GENERAL REPORT ON THE OUTCOME OF A SERIES
OF MISSIONS CARRIED OUT IN ALL MEMBER STATES
FROM JUNE 2004 TO OCTOBER 2005 TO EVALUATE
OFFICIAL FOODSTUFFS CONTROL SYSTEMS AND IN
PARTICULAR THE IMPLEMENTATION OF CONTROLS
ON HYGIENE OF FOODSTUFFS.
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### ABBREVIATIONS & SPECIAL TERMS USED IN THE REPORT

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<tr>
<td>CA</td>
<td>Competent Authority</td>
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<tr>
<td>EFSA</td>
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<td>Food and Veterinary Office</td>
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<td>HACCP</td>
<td>Hazard Analysis Critical Control Point</td>
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<td>ISO</td>
<td>International Organization for Standardization</td>
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<td>Member State</td>
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<td>PHARE</td>
<td>Technical assistance programme for accession countries</td>
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1. EXECUTIVE SUMMARY

During the period June 2004 to October 2005 a series of missions was undertaken to all Member States with the objective of assessing systems that were in place for the official control of the hygiene of foodstuffs. With the exception of retail butchers shops the scope of this mission series covered those food sectors which do not fall under vertical veterinary legislative requirements. The methods used during these inspection missions were documentary reviews, and interviews with food business operators and officials. In addition, there were on-site visits to food businesses such as food processors of non-animal products, distributors, supermarkets and outdoor markets, where the official inspections by competent authority officials were evaluated.

Specifically the mission evaluated the implementation of the hygiene requirements set out in Council Directive 93/43/EEC and the official control requirements set out in Council Directive 89/397/EEC. These requirements remain valid in the recent recast of food and feed control legislation i.e. Regulations (EC) Nos 852/2004 and 882/2004 concerning the rules on food hygiene and the organisation of official control activities (applicable from the 01/01/06).

In respect of the hygiene requirements this mission series found that while all Member States had put in place control systems structures there was a great diversity in how these were organised, notably with regard to the frequency and effectiveness of the inspection of food establishments. In particular, certain deficiencies were found in aspects of official control e.g. failure to meet stated sampling targets, or inspect food premises at an adequate frequency. In addition, almost all Member States had failed to enforce certain aspects of the rules on hygiene, specifically the requirement that all food businesses put in place systems and procedures based on HACCP principles. This was particularly evident in the retail and catering sectors. These deficiencies were often linked by the competent authorities to shortfalls in resources, which were available to them.

It was also noted that certain MS having regions with a high degree of autonomy either at state, community, regional, or municipal level, often experienced difficulties in co-ordinating national control programs.

Council Directive 93/43/EEC required MS to encourage the development of Guides to Good Hygiene Practice and to date over 400 national guides have been notified to the Commission services. However, it was noted that there was significant variation in the number and quality of these Guides. Article 8 of 93/43/EEC also required that inspectors give due consideration to such guides where they exist; however there was very little evidence of this during the inspections. Both of these provisions have been incorporated into the new Regulation (EC) No 852/2004 on the hygiene of food and feed.

Official analysis must be carried out in designated official control laboratories of which it was found that the majority were either accredited to, or were working towards meeting the requirements of EN (European Norm) 45001 (EN 17025).

The nature of deficiencies noted during this series of missions did not give rise to health concerns that would require urgent action and almost all MS responded to the request for an action plan in response to the recommendations made in the final reports. The findings of the mission series have been reviewed and those Member States which were found to be weak in terms of the effectiveness of their official controls, or in their response to recommendations will be the focus of a forthcoming series starting in May 2007.

Actions taken by the Commission services during and after the commencement of this series are outlined in section 9.
2. INTRODUCTION

During the period June 2004 to October 2005, the Food and Veterinary Office (FVO) of the Health and Consumer Protection Directorate General of the European Commission, undertook a series of missions to all MS (see Annex II). These inspection visits lasted approximately one week, and were conducted by at least two inspectors from the Food and Veterinary Office. In most instances a national expert from a MS participated in the inspection team. Information was gathered prior to the mission by means of a pre-mission questionnaire, and during the mission following meetings with competent authorities, both at central and local level. In addition, at least one official control laboratory was visited. There were also a number of evaluations by the mission team of official inspections that were carried out by Competent Authority inspectors in various food sectors. These included distributors, central retail markets, processors of high-risk foods, and retail butcher shops.

Finalised reports on individual missions are available at the Directorate General’s website:

http://ec.europa.eu/food/fvo/index_en.htm

It should be noted that this summary report only reflects the status observed at the time of the mission, and it is accepted that many of the systems and structures in MS may have changed since that time. In addition, since the completion of this series of missions there has been a restructuring of Community legislation, which is referred to as appropriate throughout this report.

3. LEGAL BASIS FOR THE MISSIONS

The missions were carried out under the general provisions of Community legislation and in particular on the basis of the following:


4. OBJECTIVES OF THE SERIES OF MISSIONS

The objectives of the mission series were:

- to evaluate the application of Council Directives 89/397/EEC of 14 June 1989 on the official control of foodstuffs, 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs, 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs, and in particular the implementation of safety procedures based on HACCP principles and the rules on the hygiene of foodstuffs (See section 9 on legislative changes that have taken place since the completion of this series of missions to MS);

- to evaluate the implementation of Regulation (EC) No 178/2002 of European Parliament and Council laying down the general principles and requirements of

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1 Legal acts quoted in this report refer, where applicable, to the last amended version. Full references to the acts quoted in this report are given in Annex I.
food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety; in particular Article 50 concerning the operation of the Rapid Alert System for Food and Feed.

- to evaluate aspects of the legislation in so far as they are applicable to retail butcher’s shops:
- to follow up previous missions.

5. BACKGROUND

The previous series of missions was carried out from October 1999 to May 2002 with similar objectives. The reports on these missions are available on the DG Health and Consumer Protection's Internet site at

http://europa.eu.int/comm/food/fvo/ir_search_en.cfm

6. MAIN FINDINGS

6.1. Competent Authority Control Systems

6.1.1. Structure and organisation of competent authorities

All MS visited had official services designated with responsibility for official control of the hygiene of foodstuffs, within the scope of this series of missions.

Organisational structure was generally on 3 levels, including central, regional and local. The responsibilities of the different levels differed but typically central level had responsibility for policy and co-ordination and regional level for co-ordination of local levels. Local levels were normally responsible for enforcement of legislation.

This structure differed in 7 MS which had highly autonomous regions, or municipal authorities with principal responsibility for the organisation and implementation of official control.

The number of authorities involved within the scope of this series in individual MS varied between 1 and 5, with 5 of the 25 MS having 1 responsible authority, 13 having two, 4 with 3, 2 with 4, and 1 MS with five responsible authorities. Typically the Ministry of Health and Ministry of Agriculture had primary responsibility, although it should be noted that the Ministry of Agriculture was normally responsible for veterinary legislation (related to butchers shops only).

10 MS had operational Food Authorities or Agencies. The primary role of these agencies related to the co-ordination of official control activities or the provision of risk assessment information to those Ministries or Departments with responsibility for official control. Two MS had consolidated different responsible ministries under one single administration.
6.1.2. **Resources**

The ratio of inspectors to the number of food establishments, which they had responsibility for, varied greatly, ranging from 1:1500 to 1:100 (see section 6.5.4 concerning level of enforcement). The greater ratios were often linked to shortfalls in the operation of certain aspects of official control, e.g. failure to meet stated sampling or inspection targets. In other cases, the lack of resources resulted in low inspection frequencies e.g. once every ten years for certain categories of retail food businesses.

Inspectors with responsibility for official control typically had 3rd level qualifications although in two MS 2nd level qualifications were required as a minimum standard. Those responsible for inspection of butcher’s shops generally had veterinary qualifications.

All MS had training programs, which were organised, at central or regional level depending on autonomy. The majority of MS reported that the responsible inspectors had received training in HACCP principles. Three MS indicated that training was based on a cascade approach with training of regional trainers who in turn provided training at local level.

Training programs for those MS which acceded in May 2004 were frequently undertaken within the framework of the EU PHARE twinning projects, and TAIEX regional training programs.

Deficiencies were noted in 3 MS, where the level of training was not considered adequate, in particular with regard to HACCP principles. Member states were required under Article 2 of Council Directive 93/99/EEC to provide number of suitably trained staff to carry out official control staff. This requirement is made more explicit in Article 6, and 4(2) c of the new Regulation (EC) No 882/2004.

6.2. **Legislation**

All Member States confirmed that the relevant Directives, including: Council Directives 89/397/EEC of 14 June 1989 on the official control of foodstuffs, 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs, and 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs, were transposed at the time of the inspections. Although in a number of cases there was considerable delay in transposing which had implications for enforcement (see section 6.5.4).

All MS had sufficient legal powers to enforce compliance with regard to carrying out inspections, and to take action where non-compliances were identified.

The above Directives have, as of the 1st of January 2006, been replaced by Regulations (EC) No 852/2004 and (EC) No 882/2004. The principal food safety objectives of these Directives are retained in these Regulations.

Some MS had additional legislation in place regarding microbiological standards and temperature control limits. While similar, there were variances in these standards between MS.
6.3. Good Hygiene Practice Guides

Guides to Hygiene Practice form a valuable instrument to assist food business operators at all levels of the food chain with their efforts to comply with food hygiene rules and with the application of HACCP principles.

Article 5 of Council Directive 93/43/EEC set out procedures for the development of sector specific Guides to Good Hygiene Practice (GGHPs) which may be used voluntarily by food businesses. These procedures have been maintained in Articles 7 and 8 of Regulation (EC) No 852/2004. In addition, Article 8 (1) of the above Council Directive required competent authorities to carry out controls giving due consideration to such guides. Similarly, Article 10 of the new Regulation (EC) No 882/2004 requires that control activities, methods and techniques include an assessment of procedures on good manufacturing practices (GMP), good hygiene practices (GHP), good farming practices and HACCP, taking into account the use of guides established in accordance with Community legislation; In several instances this was not possible, as no guides existed for the food sector being evaluated.

All MS had developed some GGHPs in accordance with Article 5 above. However, in many instances there was significant variation between MS as to how these guides were produced, the quality, and the number of food sectors that were covered. Two MS had produced guides under the aegis of their national standards institutes. The majority of MS produced guides in conjunction with business sectors concerned. It was noted that in some MS particularly those which acceded in May 2004, that the traditional sector representative groups such as commercial guilds were not as developed as in other MS. In addition, many guides had been developed within the framework of PHARE twinning projects.

A limited number of guides were assessed during the visits to MS and in five cases it was noted that they referred only to hygiene requirements and provided no practical guidance on HACCP implementation. In 11 of the MS there was no evidence of guides in the premises visited even when guides were available for these sectors. The number of guides, which have been notified to the Commission Services at the time of publication, varied from 1 to 79 per MS.

Those food sectors, which were most often covered by GGHPs include restaurants and mass catering operations. In 8 MS, guides had not been developed by the relevant representative sectors for the processing of food of non-animal origin.

6.4. Laboratory Services

Article 3 of Council Directive 93/99/EEC required that MS shall take all measures necessary to ensure that the laboratories referred to in Article 7 of Council Directive 89/397/EEC comply with the general criteria for the operation of testing laboratories laid down in European Standard EN 45001 (which has been replaced by EN 17025). This requirement is made more explicit in Article 12 of Regulation (EC) No 882/2004. This Article requires that laboratories involved in the analysis of official samples should work in
accordance with internationally approved procedures or criteria-based performance standards and should use methods of analysis that have, as far as possible been validated. Certain transitional arrangements for the accreditation of laboratories have been introduced in Article 18 of Regulation (EC) No 2076/2005.

At the time of the mission, 21 MS had fully implemented the provisions of Article 3 (1) of Council Directive 93/99/EEC. In four other MS either some or all of the laboratories were not accredited or it could not be demonstrated that they were operating to EN 17025. Designated official laboratories were normally under the control of the Competent Authorities.

While many designated official control laboratories were accredited the scope of such accreditation varied, which in turn meant that often the scope of analysis, also varied. The scope of analysis was also dictated to greater or lesser extent, by the resources available and the legislative requirements in that MS.

6.5. Competent Authority Performance

6.5.1. Organisation of controls

In general, national official control plans for sampling and inspection were developed at central level, and were communicated to regional and local competent authorities. However, problems with vertical communication between central regional and local levels, or horizontally between 2 or more responsible authorities were noted particularly in those MS having highly autonomous regions.

National control plans often were varied in that some were very prescriptive giving exact details of what, where, when, and how many inspections and sampling should be undertaken in the regions. Other plans were drafted as guidance documents with considerable scope for interpretation at local level. In those MS with regions having a large degree of autonomy either at state, community, regional, or municipal level, control plans were drafted at these levels.

As the number of authorities increased, the responsibility for different food sectors became more complex, which while not necessarily leading to deficiencies with the implementation of community legislation, was more inefficient in terms of overlapping control activities which sometimes occurred. In addition, where two or more authorities were involved in official control there were often no harmonised procedures and frequently no protocols for co-operation and co-ordination of official control activities which again led to variation in the organisation of controls.

Article 8 (2) of Council Directive 93/43/EEC provides that food premises are inspected at a frequency which has regard to the risk associated with the premises, this principle is repeated in Article 3 (1) of Regulation (EC) No 882/2004. However, it was noted that in the planning inspections 5 MS indicated that they did not undertake any risk categorisation of premises which they controlled.
7 MS indicated that they had audit systems in place to ensure that operational criteria relating to inspection and sampling were being met at regional and local level.

2 MS had implemented quality systems based on international standards in the organisation of their official control activities. These included in one case ISO 9001:2000 (quality management system requirements), and in the other ISO 17020 (general criteria for the operation of various types of bodies performing inspection).

6.5.2. On-site control visits

There was considerable variation in inspection processes between MS, and within MS at regional, local and municipal level. While different processes often achieved a similar satisfactory result, it was noted that those inspection processes which were based on standard operating procedures had fewer deficiencies with regard to implementation of legislation; in particular with regard to the evaluation of food businesses for compliance with the requirements of Article 3 of Council Directive 93/43/EEC concerning HACCP.

Equipment provided for on-site visits was variable, and in some situations, no equipment was provided to the Competent Authority inspectors for the purposes of official control.

6.5.3. Training of competent authority staff

While professional training programmes were in place in all MS visited, the extent and scope of these varied widely, with the absence of training records and in some cases, the lack of central co-ordination, making assessment difficult. In at least 3 MS it was noted that inspectors with responsibility for enforcement had received insufficient training in the assessment of food safety systems based on HACCP principles. This resulted in the poor implementation of Article 8 (2) of Council Directive 93/43/EEC. This Article requires competent authorities to include a general assessment of the potential food safety hazards associated with the business and to pay particular attention to critical control points identified by the businesses so as to assess whether the necessary monitoring and verification controls are being operated. Article 2 of Council Directive 93/99/EEC required that MS provide sufficient number of suitably qualified and experienced personnel to carry out official control.

Some competent authority staff had undergone training on auditing and on quality management principles. Where this was observed it was seen as having a positive impact on the quality of the inspection process.

6.5.4. Enforcement

All MS had sufficient powers to enforce compliance with the relevant legislation. However, there was considerable variation in the method of enforcement, in particular regarding the issuing of improvement notices to food businesses, the follow-up of such notices, the initiation of sanction proceedings (resulting in a fine), and the closure of food premises posing an
immediate risk to public health. In addition, there was considerable variation in the time taken to process enforcement action, varying from a few weeks, to six months in some cases. There were wide variances concerning inspection frequency, and in 3 MS the frequency of inspection was considered inadequate with inspection frequencies of less than 20% per annum reported for specific types of premises. Poor communication (detailed in 6.5.1 above) led to problems with the collation of data in 6 MS.

One of the objectives of the mission series was to evaluate the enforcement by MS of the implementation of Article 3 of Council Directive 93/43/EEC, i.e. the requirement for food businesses to implement adequate food safety procedures based on the principles of HACCP (Hazard analysis and critical control point). Several MS reported considerable difficulty in enforcing the above Article in smaller food businesses, notably catering and retail operations. This was frequently explained in terms of a lack of human resources, inadequate training in the principles and assessment techniques of HACCP systems, a lack of official guidance documents (e.g. GHPs) or, in some cases the late transposition of Council Directive 93/43/EEC. Consequently there were very few reported cases of enforcement action been taken by official control services, specifically with regard to non-implementation by food businesses of the above requirement for food safety systems based on HACCP. In 1 MS, older existing national legislation on the hygiene of foodstuffs was still being implemented in parallel with Council Directive 93/43/EEC, resulting in inconsistencies regarding the enforcement of the requirement for HACCP based food safety systems in food businesses.

The majority of MS did not formally approve HACCP plans which were implemented by food businesses. The onus of responsibility in such cases was left to the food operator with evaluation focussing on the implementation of plans.

Overall it was noted that there was considerably less variation in all types of enforcement action in those MS where a single competent authority was in operation.

From 2008, MS are required to submit the results of their enforcement action to the Commission Services. (Article 44 Regulation (EC) No 882/2004).

6.5.5. Licensing and registration of establishments

With the exception of 2 MS, some degree of assessment of new food premises was required prior to opening. In many situations there were different prior approval processes, in particular with respect to educational establishments, and public hospitals. Routine licensing was usually limited to certain sectors, such as seasonal tourist premises.

However, most MS had made improvements since the last series of missions concerning the recording of data on premises, often using computer databases. Once fully developed, these systems could provide information to facilitate the introduction of a full licensing system.
6.5.6. Official control in retail butchers shops

This series of missions to MS included an evaluation of controls on retail butcher shops. The enforcement of the relevant legislation outlined in section 4 was evaluated in so far as it applied to retail outlets. In a number of MS vertical veterinary legislation applied to those parts of the premises where cutting of meat was undertaken.

In general, hygiene requirements were satisfactorily implemented in the majority of premises visited, as were the labelling requirements for all meat types. Inspections were carried out at a frequency, which had regard to the risk of the premises. The level of assessment and enforcement of the requirement for HACCP in retail butcher shops was poor. In six MS the inspectors were not always aware of the specific requirements relating to SRM (Specified Risk Material as defined in Regulation (EC) No 999/2001) removal or the labelling requirements for meat and meat products.

Article 1 of Council Directive 64/433/EEC exempted retail butchers shops from the requirement to be approved establishments (within the definition included in the Directive) provided that they sold meat directly to the ‘final consumer’. However, the definition of whom the final consumer was varied between MS, with the majority of MS allowing the sale of meat to catering and restaurant outlets without the need for them to be classified under vertical veterinary legislation. In such cases there were frequently restrictions on the quantities of meat, which could be sold in this way from individual retail businesses.\(^2\)

With regard to SRM in retail butchers shops four MS did not permit the removal of such material in retail shops. Such removal could only take place in approved establishments. Guidelines were available to local enforcement authorities in most cases.

6.5.7. Rapid Alert System for Food and Feed

The Rapid Alert system for food and feed (RASFF) came into force in February 2002 under Article 50 of Regulation (EC) No 178/2002. This Regulation brought into operation a network through which Member States were required to communicate to the Commission Services the existence of a serious direct or indirect risk to human health deriving from food or feed. All MS had designated a contact point with responsibility for accepting and disseminating notifications within the network. All MS reported notifications only when it affected products which were for distribution outside their territories. In general the system of operation in most MS involved a network with the responsible authority whereby information was disseminated from central, regional and local levels. Most MS undertook follow-up action in response to notifications which included tracing affected product and its removal.

\(^2\) Community vertical legislation was not explicit in this matter at the time of the mission. This has since been clarified as part of the recast of vertical veterinary legislation, and in particular in the Commission Guidance document on Regulation (EC) No. 853/2004 (see http://ec.europa.eu/food/food/biosafety/hygienelegislation/guide_en.htm).
In 3 MS it was noted that there were problems in communicating notifications due to the lack of procedures or where there were problems in communicating from central to regional areas.

7. CONCLUSIONS

General observations

As the conclusions set out below cover the totality of the mission series and take account of the different approaches in the MS, they may not be identical to those set out in the individual mission reports.

7.1. Competent Authority Control Systems

(1) All MS had designated competent authorities with responsibility for the scope of this mission series. The number of authorities varied between 1 and 5 with the majority having two.

7.2. Legislation

(2) The relevant legislation in force at the time of the mission had been transposed in all MS although this was delayed in a number of instances.

(3) Late transposition of Council Directive 93/43/EEC led to delays in enforcement and implementation of HACCP in food businesses.

(4) Some MS had additional legislation on microbiological standards and temperature control

7.3. Good Hygiene Practice Guides

(5) The number, scope, and depth of these guides varied considerably. Many of the guides referred to hygiene practice only with little or no practical reference to the requirement for businesses to implement HACCP principles.

(6) While there were several national guides in circulation in the MS, there was very little evidence of these in the food premises, which were visited as part of the evaluation of CA controls.

(7) Most MS did not give due consideration to the national guides during inspections, even though Article 8 (1) of Council Directive 93/43/EEC required that they do so where such guides exist.

7.4. Laboratory Services

(8) The majority of official control laboratories with responsibility for official control analysis for food hygiene were either accredited to ISO 17025 or moving towards such accreditation.

(9) Decisions on the scope of analysis are generally determined by the official laboratory taking account of available resources and legislative requirements and varied from laboratory to laboratory.
7.5. Competent Authority Performance

7.5.1. Organisation of controls

(10) Organisation of controls is typically structured on three levels; central level, regional and local, with the frequency, scope, and method of inspection normally decided locally based on general guidance from central level.

(11) As the number of authorities increased in a MS, or in those MS having highly autonomous regions, problems were identified with vertical and horizontal communication and co-ordination of official control activities. 10 MS had set up Food Authorities or Agencies to address some of these issues.

(12) The organisation of controls varied in particular with the degree to which local authorities could interpret guidance on how to carry out official control. Two MS had introduced quality management systems based on ISO 17020 (general criteria for the operation of various types of bodies performing inspection) with the objective of harmonising their control activities.

(13) 5 MS did not categorise food businesses according to the risk associated with them even though Art 8 (2) of Council Directive 93/43/EEC requires that Member States shall provide that all food premises are inspected at a frequency which has regard to the risk associated with the premises.

(14) 7 MS indicated that they had audit systems in place to evaluate official control performance.

7.5.2. On-site control visits

(15) As with the organisation of controls there was also great variation in the inspections evaluated. These different approaches often achieved a similar satisfactory result in particular with regard to the evaluation of the hygiene prerequisites set out in the Annex of Council Directive 93/43/EEC.

(16) Inspector’s knowledge of the Critical Control Points associated with particular types of food businesses was often weak (see point 7 above) and on occasion they lacked the equipment to carry out inspections, such as protective clothing or thermometers.

7.5.3. Training of competent authority staff

(17) All MS had undertaken training with regard to official control activities to some extent. 3 MS were found to be deficient in providing adequately trained staff in HACCP as provided for in Article 2 of Council Directive 93/99/EEC.

7.5.4. Enforcement

(18) Almost all elements of enforcement varied between MS including the frequency of inspection, type and number of infringements which were prosecuted. The policy of certain MS also varied towards the enforcement of certain elements of Community legislation, in particular with regard to the requirement to implement food safety systems based on HACCP principles at retail level and in catering operations.
(19) The inspection frequency in three MS was not considered sufficient to provide an effective level of control.

(20) Those systems of enforcement which operated best were those which operated according to standard operating procedures.

7.5.5. Licensing and registration of establishments

(21) 23 MS had some form of licensing and registration of food businesses in place.

7.5.6. Official control in retail butchers shops

(22) In general legislation within the scope of this mission was enforced in all MS visited.

(23) An evaluation of the inspections undertaken in individual MS found weaknesses in local knowledge on specific requirements related to SRM removal and labelling requirements.

(24) How MS defined the ‘final consumer’ and thus whether retail butchers came under vertical veterinary legislation varied, but MS did permit the sale of meat and meat products from retail to catering and restaurant outlets. This issue has since been clarified in guidance on the new Regulations.

(25) 4 of 25 MS did not permit the removal of SRM from retail butchers shop even though the provisions of Regulation (EC) No 999/2001 allow limited removal.

7.5.7. Rapid Alert System for Food and Feed

(26) With the exception of 3 MS most MS demonstrated an adequate system for the operation of the RASFF system.
8. RECOMMENDATIONS

The following is only a summary of the main recommendations made in individual mission reports. It should be noted that not every recommendation applies to each MS.

**Competent Authority Controls**

(1) Ensure that appropriate and effective procedures are in place to ensure adequate cooperation and coordination between the respective authorities with responsibility for carrying out official control activities (as required by Article (2) (14) Council Directive 89/397/EC, and now replaced by Article 4 (3) Regulation (EC) No 882/2004).

**Good Hygiene Practice Guides**

(2) Ensure that guides are assessed with a view to determining the extent to which they cover the provisions of Article 3 of Council Directive 93/43/EC (as required by Article 5 (4) of Council Regulation 93/43/EC, and now replaced by Article 8 (3) of Regulation (EC) No 852/2004).

(3) Encourage the dissemination of guides to the relevant sectors (as required by Article 5 of Council Regulation 93/43/EC and now replaced by Article 7 of Regulation (EC) No 852/2004).

(4) Make available and ensure that inspectors give due consideration to guides (where they exist) during their inspections of the premises to which these guides are directed (as required by Article 8 (1) of Council Directive 93/43/EEC, and now replaced by Article 10 of Regulation 882/2004).

**Laboratory Services**


**Competent authority performance**

(6) Ensure that the frequency of inspection across all food sectors is sufficient to provide an effective level of control (as required by Article 4 of Council Directive 89/397/EC, and Article 8 of Council Directive 93/43/EEC, and now replaced by Article 3 (1) of Regulation (EC) No 882/2004).

(7) Ensure that the relevant elements of Community legislation are enforced in all food sectors, in particular the requirement that food businesses implement food safety systems based on HACCP principles (as required by Article 3 (2) of Council Directive 93/43/EEC, and now replaced by Article 5 of Regulation (EC) No 852/2004).
(8) Ensure that inspectors are adequately trained to carry out their official control responsibilities (as required by Article 2 of Council Directive 93/99/EC, and now replaced by Article 6 of Regulation (EC) No 882/2004.)
9. **ACTION TAKEN BY THE COMMISSION SERVICES**

9.1. **Follow-up of mission recommendations**

For each mission a copy of the Final report was sent to the national competent authorities with a request for an action plan, indicating the steps taken to address the report’s recommendations.

A deadline was set for the receipt of these plans and the response of the competent authorities was evaluated. To date 24 of the 25 MS responded with an action plan. In seven cases it was considered that the response did not address the issues raised. The Food and Veterinary Office is continuing to actively pursue the outstanding issues within the context of annual updates of Member States files.

9.2. **Legislative changes**

To address some the inconsistencies in Community legislation and the findings outlined in this report the Commission proposed in 2004 the Food “hygiene package”, consisting of three Regulations and two Directives, which consolidates updates and simplifies existing Community legislation by setting down comprehensive, clearer and more harmonised rules on the hygiene of foodstuffs. This legislation adopted by the Council and Parliament applies from the 1st of January 2006.

Within this recast the following new legislation is of particular relevance to the scope of this mission

**Regulation (EC) No 852/2004 on the hygiene of foodstuffs**

In order to assist MS and food business operators to better understand the new food hygiene rules, the following guidance documents have been prepared, which should assist MS in addressing the issues outlined in recommendation 7 above

- Guidance document on the implementation of certain provisions of Regulation (EC) No 852/2004 on the hygiene of foodstuffs;

- Guidance document on the implementation of procedures based on the HACCP principles, and on the facilitation of the implementation of the HACCP principles in certain food businesses.

These documents can be found on the DG SANCO website at

http://ec.europa.eu/food/food/biosafety/hygienelegislation/guide_en.htm

With regard to recommendations 2-4 on Good Hygiene Practice Guides, Article 9 of Regulation (EC) No 852/2004 on the hygiene of foodstuffs provides for the development, assessment, dissemination and periodical review of Community guides to good practice for hygiene or for the application of HACCP principles. A register of all national guides can now be found at the following link with additional guidance on the development of Community guides:
http://ec.europa.eu/food/food/biosafety/hygienelegislation/good_practice_en.htm

**Regulation (EC) No 882/2004 on official control**

The Regulation (EC) No 882/2004 on official controls was also adopted in 2004 and will address the deficiencies noted in recommendations 1, 6, and 8. The legislation applied from the 1st of January 2006.

Art 41 of Regulation (EC) No 882/2004 now requires MS to develop multi annual control plans covering the entire food chain. At the time of publication the Commission will shortly adopt guidelines for Member States on Multi Annual Control Plans which were recently approved by a Regulatory Committee.

Article 44 requires that following implementation of the multi annual control plans a report should be submitted to the Commission Services. The Commission is in cooperation with the MS developing guidelines for the structure of such annual reports.

A Commission Decision 2006/677/EC has also been adopted which provides guidance on the nature and the implementation of audit systems by national competent authorities. The purpose of these audit systems is to verify whether official controls relating to feed and food law and animal health and animal welfare rules are effectively implemented and are suitable to achieve the objectives of the relevant legislation, including compliance with national control plans. Details can be found at:


With regard to training, Article 51 of Regulation (EC) No 882/2004 now empowers the Commission to develop training programmes for staff of the Competent Authorities in MS in order to promote a harmonised approach to the operation of Community and national control systems. "Better Training for Safer Food" is a new initiative of the Commission aimed at organising a Community (EU) training strategy in the areas of food law, feed law, animal health and animal welfare rules, as well as plant health rules.

All relevant information on the training strategy can be found at the following address on the DG SANCO website:

http://ec.europa.eu/food/training/index_en.htm
# ANNEX I - LEGISLATION

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<td>governing the production, processing, distribution and introduction of products of animal origin for human consumption</td>
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### Annex II. Details of Missions Undertaken

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