

COMMISSION IMPLEMENTING DECISION (EU) 2022/1947**of 13 October 2022****amending Implementing Decision (EU) 2020/1550 by updating the multiannual programme of controls for the period 2021-2025 and establishing the programme of controls for 2023**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾, and in particular Article 118(1), point (b), and Article 118(2) thereof,

Whereas:

- (1) The responsibility to enforce Union agri-food chain legislation lies with Member States, whose competent authorities monitor and verify, through the organisation of official controls, that relevant Union requirements are effectively complied with and enforced. Parallel to this monitoring and verification, Article 116 of Regulation (EU) 2017/625 requires Commission experts to perform controls, including audits, in Member States to verify the application of Union legislation. These Commission controls should be performed in the areas of food and feed safety, animal health and welfare, plant health, plant protection products, and the functioning of national control systems and competent authorities, which operate them, taking into account synergies with control arrangements under the common agricultural policy.
- (2) Commission Implementing Decision (EU) 2020/1550 ⁽²⁾ established a multiannual programme of controls to be carried out by Commission experts in the Member States to verify the application of Union agri-food chain legislation for the period 2021-2025, aligned with the Commission's term of office and reflecting its priorities. During the implementation of that multiannual programme of controls, it has emerged that it was not sufficiently flexible to allow the Commission experts to investigate and collect information in relation to emergency situations, emerging problems, and new developments in the areas governed by the rules referred to in Article 1(2) of the Regulation (EU) 2017/625 and those provided for in that Regulation. A new priority area to cover such eventualities should be added in Chapter 10 of the Annex to Implementing Decision (EU) 2020/1550, as provided for in Article 116(1), point (c)(iii), of Regulation (EU) 2017/625.
- (3) Setting a strict timeline for controls in the priority areas for each of the five years of the multiannual programme of controls is not consistent with the level of flexibility required to fulfil the objectives of verifying the functioning of national control systems, including investigating and collecting information on enforcement practices or problems, emergencies and new developments in Member States, and conducting Commission controls on a risk-basis. While keeping the 2021-2025 multiannual programme of controls, Chapter 11 of the Annex to Implementing Decision (EU) 2020/1550, setting the annual break-down of controls for the years 2021-2025, should therefore be replaced by a programme of controls for the following year and should be updated annually.
- (4) The introductory text in the Annex to Implementing Decision (EU) 2020/1550 committing Commission experts to perform controls including on-the-spot verifications and desk-based analyses in each of the priority areas in all Member States should be amended to better align it with the requirements of Article 116 of Regulation (EU) 2017/625.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2020/1550 of 23 October 2020 establishing the multiannual programme of controls for the period 2021-2025 to be carried out by Commission experts in the Member States to verify the application of Union agri-food chain legislation (OJ L 354, 26.10.2020, p. 9).

- (5) The area of genetically modified organisms should be introduced separately in Chapters 10 and 11 of the Annex to Implementing Decision (EU) 2020/1550 as a new priority area to align the text better with the existing sub-division under Article 1(2) of Regulation (EU) 2017/625. Further references to this priority area should be removed from Chapters 1, 2 and 7 of the Annex to Implementing Decision (EU) 2020/1550.
- (6) The results of the previous Commission controls on *Salmonella* national control programmes and the analysis of the European Food Safety Authority (EFSA), which can be consulted in the 2019 ⁽³⁾ and 2020 ⁽⁴⁾ zoonoses reports, indicate that most Member States met the Union targets for all poultry categories. Member States report annually to the Commission the results of their *Salmonella* controls for the *Gallus gallus*, laying hens, broilers and breeding and fattening turkey flocks. In this context and taking into account the Commission controls on the implementation of the obligations imposed by Commission Regulation (EC) No 2073/2005 ⁽⁵⁾ regarding official samplings related to process hygiene criteria, there is no need for specific audits on *Salmonella* national control programmes in 2023.
- (7) Annual assessments of Member States' national residue monitoring plans form an integral part of Commission controls carried out under the priority area of residues in live animals and food of animal origin. A separate reference to those assessments is therefore not necessary and should be removed from the multiannual programme of controls.
- (8) Two of the priority areas, active epizootic diseases and enzootic diseases, under animal health, should be renamed as Category A and Category B and C diseases, respectively, under Regulation (EU) 2016/429 of the European Parliament and of the Council ⁽⁶⁾. This will align the terminology used in the multiannual programme of controls with the one introduced by that Regulation.
- (9) The Commission has recently covered by its controls the existing national veterinary programmes on non-foodborne zoonoses which it has co-funded. Therefore, there should be no controls on non-foodborne zoonoses in 2023.
- (10) The objective for non-foodborne zoonoses in Chapter 3 of the Annex to Implementing Decision (EU) 2020/1550 limited the coverage only to those zoonoses, for which national veterinary programmes co-funded by the Commission were in place. In order to allow Commission experts to perform controls on non-foodborne zoonoses including those without such programmes, such as COVID-19 in mink, the objective should be amended in the multiannual programme of controls.
- (11) The Commission has prioritised controls on diseases under the priority area of epizootic diseases, of Category A under Regulation (EU) 2016/429, such as African swine fever and highly pathogenic avian influenza in 2021 and 2022. Due to this prioritisation, there were no controls on enzootic diseases, of Category B and C under Regulation (EU) 2016/429, in those two years. The Commission should therefore perform controls under this priority area in 2023.
- (12) The Commission committed itself to review animal welfare legislation in the framework of its Communication 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system' ⁽⁷⁾. In this context, work under the priority areas on animal welfare on farm and during slaughter should continue in 2023. Welfare of cattle kept for meat production and of fish on farms, during their transport and at killing, should therefore be added to the multiannual programme of controls.

⁽³⁾ EFSA Journal 2021;19(2):6406.

⁽⁴⁾ EFSA Journal 2021;19(12):6971.

⁽⁵⁾ Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJ L 338, 22.12.2005, p. 1).

⁽⁶⁾ Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law') (OJ L 84, 31.3.2016, p. 1).

⁽⁷⁾ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system', COM(2020) 381 final of 20 May 2020.

- (13) Regulation (EU) 2016/2031 of the European Parliament and of the Council ⁽⁸⁾ requires Member States to establish risk-based multiannual survey programmes for quarantine pests and introduces annual surveys of priority pests. Commission controls on the implementation of these survey programmes should therefore be added in Chapter 5 of the Annex to Implementing Decision (EU) 2020/1550.
- (14) Due to COVID-19 restrictions, some of the Commission's controls in third countries had to be postponed, which allowed the Commission to commence a series of controls under the priority area of plant protection products in 2021, one year earlier than planned in the Annex to Implementing Decision (EU) 2020/1550. The Commission controls under this priority area should continue in 2023.
- (15) Due to the ongoing discussion on a draft Regulation on the sustainable use of pesticides, which would replace Directive 2009/128/EC of the European Parliament and of the Council ⁽⁹⁾, there were no controls on sustainable use of pesticides in 2022 and there should also be no controls in 2023. Controls on this priority area are to be resumed once a new legal base is adopted.
- (16) Due to the postponement of the date of application of the new legislative framework for organic production, Regulation (EU) 2018/848 of the European Parliament and of the Council ⁽¹⁰⁾, from 1 January 2021 to 1 January 2022, and in order to give Member States the necessary time to implement new measures before controlling their implementation, there were no controls in Member States in 2022 under the priority area on organics. The Commission should therefore perform controls under this priority area in 2023.
- (17) The start of the series of controls under the priority area of monitoring of antimicrobial resistance in zoonotic and commensal bacteria originally planned to start in 2022 in the Annex to Implementing Decision (EU) 2020/1550, should start instead in 2023 to maximise the effectiveness of these controls, given the timeline when the data necessary for this series would be available for analysis.
- (18) For the Commission to support the swift implementation by Member States' competent authorities of the new requirements for risk-based controls aimed at the detection of fraudulent and deceptive practices introduced by Article 9(2) of Regulation (EU) 2017/625, it was important to collect information and examples of good practices in order to provide guidance to Member States. This objective could best be achieved through fact-finding studies rather than audits as this approach would allow for a wider scope, open a dialogue with the Member States' competent authorities and hold meetings with other law enforcement authorities and fraud investigators. The objective for the priority area on fraud should therefore be amended to reflect this change.
- (19) The multiannual programme of controls set out in Implementing Decision (EU) 2020/1550 identified export controls as a priority area warranting a degree of Commission oversight. Food business operators in the Union, exporting animals and goods to third countries, have primary responsibility for meeting third countries' import requirements. Where consignments of animals and goods require official certification of the operators' compliance with those requirements, certification is provided by the responsible competent authorities in the Member States. Recognising the roles and responsibilities of food business operators and Member State competent authorities in this regard, Commission controls on this aspect are no longer deemed to be a priority for inclusion in the revised multiannual programme of controls.
- (20) The Annex to Implementing Decision (EU) 2020/1550 should therefore be amended accordingly,

⁽⁸⁾ Regulation (EU) 2016/2031 of the European Parliament and of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (OJ L 317, 23.11.2016, p. 4).

⁽⁹⁾ Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).

⁽¹⁰⁾ Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2020/1550 is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 13 October 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

This Annex sets out the programme of controls to be carried out by Commission experts in the Member States in areas covered by Regulation (EU) 2017/625 for the period 2021-2025.

For the period concerned, the Commission has identified certain priority areas within the areas of food and feed safety, food quality, animal health and welfare, plant health, plant protection products, entry into the Union of animals and goods from third countries, antimicrobial resistance and general aspects within the agri-food chain (including the functioning of national control systems and competent authorities).

The Commission controls in Member States shall cover the areas set out in Article 1(2) of Regulation (EU) 2017/625. Specific issues covered by individual controls shall be adapted to the situation in each Member State.

Commission experts shall carry out controls, including, audits, in accordance with Article 116 of Regulation (EU) 2017/625.

The multiannual programme for Commission controls in Member States for the period 2021-2025 to verify the application of the rules in the areas covered by Article 1(2) of Regulation (EU) 2017/625 covers also other areas provided for in that Regulation, such as fraud and import controls. Not all priority areas result in a specific series of controls. Some are addressed under a more general series of controls, such as, for instance, aspects of animal welfare at the time of slaughter covered, where relevant, as part of the food of animal origin controls and compliance of border control posts covered as part of the official controls on animals and goods.

Chapters 1 to 10 of this Annex set out the multiannual programme of controls broken down by priority area and specific objective. Chapter 11 sets the programme of controls for 2023.

1. Food and food safety

Priority area	Specific Objectives
Food of animal origin <i>(e.g. safety of meat of mammals and birds and products thereof, milk and products thereof, fishery products and production hygiene of live bivalve molluscs)</i>	To verify Member States' compliance with the applicable Union food safety legislation governing the production and placing on the market of food of animal origin (covering also traceability and labelling), with a particular focus on meat of mammals and birds and products thereof, milk and products thereof, fishery products, and live bivalve molluscs, and the implementation of official controls thereon.
Foodborne zoonoses <i>(e.g. Salmonella)</i>	To verify Member States' national veterinary programmes co-funded by the Commission and the implementation of official controls thereon.
Food of non-animal origin <i>(e.g. safety of fruit and vegetables, herbs, spices and sprouts)</i>	To verify Member States' compliance with the applicable Union food safety legislation governing the production and placing on the market of food of non-animal origin (covering also traceability and labelling), with a particular focus on microbiological safety, and the implementation of official controls thereon.
Residues in live animals and food of animal origin <i>(residues of veterinary medicinal products, pesticides and contaminants)</i>	To verify Member States' compliance with the applicable Union legislation governing residues of veterinary medicinal products, pesticides and contaminants in live animals and food of animal origin.
Contaminants in food of non-animal origin <i>(e.g. mycotoxins)</i>	To verify, based on Member States' multiannual national control plans and reports thereon, that official controls on contaminants in food of non-animal origin comply with the requirements laid down in the relevant applicable Union legislation.

2. Feed and feed safety

Priority area	Specific Objectives
General feed hygiene <i>(feed hygiene, approval and registration of establishments, traceability, labelling and contaminants)</i>	To verify Member States' compliance with the applicable Union legislation governing feed hygiene (with a particular focus on feed hygiene, approval and registration of establishments, contaminants, traceability and labelling) and the implementation of official controls thereon.
Medicated feed	To verify Member States' compliance with the Union legal requirements governing the production of medicated feed, applicable from January 2022.
Animal by-products and derived products <i>(meat sector, processing plants)</i>	To verify Member States' compliance with the applicable Union legislation governing the handling, use and disposal of animal by-products and derived products generated in the Union or placed on the Union market and the implementation of official controls thereon, with a particular focus on the meat sector and processing plants.

3. Animal health

Priority area	Specific Objectives
Category A diseases under Regulation (EU) 2016/429 <i>(e.g. African swine fever, highly pathogenic avian influenza)</i>	To verify Member States' compliance with the applicable Union legislation governing the control of the major active animal diseases, such as African swine fever and highly pathogenic avian influenza, and the implementation of official controls thereon.
Non-foodborne zoonoses <i>(e.g. rabies)</i>	To check Member States' capacity to detect, monitor and control relevant non-foodborne zoonoses.
Category B and C diseases under Regulation (EU) 2016/429 <i>(e.g. tuberculosis, brucellosis)</i>	To verify Member States' compliance with the applicable Union legislation governing the control of enzootic diseases, with a particular focus on the level of implementation and effectiveness of the national veterinary programmes co-funded by the Commission, and the implementation of official controls thereon.
Preparedness and prevention <i>(e.g. contingency planning)</i>	To verify Member States' compliance with the applicable Union legislation governing preparedness to cope with multiple outbreaks of epizootic diseases and the implementation of official controls thereon.

4. Animal welfare

Priority area	Specific Objectives
Transport <i>(e.g. unfit animals, livestock vessels, unweaned calves, control posts used for animal transit)</i>	To verify Member States' compliance with the applicable Union legislation governing animal welfare during transport, with a particular focus on unfit animals, livestock vessels, unweaned calves and control posts used for animal transit, and the implementation of official controls thereon.
On farm <i>(e.g. laying hens)</i>	To verify Member States' compliance with the applicable Union legislation governing the welfare of animals during rearing and the implementation of official controls thereon.
Slaughter <i>(e.g. ruminants, poultry)</i>	To verify Member States' compliance with the applicable Union legislation governing the welfare of ruminants and poultry at slaughter, and the implementation of official controls thereon.

5. **Plant health**

Priority area	Specific Objectives
Plant pest outbreaks (presenting a significant threat)	To verify Member States' compliance with the applicable Union legislation governing the control of plant pests found on the Union territory, with a particular focus on pests presenting a significant threat, for example, <i>Xylella fastidiosa</i> , tomato brown rugose fruit virus, pinewood nematode, anoplophora long-horn beetles, trioza and other harmful organisms identified as a priority and the implementation of official controls thereon.
Preparedness and prevention (e.g. contingency planning, plant health survey programmes)	To verify Member States' compliance with the applicable Union legislation governing the drawing up and update of plant health contingency plans. To assess the planning and implementation of survey programmes for priority and other quarantine pests under Plant Health Law.
Movement of plants, plant products and other objects within the Union (plant passports)	To verify Member States' compliance with the applicable Union plant health legislation governing the movement of plants, plant products and other objects within the Union, with a particular focus on plant passports, and the implementation of official controls thereon.

6. Placing on the market and use of **plant protection products** and the **sustainable use of pesticides**

Priority area	Specific Objectives
Plant protection products (authorisation, marketing and use of pesticides, pesticides residues)	To verify Member States' compliance with the applicable Union legislation governing the authorisation, marketing and use of plant protection products and pesticide residues, and the implementation of official controls thereon.
Sustainable use of pesticides	To verify Member States' compliance with the applicable Union legislation governing the sustainable use of pesticides, and the implementation of official controls thereon.

7. **Food quality**

Priority area	Specific Objectives
Organic farming	To verify Member States' compliance with the applicable Union legislation governing the production and labelling of organic products, and the implementation of official controls thereon.
Geographical indications	To verify Member States' compliance with the applicable Union legislation governing the production and labelling of geographical indications, such as protected designation of origin (PDO), protected geographical indication (PGI) and traditional speciality guaranteed (TSG), and the implementation of official controls thereon.

8. **Entry into the Union of animals and goods from third countries**

Priority area	Specific Objectives
Official controls on animals and goods	To verify that Member States meet their obligations with regard to conducting official controls on animals and goods entering the Union from third countries.
	To verify that animals and goods entering the Union from third countries comply with the applicable general and specific Union requirements for entry into the Union.
	There will be a special focus on rules established by Regulation (EU) 2017/625 and related delegated and implementing acts.
Compliance of border control posts	To verify that border control posts proposed for designation by Member States comply with the minimum requirements for border control posts including inspection centres laid down in the applicable Union legislation before such posts are designated.
	To verify that border inspection posts, designated points of entry, points of entry and first points of introduction re-designated in accordance with Article 61(2) of Regulation (EU) 2017/625 comply with the applicable minimum requirements.
	To verify that control points other than border control posts, referred to in Article 53(1), point (a), of Regulation (EU) 2017/625, comply with the applicable minimum requirements.
Official plant health controls	To verify that Member States meet their obligations with regard to conducting official plant health controls on plants, plant products and other objects entering the Union from third countries.
	To provide assurances that plants, plant products and other objects entering the Union from third countries comply with the applicable Union plant health requirements for entry into the Union.

9. **Antimicrobial resistance**

Priority area	Specific Objectives
Monitoring of antimicrobial resistance in zoonotic and commensal bacteria	To verify Member States' compliance with the legislation governing the monitoring of antimicrobial resistance in zoonotic and commensal bacteria and by this contribute to the full implementation of the 2017 European One Health Action Plan against Antimicrobial Resistance (AMR) ⁽¹⁾ .

⁽¹⁾ Communication from the Commission to the Council and the European Parliament, 'A European One Health Action Plan against Antimicrobial Resistance (AMR)', COM(2017) 339 final, 29.6.2017.

10. General aspects within the agri-food chain

Priority area	Specific Objectives
Fraud	To collect information on the suitability and effective implementation of national arrangements to fight fraud along the agri-food chain in accordance with Regulation (EU) 2017/625.
Follow-up of audit recommendations (<i>sectoral and general</i>)	To verify that Member States take appropriate follow-up measures to remedy any specific or systematic shortcomings identified by Commission controls.
Genetically modified organisms (GMOs) (<i>e.g. authorisation, marketing, traceability, labelling</i>)	<p>To verify Member States' compliance with the applicable Union legislation governing the authorisation and marketing of Genetically Modified Organisms, their traceability and labelling in food and feed and the implementation of official controls thereon.</p> <p>To contribute to and build up expertise on enforcement in relation to products obtained by new genomic techniques.</p>
Any emergency situations, emerging problems and new developments	To investigate and collect information in relation to any emergency situations, emerging problems or new developments in the Member States.

11. Programme of controls for 2023

Area	Priority area	Focus in 2023
Food & food safety	Food of animal origin	Safety of meat of mammals and birds and products thereof Safety of milk and products thereof Safety of fishery products Production hygiene of live bivalve molluscs
	Food of non-animal origin	Microbiological safety
	Residues in live animals and food of animal origin	Chemical safety – residues
	Contaminants in food of non-animal origin	Chemical safety – contaminants
Feed & feed safety	Feed safety	General feed hygiene (including medicated feed)
		Animal by-products and derived products
Animal health	Category A diseases under Regulation (EU) 2016/429	African swine fever Highly pathogenic avian influenza
	Category B and C diseases under Regulation (EU) 2016/429	Fish diseases
	Preparedness & prevention	Contingency planning
Animal welfare	Transport	Unweaned calves including the stops at control posts
	On farm	Cattle (beef) Fish (including slaughter)
Plant health	Plant pest outbreaks	Plant pest outbreaks presenting a significant threat
	Movement of plants, plant products and other objects within the Union	Plant passports
PPP & SUD	Plant protection products (PPP)	Chemical safety (authorisation, marketing and use of pesticides)
Food quality	Organic farming	Organic farming
	Geographical indications	Geographical indications

Area	Priority area	Focus in 2023
Entry into the Union of animals and goods from third countries	Official controls on animals and goods	Animals and goods
	Border control posts	Compliance of border control posts
	Official plant health controls	Plants, plant products and other objects
AMR	Monitoring of antimicrobial resistance in zoonotic and commensal bacteria	Antimicrobial resistance in zoonotic and commensal bacteria
General aspects within the agri-food chain	Follow-up of audit recommendations	General and sectoral follow-up of audit recommendations
	Genetically modified organisms (GMOs)	Genetically modified organisms (GMOs)
	Any emergency situations, emerging problems and new developments	Emergency situations, emerging problems and new developments