.

The staff of the CB are required as part of the accreditation procedure to follow relevant training for official control tasks at least every three years.

#### 5.2.3.4 *Brussels Region*

One staff member from Brussels region attended the DG SANCO BTSF training on Quality Schemes.

### **Conclusion**

Staff levels and their knowledge relating to official controls for PDO/PGI/TSG were adequate.

#### 5.2.4 *Prioritisation of Official Controls*

### **Legal Requirements**

Article 3 (1) of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, taking account of (a) identified risks; (b) the food business operators' past record as regards compliance; (c) the reliability of any own checks that have already been carried out; and (d) any information that might indicate non-compliance.

### **Findings**

#### 5.2.4.1 *Federal Level*

The audit team noted that the FOD Economie had no written instructions on prioritisation of official controls in place. The DGCM's approach to prioritisation of controls at the central level can vary from year to year. In relation to controls at the market level, the extent of official controls is linked to the number of complaints, the likelihood of fraud being committed and the volume of production.

#### 5.2.4.2 *Flanders Region*

The agreement between the VO and FOD Economie does not contain any instruction on how

controls of producers/processors of PDO/PGI/TSG products are prioritised or undertaken. There is no systematic control of producers/processors and theoretically it is possible for some of the 120 registered producers/processors in Flanders not to be controlled at all in any given year. The CA described a campaign which led to additional official controls being undertaken in 2011, in response to the producers of a PDO product receiving financial aid from the European Commission. The VO asked the DGCM to visit all the producers between the end of 2011 to the beginning of 2012 and the same procedure is in place for 2012/2013.

The VO informed the audit team that new producers are obliged to register with the relevant producer groups, this is not a requirement to become a member of the producer group. This obligation is included in many of the newer product specifications in Flanders.

The VO stated that the Ministerial Decree of 7 March 2008 for Flanders states that each producer that wants to use a PDO/PGI/TSG has to report this to the CA.

#### *5.2.4.3 Wallonia Region*

The DGARNE informed the audit team that each PDO/PGI/TSG producer is subject to an official control at least once per year. In the event of non compliances being detected there can be additional inspections. The DGARNE confirmed that there were no written instructions for this activity as the standard for accreditation contains all the necessary instructions.

### **Conclusions**

Official controls are not always carried out regularly contrary to the requirements of Article 3(1) of Regulation (EC) 882/2004.

There is a lack of written procedures which would facilitate the CAs to operate in a more systematic way.

#### *5.2.5 Controls at Visited Premises*

### **Legal Requirements**

Article 10 (2) of Regulation (EC) No 510/2006 and Article 14(2) of Regulation (EC) No 509/2006 require MSs to ensure that any operator complying with these Regulations is entitled to be covered by a system of official controls.

Article 11 (1) of Regulation (EC) No 510/2006 and Article 15(1) of Regulation (EC) No 509/2006 requires that in respect of PDO/PGI/TSG relating to a geographical area within the EU verification of compliance with the specifications, before placing the product on the market shall be ensured either by one or more CAs referred to in Article 10 and /or one or more CBs within the meaning of Article 2 of Regulation (EC) No 882/2004 operating as a product certification body.

Article 13 (1) of Regulation (EC) No 510/2006 requires that registered names shall be protected against (a) a direct or indirect commercial use of a registered name in respect of products not covered by the registration (b) any misuse, imitation or evocation, even if the true origin of the product is indicated (c) any other false or misleading indication as to the provenance, origin, nature

or essential qualities of the product, on the packaging, advertising material or documents relating to the product concerned.

Article 17 of Regulation (EC) No 509/2006 requires that (i) MSs shall take the necessary measures to ensure legal protection against any misuse or misleading use of the term 'traditional speciality guaranteed', the abbreviation 'TSG' and the associated Community symbol and against any imitation of names registered and reserved under Article 13(2). (ii) Registered names shall be protected against any practice liable to mislead the consumer, including practices suggesting that an agricultural or foodstuff is a traditional speciality guaranteed recognised by the Community. (iii) MSs shall take all appropriate measures to ensure that sales descriptions used at national level do not give rise to confusion with names registered and reserved under Article 13(2).

Article 10 (2) (b) (vi) of Regulation (EC) No 882/2004 requires that official controls on food include the inspection of labelling, presentation and advertising.

Article 10 (2) (a) of Regulation (EC) No 882/2004 requires that official controls on food and feed include, inter alia, examination of any control systems that FBOs have put in place and the results obtained.

Article 18 of Regulation (EC) No 178/2002 establishes traceability requirements in food and feed.

Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the MSs relating to the labelling, presentation and advertising of foodstuffs provides the legal framework for food labelling.

## **Findings**

### *5.2.5.1 First Site Visit*

The first site visit was to a branch of a large supermarket chain which stocked a wide variety of PDO/PGI/TSG products. The inspector from the FOD Economie/DGCM, confirmed that all inspections undertaken by them are unannounced. The inspector had a check list and was also equipped with a camera. The audit team were shown a number of products which had incorrect labelling. The main problems detected by the inspector were (i) using the PDO/PGI/TSG symbol but failing to use the exact wording of the registered name (ii) a PDO/PGI/TSG product being labelled by the supermarket chain using the correct product name but neither using the symbol nor the designation written in full. In some cases, the initials PDO were printed near the product name, but this does not comply with the regulations. The correct form is to write 'Protected Designation of Origin'.

The inspector stated that the non compliances found would be verbally explained to the branch manager. However, the FOD Economie/DGCM would also visit the headquarters of the supermarket chain and explain the non compliances. A written warning entitled a *Proces Verbaal van Waarschuwing (PVW)* would be issued to the supermarket chain and a specified time frame given to enable the relevant corrective action to be undertaken. A follow up visit would take place to ensure the corrective action was undertaken. Most problems are resolved at this stage. However, in the event that the problem persists a process juridical (PJ) would be issued to the company by the CA.

The inspector confirmed that if no non compliances are found during an inspection, no report of the visit is provided to the food business operator (FBO). The check list which contains the identification details of the FBO would be completed, noting that no non compliances were found and the document filed at FOD Economie.

#### *5.2.5.2 Second Site Visit*

The second site visit was to a producer of a plant product with a PGI designation. The inspectors had a check list which was specific for this product. The most recent inspection took place in January 2012 and the check list was completed and no non compliances had been found during that visit. The inspector reviewed the producer's written records and these were considered satisfactory. The producer had a traceability system in place which allows all batches of product to be traced back to the exact field on the farm. The producer group was responsible for providing the labels bearing the PGI symbol and a number sequence to all the producers of the PGI product in the area. The product was packed on site in line with the product specification, thus reducing the probability of any fraud taking place. The producer group provided a list of current producers to the VO which was passed on to the FOD Economie/DGCM as required in the product specification. This was how the VO were informed about the number of producers in existence.

#### *5.2.5.3 Third Site Visit*

The third site visit was to a producer of a pastry product with a PGI designation. The inspector had a check list which was specific for this product. The most recent inspection took place in November 2011 and the check list was completed, however, it was noted that the use of the PGI symbol which was not used by the producer was considered satisfactory. The producer confirmed that the registered name was always used. It is a requirement that either the symbol or the full wording 'Protected Geographical Indication' must be used with the registered name. The failure to use the symbol should have been recorded as a non compliance in the previous report.

The inspector had a list of suppliers of raw material, however, this list dated from 2007 and no updated version had been received. This raw material is one of the key ingredients of the product. A control of the mass balance at this level of the key ingredient was not undertaken. The inspector confirmed that inspections of the raw material supplier are only undertaken by the CA when a problem is detected on the market. The producer group controls the raw material suppliers.

#### *5.2.5.4 Fourth Site Visit*

The fourth site visit was to a producer of a TSG product of non animal origin. No official controls had been undertaken at this site since 2010. The inspector explained that due to on going discussion about the analysis of one of the parameters in the product specification he decided that it was better not to do any controls until this issue was sorted out. The audit team noted that there were a number of other parameters in the product specification that could have been subject to official controls. However, the inspector stated that it was inappropriate to undertake any controls if the whole product specification could not be checked. The inspector explained that even one non compliance obliges the inspector to sanction the producer. Although the VO was in agreement with this there was no written record of this decision to suspend official controls until the product specifications are amended. The problem relating to the analytical method for the one problematic parameter mentioned above was first detected in 2006. The producer group continues to address the problem with the product specification but no solution has been forthcoming.



During the inspection the inspector confirmed that there were no product specific check lists for TSG products. Such product specific check lists are only available for PDO/PGI products.

#### *5.2.5.5 Fifth Site Visit*

The fifth site visit was to a producer of a PDO product of animal origin. The DGARNE confirmed that since 2006 recurrent issues concerning a major aspect of the product specification have been evident. The 2011 annual report from the CB stated that there were four non compliances detected out of seven samples of the PDO product.

The DGARNE explained that the problem with the analytical results were first discussed in 2006. At that point, external expertise was considered necessary to resolve the problem. A call for proposals in 2006 failed to identify an appropriate scientific body to undertake the study. In 2012, a call for proposals has once again been issued and it is envisaged that a study will be initiated in 2013 and the first results should be available in 2015. The DGARNE confirmed that an amendment of product specification is envisaged and once the study results are available this amendment will be submitted to the Commission.

The audit team observed the CB inspector performing a traceability exercise on a random sample of PDO product and this was undertaken satisfactorily.

The audit team observed the CB inspector checking some labelling. The inspector identified one error concerning an incorrect symbol. He considered it appropriate to allow the FBO to continue using the incorrect labelling for a transitional period. However, there were no written instructions about appropriate time frames for such label changes. In addition, the CB inspector did not alert the FOD Economie/DGCM to this non compliance which was in FOD's competence.

The CB inspector failed to recognise that the correct registered name was not being used on the current packaging on the market.

#### *5.2.5.6 Sixth Site Visit*

The sixth site visit was to the processor of a raw material for the PDO product in site visit five. The same CB inspector performed the controls. A traceability exercise was conducted which was satisfactory. The producers of the raw material were known to the processor. The CB inspector demonstrated that the producers were from the relevant geographical area.

### **Conclusions**

The CAs and CBs did not always carry out verification of compliance with labelling rules and product specifications effectively contrary to Article 10 of Regulation (EC) No 510/2006.

The assessment of labelling was inadequate.

The assessment of traceability was adequate.

### *5.2.6 Procedures for Performance and Reporting of Control Activities*

#### **Legal Requirements**

Article 8(1) of Regulation (EC) No 882/2004 requires that CAs carry out their official controls in accordance with documented procedures, containing information and instructions for staff performing official controls.

Article 9 of the above Regulation requires CAs to draw up reports on the official controls carried out, including a description of the purpose of official controls, the methods applied, the results obtained and any action to be taken by the business operator concerned.

#### **Findings**

##### *5.2.6.1 Flanders Region*

The FOD Economie/DGCM stated that all inspections/audits undertaken by them are unannounced. A report of the inspection is always written up. However, a copy is only given to the FBO when non-compliances have been detected. The FOD Economie/DGCM has general written procedures in place for undertaking official controls and dealing with non-compliances. However, there are no specific instructions available to inspectors for PDO/PGI/TSG.

##### *5.2.6.2 Wallonia Region*

The CB responsible for all official controls at producer/processor level in Wallonia undertakes at least one audit of each producer/processor per year. Audits are announced in advance. The FBO is responsible for paying the CB for each audit. The annual audit plan for the CB is prepared by the management of the CB. The audit files consisting of an inspection history and laboratory analytical reports are prepared by the secretary and given to the designated CB auditor, who takes it into consideration for his audit programme. The auditor undertaking the control, prepares a report on the findings and sends the report to the management of the CB. The management of the CB issues a report to the FBO.

#### **Conclusions**

Official controls are carried out in accordance with generic documented procedures as required by Article 8 of Regulation (EC) No 882/2004.

There are no specific written procedures for official controls of PDO/PGI/TSG.

### *5.2.7 Enforcement Measures*

#### **Legal Requirements**

Article 54(1) of Regulation (EC) No 882/2004 requires a CA which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation.

Article 55(1) of Regulation (EC) No 882/2004 states that MSs shall lay down the rules on sanctions

applicable to infringements of feed and food law and other EU provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

## **Findings**

### *5.2.6.1 Procedures for handling Non Compliances on the market and at producer/processor level in Flanders*

Any non compliance detected by FOD Economie/DGCM at any stage of the official controls of PDO/PGI/TSG results in the issuing of a written PVW which instructs that the non compliance is remedied within a specified time.

The follow-up of non compliances can include documentary evidence or an inspection. If the problems are not remedied within the specified time frame the next step is the issuing of PJ to the FBO. This can result in a court case.

The FOD Economie stated that their web site and hot line enable consumers, producers and any other parties concerned by PDO/PGI/TSG to make a complaint.

### *5.2.6.2 Procedures for handling Non Compliances at Producer/Processor Level in Wallonia*

The CB is primarily responsible for handling all non compliances relating to PDO/PGI/TSG products in Wallonia. The CB has the power to remove the certification from a producer if a non compliance is not resolved. However, most non compliances are rectified within a one month period.

The audit team were provided with a list of non-compliances detected by the CB in the Wallonia Region for the years 2010 and 2011. The main non compliances detected were the incorrect use of the PDO/PGI symbols, mainly relating to the font size and colour of the symbol, the name of the CB did not feature on the packaging, the packaging registered by the CB had not been updated by the FBO, traceability problems and breach of specific time requirements as outlined in the registered product specification.

## **Conclusions**

There are legal provisions in place to ensure that appropriate action is taken in cases of non – compliances as required by Article 54 of Regulation (EC) No 882/2004.

There are rules laid down for sanctions applicable to infringements of food law as required by Article 55 of Regulation (EC) No 882/2004.

## **6 OVERALL CONCLUSION**

The CAs are designated and adequately staffed to provide an operational official control system for PDO/PGI/TSG. The lack of written procedures within the CAs and the lack of a formal prioritisation of official controls undermines the effectiveness of the current system. During the site visits inspectors did not always assess all elements of the product specification. A number of product specifications require amendments to ensure compliance.

## 7 CLOSING MEETING

A closing meeting was held on 23 November 2012 with representatives of the CAs from each region. At this meeting, the audit team presented the main findings and preliminary conclusions of the audit. The CAs clarified a number of points.

## 8 RECOMMENDATIONS

The CAs are invited to provide details of the actions taken and planned, including deadlines for their completion ('action plan'), aimed at addressing the recommendations set out below, within twenty five working days of receipt of this audit report.

The CA should:

N°.	Recommendation
1.	Ensure that official controls are carried out regularly as required by Article 3 of Regulation (EC) No 882/2004.
2.	Ensure that there is efficient and effective coordination between all CAs as required by Article 4 of Regulation (EC) No 882/2004.
3.	Ensure that CAs and CBs carry out verification of compliance with labelling rules and any product specifications effectively, in order to comply with Articles 10 and 11 of Regulation (EC) No 510/2006, with Articles 14 and 15 of Regulation (EC) No 509/2006 (from 03/01/2013, Articles 36 and 37 of Regulation (EU) No 1151/2012).

The competent authority's response to the recommendations can be found at:

[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_inspection\\_ref=2012-6811](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2012-6811)

## ANNEX 1 - LEGAL REFERENCES

Legal Reference	Official Journal	Title
<i>Horizontal Legislation</i>		
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
<i>Labelling Legislation</i>		
Dir. 2000/13/EC	OJ L 109, 6.5.2000, p. 29-42	Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs
<i>PDO/PGI/TSG Legislation</i>		
Reg. 509/2006	OJ L 93, 31.3.2006, p. 1-11	Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed
Reg. 510/2006	OJ L 93, 31.3.2006, p. 12-25	Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
Reg. 1898/2006	OJ L 369, 23.12.2006, p. 1-19	Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

<b>Legal Reference</b>	<b>Official Journal</b>	<b>Title</b>
Reg. 1216/2007	OJ L 275, 19.10.2007, p. 3-15	Commission Regulation (EC) No 1216/2007 of 18 October 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialities guaranteed
Reg. 1151/2012	OJ L 343, 14.12.2012, p. 1-29	Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs

