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OVERVIEW REPORT

Geographical Indications and Traditional Specialities

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Directorate F - Food and Veterinary Office

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OVERVIEW REPORT
ON A SERIES OF AUDITS
ON PROTECTED DESIGNATIONS OF ORIGIN (PDO), PROTECTED
GEOGRAPHICAL INDICATIONS (PGI) AND TRADITIONAL SPECIALITIES
GUARANTEED (TSG) FOR AGRICULTURAL PRODUCTS AND FOODSTUFFS
IN EU MEMBER STATES
2012-2014

Executive Summary

This report provides an overview of the outcome of a series of audits carried out by the Food and Veterinary Office in eight Member States (MSs) of the European Union (EU) between October 2012 and November 2014. This was the first series of audits undertaken to MSs on official controls in place for three quality schemes Protected Designations of Origin (PDOs), Protected Geographical Indications (PGIs), Traditional Specialities Guaranteed (TSGs) for agricultural products and foodstuffs.

The objectives of the audits were the evaluation of the official control systems in place for the implementation of EU legislation concerning: PDOs, PGIs and TSGs for agricultural products and foodstuffs, traceability and labelling. In terms of scope, the audit reviewed the organisation and performance of Competent Authorities (CAs) and the official control systems in place covering production, distribution and placing on the market of these products.

In general, the audit series indicates that official controls in conjunction with the control activities of the Producer Groups (PGs) provide a reasonable level of assurance concerning the integrity of PDO/PGI/TSG registrations. Although official controls are undertaken, most MSs do not describe these specific control activities in their Multi Annual National Control Plan.

The FVO audit team noted that some elements of the Product Specifications were not comprehensively checked by CA or control body (CB) inspectors during each and every inspection. In one MS, no CA was designated for official controls at grower and farm level, even though these activities were part of the Product Specification under their control.

In the PDO/PGI/TSG sector the delegation of official controls to CBs occurs regularly. The key concern noted by the FVO audit team, was the lack of supervision of the CBs by the CAs, although this situation did not necessarily lead to unsatisfactory controls being performed by the CB inspectors.

Market controls were undertaken regularly but MS inspectors faced challenges in handling such inspections due to the lack of easily accessible information on presentation and packaging of PDO/PGI/TSG products, particularly from other MSs. A number of good practices were identified, for example PGs playing a significant role in monitoring their own products on the market and a marketing company preparing labels to ensure that products subdivided at retail level did not lose their PDO/PGI/TSG identity.

This report includes a summary of the recommendations made to MSs.

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ABBREVIATIONS USED IN THIS REPORT

Abbreviation	Explanation
CA(s)	Competent Authority(ies)
CB(s)	Control Body(ies)
CCA(s)	Central Competent Authority(ies)
DG AGRI	Agricultural and Rural Development Directorate General
DG SANTE	Health and Food Safety Directorate General
DOOR	Database of Origin and Registration
EU	European Union
FBO(s)	Food Business Operator(s)
FVO	Food and Veterinary Office
ISO	International Organisation for Standardisation
MANCP	Multi Annual National Control Plan
MS(s)	Member State(s)
PDO(s)	Protected Designation(s) of Origin
PG(s)	Producer Group(s)
PGI(s)	Protected Geographical Indication(s)
TSG(s)	Traditional Speciality(ies) Guaranteed.

1 INTRODUCTION

This series of audits was initiated in October 2012 by the Food and Veterinary Office (FVO) of the European Commission's Directorate General for Health and Food Safety (DG SANTE). This report covers the findings of eight published audit reports.

The audits were undertaken on the basis of a Memorandum of Understanding between Directorates General for Agriculture and Rural Development (DG AGRI) and DG SANTE on control issues related to Protected Designations of Origin (PDOs), Protected Geographical Indications (PGIs) and Traditional Specialities Guaranteed (TSG) schemes for agricultural products and foodstuffs.

Details of the specific reports are provided in Annex II. Reports on individual audits are available on DG SANTE's website:

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

This report reflects the situation observed at the time of the audits, although some systems may have improved in the meantime.

2 OBJECTIVES OF THE SERIES OF AUDITS

The objectives of these audits were the evaluation of the official control systems in place for the implementation of EU legislation concerning PDOs, PGIs and TSGs for agricultural products and foodstuffs and traceability and labelling.

3 LEGAL BASIS FOR THE AUDITS

The audits were carried out under the general provisions of European Union (EU) legislation, in particular Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

A full list of the legal instruments referred to in this report is provided in Annex I and refers, where applicable, to the last amended version.

4 BACKGROUND

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

The products to be audited in each MS were selected by DG AGRI from the Database of Origin and Registration (DOOR) in order to evaluate how the system of official controls works in each visited MS. The criteria used by DG AGRI for selection, was to include at least one PDO product, one PGI product and one TSG product where possible, with a focus on the products generating significant economic value and production volume.

5 FINDINGS AND CONCLUSIONS

RELEVANT NATIONAL LEGISLATION

Legal Requirements

Article 291 of the Treaty on the Functioning of the EU.

Findings

1. The visited MSs adopted national legislation to implement the EU legislation relating to PDOs, PGIs, TSGs for agricultural products and foodstuffs: Regulation (EU) No 1151/2012, Regulation (EU) 664/2014 and Regulation (EU) 668/2014 of the European Parliament and Council.

Conclusions on Relevant National Legislation

2. In all MSs visited relevant national measures are in place to implement EU Regulations relating to official controls of PDO/PGI/TSG.

ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

5.1.1 Competent Authorities: Designation, Cooperation and Coordination

Legal Requirements

Articles 36 (1), 36 (2), 37 (1) 39 (1) of Regulation (EU) No 1151/2012.

Articles 2, 4, 5 and 6 of Regulation (EC) No 882/2004.

Findings

3. In all eight MSs audited, the competent authorities (CAs) responsible for the official controls of producers / processors were designated. However, in one MS no competent authority (CA) was designated for the official controls of plant products in the growing stage. There was evidence in MSs that the growing phase was supervised by control bodies (CBs) such as plant research institutes and the food business operators (FBOs).
4. The number and qualification of staff designated for official controls of PDO/PGI/TSG were considered adequate.

Conclusions on Organisation and Implementation of Official Controls

5. The CAs responsible for official controls of PDO/PGI/TSG at producers / processors were clearly designated in all visited MSs and were adequately staffed.
6. In one MS there were no CAs designated to undertake official controls at grower and farm level.

5.1.2 Control Bodies

Legal Requirements

Articles 39 (1), 39 (2) of Regulation (EU) No 1151/2012.

Articles 5 of Regulation (EC) No 882/2004.

Findings

7. The central competent authority (CCA) may delegate official controls to control bodies (CBs). Of the eight MSs audited, six used CBs to undertake the official controls of producers /processors. Of these six MSs, only one MS was using unaccredited CBs. At the time of the audit, none of the CBs in this MS were accredited in accordance with, EN 45011 or International Organisation for Standardisation (ISO)¹/IEC Guide 65, the general requirements for bodies operating product certification systems, which is not in compliance with Article 39(2) of Regulation (EU) No 1151/2012.
8. In one MS, the CBs met during the audit were all accredited by the national accreditation body however the certificates for each CB did not make any references to the specific capacity of the CB to undertake official controls on PDO/PGI/TSG.

¹ The ISO/IEC 17065:2012-Conformity assessment – Requirements for bodies certifying products, processes and services, was published in September 2012 and replaces 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.

9. In one region of a second MS, CBs were used to undertake the official controls of producers / processors. Such CBs are accredited by the national accreditation body and the 'certificate' clearly specified which products the CB were authorised to control.
10. In a third MS, all CBs were in the process of accreditation at the time of the audit. There was no duly accredited CB to undertake official controls of PDO/PGI/TSG. The national accreditation body in this MS was granting the accreditation to undertake official controls of PDO/PGI/TSG on a product by product basis. Each Product Specification was evaluated as to its auditability and there were significant issues raised with most Product Specifications at the time of the audit. In the other five MSs, the CBs met were accredited.
11. Of the six MSs using CBs for official controls of producers / processors of PDO/PGI/TSG there were three MSs where CAs did not supervise the CBs which is not in line with Article 5 (3) of Regulation (EC) No 882/2004. At the time of these audits, two MSs were actively working on developing a system of supervision.
12. In two MSs, it was found that communications between the CB and the CA needed to be improved, one case concerned the reporting of non-compliances and the other concerned a change to a Product Specification which was agreed by the CB but never reported to the CA to formalise an amendment to the Product Specification. These examples are not in line with Article 5 (2) of Regulation (EU) No 882/2004.

Conclusions on Control Bodies

13. In the majority of the MSs, CBs used for control purposes were duly accredited. CBs were undertaking official controls even though: (i) they were not-accredited in accordance with EN 45011 or ISO/IEC Guide 65 (1 MS) which is not in line with Article 39(2) of Regulation (EU) No 1151 and (ii) they were not subject to supervision (3 MSs) which is not in line with Article 5(3) of Regulation (EC) No 882/2004.
14. In two MSs, accredited CBs had not communicated all relevant information to the CA which is not in line with Article 5(3) of Regulation (EC) No 882/2004.

5.1.3 Prioritisation of Official Controls

Legal Requirements

Article 38 of Regulation (EU) No 1151/2012.

Article 3 of Regulation (EC) No 882/2004.

Findings

15. Each MS is specifically required to include information on the official controls of PDO/PGI/TSG in a separate section within the Multi Annual National Control Plan (MANCP). The majority of MSs audited had not included information on their control plans for PDO/PGI/TSG in their MANCP.
16. Nevertheless, inspections / audits of producers / processors are undertaken regularly, generally on an annual basis for the majority of PDO/PGI/TSG. Some producer groups (PGs) had specific minimum requirements for the number of inspections which should be undertaken per year. In many instances this required more than one inspection per year.
17. In the eight MSs audited, all had used the risk categorisation of establishments developed for food safety purposes as their starting point for prioritisation of official controls of PDO/PGI/TSG. The criteria used would include the size of the establishment and the inherent risks of the product being produced.
18. In two MSs there was a requirement for all producers of PDO/PGI/TSG to inform the CA of the quantities of the PDO/PGI/TSG produced on an annual basis.
19. In one MS the audit team was informed of the planned development of a database which would contain all official control data, risk criteria and own controls to provide a resource to calculate the risk and control frequency with greater accuracy.
20. In general, in each MS, a track record of compliance in relation to PDO/PGI/TSG products did not alter the minimum number of inspections. There was no evidence that a good inspection history led to a reduction in the number of subsequent inspections. This observation holds true for official controls undertaken by CAs and CBs.
21. In one MS, official controls at farm and grower level were not undertaken, as the relevant CAs had not been designated.
22. Inspections carried out on the markets were undertaken less frequently. Nevertheless, with the exception of one MS, market controls were undertaken regularly.

Conclusions on Prioritisation of Official Controls

23. Although activities relating to the official control of PDO/PGI/TSG are rarely included in a separate section within the MANCP, official controls of processors and retailers are undertaken regularly. Official controls at farm and grower level were not implemented in one MS.

5.1.4 Controls at Visited Premises Including Procedures for Performance and Reporting of Control Activities

Legal Requirements

Articles 12, 13 (1), 23, 24 (1), 36(3), 37, 44 and 46(1) of Regulation (EU) No 1151/2012.

Article 1 of Commission Delegated Regulation (EU) No 664/2014.

Article 18 of Regulation (EC) No 178/2002.

Article 4(2) of Commission Implementing Regulation (EU) No 668/2014.

Article 10(2)(b)(vi) of Regulation (EC) No 882/2004.

Regulation (EU) No 1169/2011 provides the legal framework for food labelling.

Articles 8(1), 9 of Regulation (EC) No 882/2004 requires that CAs carry out their official.

Findings

24. In all MSs, documented procedures were in place giving instructions and information to the inspectors.
25. There is a legal requirement that the PDO/PGI/TSG was subject to an official control for verification of compliance prior to placing a product on the market. There were five MSs which had not fulfilled this task. Where this occurred, the FVO audit team noted that it mainly related to one specific product in that MS rather than being a persistent failing with every PDO/PGI/TSG. The PDO/PGI/TSG which had not been subject to this control were frequently products with a longstanding reputation which had been manufactured for many generations.
26. During site visits inspectors used checklists; however checklists did not always contain all the requirements of the Product Specification. In four MSs, the inspectors met did not audit every single parameter outlined in the Product Specification. Frequently the reason for this was the particular characteristic described was not easily auditable. In addition the checking of farms and growers when these are the subject of specific requirements of the Product Specification was not always part of the control.
27. Controls on the market are undertaken in supermarkets where a relatively small range of products from other MSs are available. For the most part, the inspectors tend to check a selection of very well-known PDO/PGI/TSG. Inspectors met complained that there is little information available on the correct presentation and packaging that should be visible on PDO/PGI/TSG products from other MSs.
28. A frequent finding in supermarkets was that PDO/PGI/TSG products were prone to be labelled incorrectly once they are divided and relabelled at in-house delicatessen

counters. Almost invariably these newly repackaged products lacked some critical information and in many instances, such products lacked any indication that they were a PDO/PGI/TSG. In one MS, one marketing company had prepared its own labels to be used at delicatessen counters to facilitate the supermarkets in this respect.

Conclusions on Controls at Visited Premises Including Procedures for Performance and Reporting of Control Activities

29. In general, there are documented procedures in place to facilitate inspectors carrying out official controls of PDO/PGI/TSG. The key weaknesses were that some characteristics described in the Product Specifications were not auditable as well as the lack of controls at farms and growers.

5.1.5 Enforcement Measures

Legal Requirements

Article 13.3 of Regulation (EU) No 1151/2012.

Articles 54 and 55 of Regulation (EC) No 882/2004.

Findings

30. In all MSs visited, there is a legal requirement and procedure in place for administrative sanctions to be applied by the CA allowing for quick and effective enforcement actions to be undertaken. In addition to administrative sanctions, financial sanctions (fines and/or penalties) were applied. Moreover, CAs of the MSs were empowered to apply further enforcement measures, including warning letters, seizure, withdrawal from the market and/or destruction of non-compliant produce.
31. In one MS it was not clear how non compliances detected during the official controls of the markets in one region, relating to a product produced in another region, were to be handled.

Conclusions on Enforcement Measures

32. Adequate enforcement measures are in place in the MSs.

6 GOOD PRACTICES

During the audits, good practices were identified in either individual MSs or groups of MSs.

33. In Italy the FVO audit team was informed of the planned development of a database which would contain all official control data, risk criteria and own controls to provide a resource to calculate the risk and control frequency with greater accuracy.

34. In Austria, a marketing company had pre-prepared labels to ensure that product that was subdivided at retail level did not lose its PDO/PGI/TSG identity.
35. In the Czech Republic, market inspectors equipped with personal computers, accessed the DOOR database at a supermarket to check labelling and registered names.
36. In certain MSs, for example Italy and Slovenia, the PGs play a significant role in facilitating the market controls of PDO/PGI/TSG.
37. In Italy and Slovenia there was a requirement for all producers of PDO/PGI/TSG to inform the CA of the quantities of the PDO/PGI/TSG produced on an annual basis.

7 OVERALL CONCLUSION

38. In general, the audit series indicates that official controls in conjunction with the control activities of the PGs provide a satisfactory level of assurance concerning the integrity of PDO/PGI/TSG registrations. Although official controls are undertaken, most MSs do not describe these specific control activities in the MANCP.
39. The FVO audit team noted that some elements of the Product Specifications were not comprehensively checked by CA /CB inspectors during each and every inspection. In one MS, no CA was designated for official controls at grower and farm level, even though these activities were part of the Product Specification under their control.
40. In the PDO/PGI/TSG sector the delegation of official controls to CBs occurs regularly. The key concern noted by the FVO audit team was the lack of supervision of the CBs by the CAs, although this situation did not necessarily lead to unsatisfactory controls being performed by the CB inspectors.
41. Market controls were generally undertaken regularly but MS inspectors faced challenges in handling such inspections due to the lack of easily accessible information on presentation and packaging of PDO/PGI/TSG products, particularly from other MSs. A number of good practices were identified, for example PGs playing a significant role in monitoring their own products on the market and a marketing company preparing labels to ensure that products subdivided at retail level did not lose their PDO/PGI/TSG identity.

8 RECOMMENDATIONS

The following is a summary of the main recommendations made in individual audit reports. It should be noted that not every recommendation applies to each MS. Where applicable, the CAs provided clear commitments to address these recommendations in their action plans.

- Ensure that there is efficient and effective coordination between all CAs as required by Article 4 of Regulation (EC) No 882/2004.

- Ensure that activities concerning official controls on PDO/PGI/TSG are specifically included in a separate section within the MANCPs, as established by Articles 40(1) of Regulation (EU) No 1151/2012.
- Ensure that documented procedures are in place and include verification of the following EU requirements:
 - Requirements in the Product Specification to be complied with at farm level;
 - Requirements as regard the origin of feed as established in Article 1 of Regulation (EU) No 664/2014;
 - Requirements related to identification and correlation between inputs and outputs, as referred to in Article 4 of Regulation (EU) No 668/2014
- Ensure that CAs and CBs carry out verification of compliance with labelling rules and any Product Specifications effectively, in order to comply with Articles 36 and 37 of Regulation (EU) No 1151/2012.
- Ensure that CBs are accredited in accordance with EN 45011 / ISO IEC 65 (General requirements for bodies operating product certification systems) as required by Article 39 (2) of Regulation (EU) No 1151/2012.
- Ensure that the CBs, to which official controls tasks are delegated, are audited or inspected as necessary as required by Article 5(3) of Regulation (EC) No 882/2004.
- Ensure the CBs communicate the results of the controls carried out to the CA on a regular basis and whenever 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 as required by Article 5(2)(e) of Regulation (EC) No 882/2004.
- Ensure that official controls cover the monitoring of the use of registered names to describe product placed on the market, as established in Article 36(3)(b) of Regulation (EU) No 1151/2012.

9 ACTION TAKEN BY COMMISSION SERVICES

FOLLOW-UP OF AUDIT RECOMMENDATIONS

For each audit, a copy of the draft audit report was sent to the national CAs with a request for an action plan to be provided where actions to be undertaken to address individual recommendations and deadlines for their implementation had to be indicated.

A deadline was set for the receipt of these action plans and responses of the CAs were analysed. Progress on the actions undertaken by MSs to address recommendations is described in the relevant Country Profiles, which can be found at the following website:

http://ec.europa.eu/food/fvo/country_profiles_en.cfm

As of May 2015, most of the MSs visited had addressed all recommendations made during this first audit series on PDO/PGI/TSG. All remaining recommendations are subject to ongoing follow-up by the FVO.

ADDITIONAL ACTION BY COMMISSION SERVICES

In order to work towards a common control "culture", annual DG AGRI seminars devoted to sharing information about PDO/PGI/TSG controls among experts from MSs have been identified as a useful additional measure and to-date three such seminars have taken place. The aim of such seminars is to disseminate best practice for control procedures, to improve knowledge in this area of work and to stimulate a flow of ideas on how fraud and infringements could be detected and prevented at production level and in the market place.

Further clarification on the control system used for PDO/PGI/TSG checks is to be provided in specific training courses in the framework of the Commission's Better Training for Safer Food initiative. DG AGRI's assessment of the training needs helps to better understand the challenges that staff carrying out official controls are experiencing and to ensure best use of these training sessions.

When national control authorities are facing a specific challenge, the regular meetings of relevant standing committees or of expert groups may also be used as a forum to discuss the MSs' points of concern or to exchange information.

As regards the compulsory nature of accreditation, DG AGRI is annually seeking confirmation that all CBs performing official control activities under Regulation (EU) No 1151/2012 have been accredited and that they comply with the standards in force.

A list of authorities and / or bodies enforcing compliance with PDO/PGI/TSG obligations in respect of product placed on the market (Article 38 of Regulation (EU) No 1151/2012) is available on Europa website:

http://ec.europa.eu/agriculture/quality/schemes/compliance-authorities_en.pdf

and updated periodically.

In the course of 2016, the Office for Harmonisation of the Internal Market intends to carry out a comparative analysis, in cooperation with DG AGRI, of the functioning of the control and protection systems in the 28 MSs, with a particular focus on intellectual property rights.

The Commission draft Regulation proposal on official controls and other official activities (COM (2013) 265 final) aims to further clarify and simplify the PDO/PGI/TSG control rules (eg empowerments to lay down sector-specific rules for official controls, deletions of duplications, etc.).

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 Registration</i>		
Reg. 1169/2011	OJ L 304, 22.11.2011, p. 18-63	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004
<i>PDO/PGI/TSG Legislation</i>		

Reg. 1169/2011	OJ L 304, 22.11.2011, p. 18-63	Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004
Reg. 664/2014	OJ L 179, 19.6.2014, p. 17-22	Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules
Reg. 668/2014	OJ L 179, 19.6.2014, p. 36-61	Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs

ANNEX II DETAILS OF AUDITS UNDERTAKEN

Member State	Audit Dates	SANTE Reference Number
United Kingdom	16-24/10/2012	2012-6570
Belgium	19-23/11/2012	2012-6811
Czech Republic	21-31/01/2013	2013-6649
Austria	25/02 08/03 2013	2013-6653
Slovakia	18-28/11 2013	2013-6651
Italy	16-27/06 2014	2014-7108
Slovenia	09-17/09 2014	2014-7102
Netherlands	11-18/11 2014	2014-7109

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