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DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F. Horizontal aspects of rural development

F.5. Organic farming

REPORT

on the supervision of inspection bodies and authorities
of the Member States according to Article 15 of Council
Regulation (EEC) No 2092/91 on organic production

2005

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1. Introduction

According to Article 9 of Council Regulation (EEC) No 2092/91¹ on organic production, "Member States shall set up an inspection system operated by one or more designated inspection authorities and/or by approved private bodies (...)".

Any operator who produces, prepares, stores or imports from a third country organic products for the purpose of marketing them, or any operator who places such products on the market shall submit his undertaking to the inspection system (Article 8).

Furthermore, Article 9.6 states that "after an inspection body has been approved, the competent authority shall:

- (a) ensure that the inspections carried out are objective;
- (b) verify the effectiveness of its inspections;
- (c) take cognizance of any irregularities and/or infringements found and penalties applied (...)"

According to Article 15 of Council Regulation (EEC) No 2092/91:

'Before 1 July each year, Member States shall inform the Commission of measures taken in the preceding year for the implementation of this Regulation and shall communicate in particular:

- a list of the operators who, on 31 December of the previous year, had given notification under Article 8 (1) (a) and are subject to the inspection system referred to in Article 9,
- a report on supervision pursuant to Article 9 (6).

In addition, by 31 March each year, Member States shall inform the Commission of the list of inspection bodies approved on 31 December of the previous year, their legal and operational structure, their standard inspection procedure, their penalty arrangements and, where appropriate, their mark.'

In Action 18 of the European Action Plan for Organic Food and Farming² the Commission undertook to publish annual reports. This Action reads:

"The Commission will publish the annual report from the Member States on the supervision of approved inspection bodies including statistics on type and number of breaches."

This report is therefore based on the annual reports of the Member States, which include information on:

- the number of operators;
- the number of inspection visits (announced and unannounced);
- the number of samples;
- the number of infringements found;
- the number of sanctions applied.

¹ Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs (OJ L 198, 22.7.1991, p. 1.) Regulation last amended by Commission Regulation (EC) No 394/2007 (OJ L 98, 13.4.2007, p. 3).

² Communication from the Commission to the Council and the European Parliament – European Action Plan for Organic Food and Farming {COM(2004)415 final}

The data on the inspection bodies are aggregated per Member State and put together in one large table, to be found in Chapter 2, together with an explanation. Chapter 3 contains an analysis across Member States of the number of inspection visits and samples taken. For this purpose the data of the table of chapter 2 is processed and used to draw some graphs to visualize the situation in the different countries. In chapter 4 the same exercise is performed for the number of irregularities and penalties notified.

2. Data and information received

Table 1 shows the data sent by the Member States concerning the activities of their inspection bodies and/or authorities. Some remarks have to be made on the differences in this table.

In 2006 Member States were invited to use a new format for their 2005 supervision report. Thirteen countries have used this new format and gave more specific information on the number of operators submitted to regular and additional visits and the extent to which samples indicated a breach of the Regulation. Also the new format gave them the opportunity to distinguish the number of samples, infringements and sanctions per type of operator, as well as to distinguish between irregularities and manifest infringements and the type of sanctions applied. Only the data provided in both the old and the new format has been used for further analysis.

Caution is needed when interpreting the data due to the use of different table formats (as said above) and differences in recording of infringements and sanctions, which results in a reduced comparability of the data. Moreover, only the number of operators submitted to annual and additional visits shows whether an inspection body or authority visits all operators at least once a year, as foreseen by Annex III, point 5 of Regulation (EEC) No 2092/91. This information is now requested in the latest format of the guidelines. The number of announced and unannounced visits as requested by the old format does not reveal the number of operators visited annually or, in other words, whether all operators have been visited at least once per year. Under this format the total number of visits compared to the total number of operators is not indicative as an inspection body may have visited one operator twice while a second operator is not visited at all.

Footnote to the table:

- Although the countries with public inspection authorities do not have to send information on their supervision (Article 9.6 only applies as regards private inspection bodies), all concerned Member States, namely DK, EE, LT, MT, NL and FI, as well as those having a mixed public-private system, namely CZ, ES, LU and PL did provide a report.
- For DK not all data could be included in the table as their organic production inspections were integrated into the General Food Law for inspection program and could therefore not always be identified as such. The reported data do nonetheless show that in DK all operators have been visited in 2005.

Country	System	No of operators registered				TOTAL	No of operators submitted to regular annual inspection visits				No of operators submitted to additional visits			
		producers *	processors **	importers ***	others		producers *	processors **	importers ***	others	producers *	processors **	importers ***	others
BE	A	720	546	69	30	1365								
CZ	C	829	125	7	307	1268	829	125	7	307	113		37	
DK	B	3036	443	89	278	3846								
DE	A	16655	7245	542	0	24442								
EE	B	1014	12			1026	1014	12			200			
EL	A	15444	979	9		16432								
ES	C	16718	1779	52	3	18552								
FR	A	11461	5039	105	0	16605								
IE	A	980	142	14	0	1136	980	142	14	0	96	8	1	0
IT	A	44741	4537	185	404	49867	44228	4544	181	482	6708	1961	123	82
CY	A	323	37	1	3	364	323	37	1	3	15	4	1	0
LV	A	2873	10	0		2883								
LT	B	1828	26	0		1854	1802	26			108	2		
LU	C	78	36			114								
HU	A	1551	301	7	120	1979	1551	301	7	120	362	7	0	2
MT	B	6	4			10	6	4			6	4		
NL	B	1468	677	189	13	2347	1423	623	174	12	45	54	15	1
AT	A	20061	1149	78		21288								
PL	C	7182	99			7281								
PT	A	1613	114	0		1727								
SI	A	1718	24	5	8	1755	1718	24	5	8	155	12	2	3
SK	A	196	23	0	3	222	194	16	0	9	7	13	0	1
FI	B	4334	348	5	111	4798	4795				369			
SE	A	3122	431	159		3712								
UK	A	4094	1598	281		5973								
NO	A	2496	331	29		2856								

* All producers: includes "Producers only", "Mixed producers/processors", "Mixed producers/importers", "Mixed producers/processors/importers"

** All processors: includes "Processors only", "Mixed producers/processors", "Mixed processors/importers", "Mixed producers/processors/importers"

*** All importers: includes "Importers only", "Mixed producers/importers", "Mixed processors/importers", "Mixed producers/processors/importers"

System A: System of approved private inspection bodies

System B: System of (a) designated public inspection authority (ies)

System C: System of a designated public inspection authority and approved private inspection bodies

Country	number of visits															
	announced					unannounced					Total no. of visits					
	producers *	processors **	importers ***	others	TOTAL	producers *	processors **	importers ***	others	TOTAL	producers *	processors **	importers ***	others	TOTAL	
BE	734	545	74	35	1388	774	360	44	16	1194	1508	905	118	51	2582	
CZ	1005	303			1308	59	12			71	1064	315			1379	
DK											4429				4429	
DE	17226	7408	554	0	25188	2126	952	70	0	3148	19352	8360	624	0	28336	
EE	1190	5			1195	51	12			63	1241	17			1258	
EL	13589	856	10	14452	28907	863	176	4		1043	14452	1029	14		15495	
ES	16077	1506	39	7	17629	2971	654	24	0	3649	19048	2160	63	7	21278	
FR	11276	4988	131	0	16395	5528	2720	139	0	8387	16804	7708	270	0	24782	
IE	980	142	14	0	1136	96	8	1	0	105	1076	150	15	0	1241	
IT	49212	6362	271	613	56458	4644	1043	71	72	5830	52962	7390	315	682	61349	
CY	323	37	1	3	364	15	4	1	0	20	338	41	2	3	384	
LV	2873	16	0		2889	78	6	0		84	2951	22	0		2973	
LT	1808	26			1834	102	2			104	1910	28			1938	
LU	78	42			120	10	8			18	88	50			138	
HU	1718	304	7	308	2337	9	2	0	0	11	1727	306	7	308	2348	
MT	7	5			12	5	3			8	12	8			20	
NL	1947	1053	298	27	3325	1058	370	77	6	1511	2005	1423	375	33	3836	
AT	6858	1310	85		8253	15006	254	7		15267	21864	1576	92		23532	
PL	7223	102			7325	178	81			259	7401	183			7584	
PT	1580	119	0		1699	476	37	0		513	2056	156	0		2212	
SI	47	25	5	8	85	1829	6	2	3	1840	1876	31	7	11	1925	
SK	353	34	0	3	390		8		8	16	353	42	0	11	406	
FI	4622				4622	542				542					5164	
SE	2950	369	97		3416	2047	17	4		2068	4997	386	101		5484	
UK	3902	1522	277		5701	82	32	4		118	3996	1529	281		5806	
NO	2496	330	30		2856	20	9	1		30	2516	339	31		2886	

Announced visit: the operator is informed about the visit of an inspector

Unannounced visit: unexpected on-the-spot visit by an inspector of the premises of an operator

Country	number of samples									number of infringements found									
	taken for analysis				TOTAL	indicating breach of regulation				irregularities				manifest infringements				TOTAL	
	producers *	processors **	importers ***	Others		producers *	processors **	importers ***	Others	producers *	processors **	importers ***	Others	producers *	processors **	importers ***	Others		
BE	819				819									2485706330				911	
CZ	15	5			20	2	2			11	13	2		6				32	
DK	198				198	1								173				71	
DE	154				154					17526								17526	
EE	20				20	5				97				13				110	
EL	1538				1538					1129								1129	
ES	4288				4288					1384								1384	
FR	2154				2154					7425								7425	
IE	4	2	1	0	7	2	0	0	0	6	1	0	0	4	1	0	0	12	
IT	3299	1389	116	21	4825	367	146	4	3	3857	538	48	88	1653	152	1	24	6361	
CY	11	0	0	0	11	0	0	0	0	20	0	0	0	1	0	0	0	21	
LV	5				5					42								42	
LT	12				12	0				1	2			25				28	
LU	9				9					5								5	
HU	18	10	0	0	28	2	0	0	0	895	107	0	33	256	31	0	10	1332	
MT	0	0			0	0	0				7	3						10	
NL	146	113			259	3	2				3			11	1			15	
AT	844				844									1130				1130	
PL	104				104					2533								2533	
PT	72				72					1555								1555	
SI	84	5	4	5	98	12				2393	15		1	50	1			2460	
SK	31	6			37					121				1				122	
FI	37	21	0	0	58	0	1	0		1445				358				1803	
SE					0					508								508	
UK	169				169					2452								2452	
NO	0				0					184								184	

Country	number of sanctions applied								TOTAL
	on lot or production run				on the operator				
	producers *	processors **	importers ***	Others	producers *	processors **	importers ***	Others	
BE	9	7	1	0	2	0	0	0	19
CZ		8			14	1			23
DK					66	4		1	71
DE	142								142
EE					7				7
EL	1111								1111
ES	512								512
FR	88								88
IE	6	1	0	0	4	1	0	0	12
IT	1095	325	0	4	3260	371	2	15	5072
CY	1	0	0	0	1	0	0	0	2
LV	2								2
LT	1	2			25				28
LU									0
HU	256	31	0	10	0	0	0	0	297
MT									0
NL	1	2			11	1			15
AT	667								667
PL	2533								2533
PT	380								380
SI	1047	7		1	34	1			1090
SK					1				1
FI	354	1			3				358
SE									0
UK	45								45
NO	4								4

3. Visits by inspection bodies and samples taken

According to Annex III 5 of (EEC) No 2092/91 inspection bodies or authorities must make a full physical inspection at least once a year of all operators. They may take samples for testing of products not authorised under this Regulation or for checking production techniques not in conformity with the Regulation. Samples may also be taken and analysed for detecting possible contamination by unauthorised products. Moreover the inspection bodies or authorities have to carry out random inspection visits, *announced or not*, based on a general evaluation of the risk of non-compliance with the Regulation (EEC) No 2092/91 and Commission Regulation (EEC) No 223/2003³.

3.1 Visits to operators

As explained in chapter 2 the total number of visits does not necessarily proof whether *all* operators have been visited. This can only be verified by the data provided on the basis of the new format of the guidelines, States distinguishing between the numbers of operators submitted to annual or additional visits.

The number of announced and unannounced visits shows notable differences in the activities of the inspection bodies of the different Member States. To be able to compare the data on the number of announced and unannounced visits per Member State, these numbers are standardised by dividing them by the total number of operators. The results are shown in Figure 1.

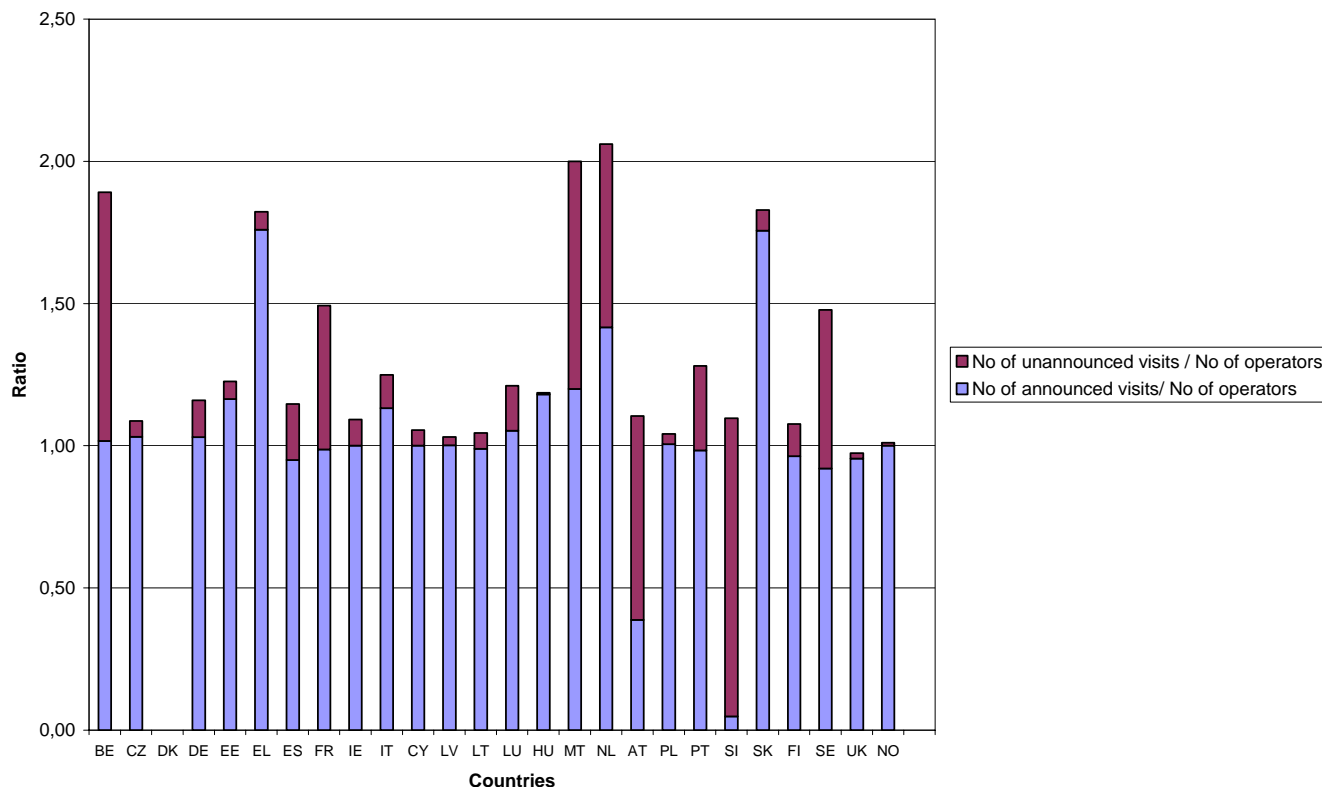


Figure 1: Number of announced and unannounced visits of inspection bodies per Member State, standardised by division through the number of operators

³ Commission Regulation (EC) No 223/2003 of 5 February 2003 on labelling requirements related to the organic production method for feedingstuffs, compound feedingstuffs and feed materials and amending Council Regulation (EEC) No 2092/91

This figure shows a large variation between Member States. In the UK not all operators were visited in 2005. It can not be excluded that this occurs in other Member States also as a result of repeat visits while other operator are not visited at all⁴. The use of unannounced visits also varies considerably between the Member States. This is shown more clearly in Figure 2 (percentage of unannounced visits).

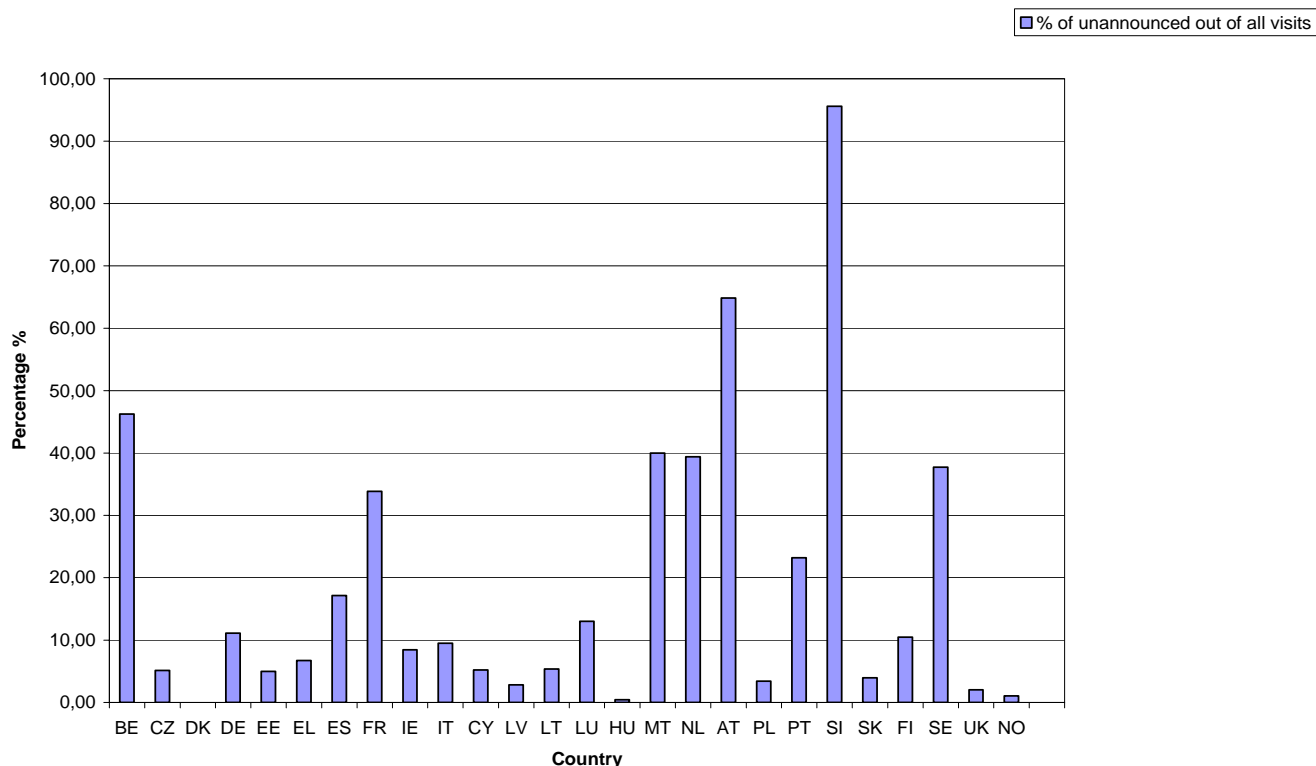


Figure 2: The percentage of unannounced visits out of all visits

3.2 Samples

Figure 3 shows how many samples have been taken by the inspection bodies (as a ratio of the number of operators) in the different Member States. In some Member States control bodies often take samples during inspection visits, while in others countries samples are rarely used for control purposes.

⁴ This is also the reason why only ratios, not percentages have been calculated – the latter would have encouraged misleading interpretations.

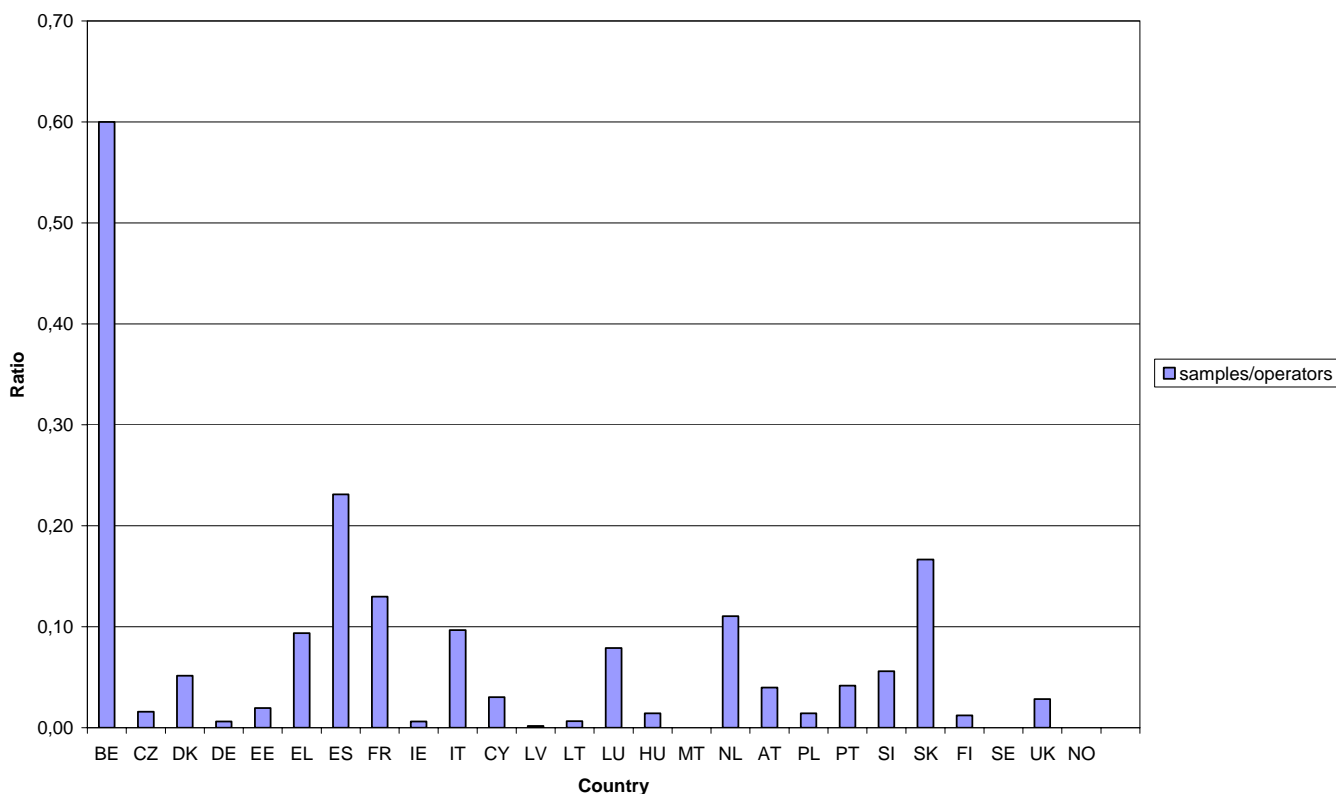


Figure 3: The number of samples taken, given as a ratio of the number of operators

These data do not necessarily indicate the number of samples taken per operator. In the extreme case all samples may have been taken for one operator.

4. Infringements and sanctions

According to Article 9.9 of Regulation (EEC) No 2092/91, the inspection authorities and inspection bodies have to ensure that where an irregularity is found the indications referring to the organic production method are removed from the entire lot or production run affected by the irregularity concerned. Where a manifest infringement is found the operator has to be prohibited from marketing products with indications referring to the organic production method for a certain period.

The Member States who used the new format have distinguished between irregularities and manifest infringements. For the sanctions applied they specified whether these were taken with respect to the lot/production run or the operator. For both infringements and sanctions they have given their data per type of operator. As the other countries did not give such specific information, for this report only the totals of infringements and sanctions for all the operators are used. The number of all infringements and all sanctions applied as ratio of the number of operators, is presented in Figure 4.

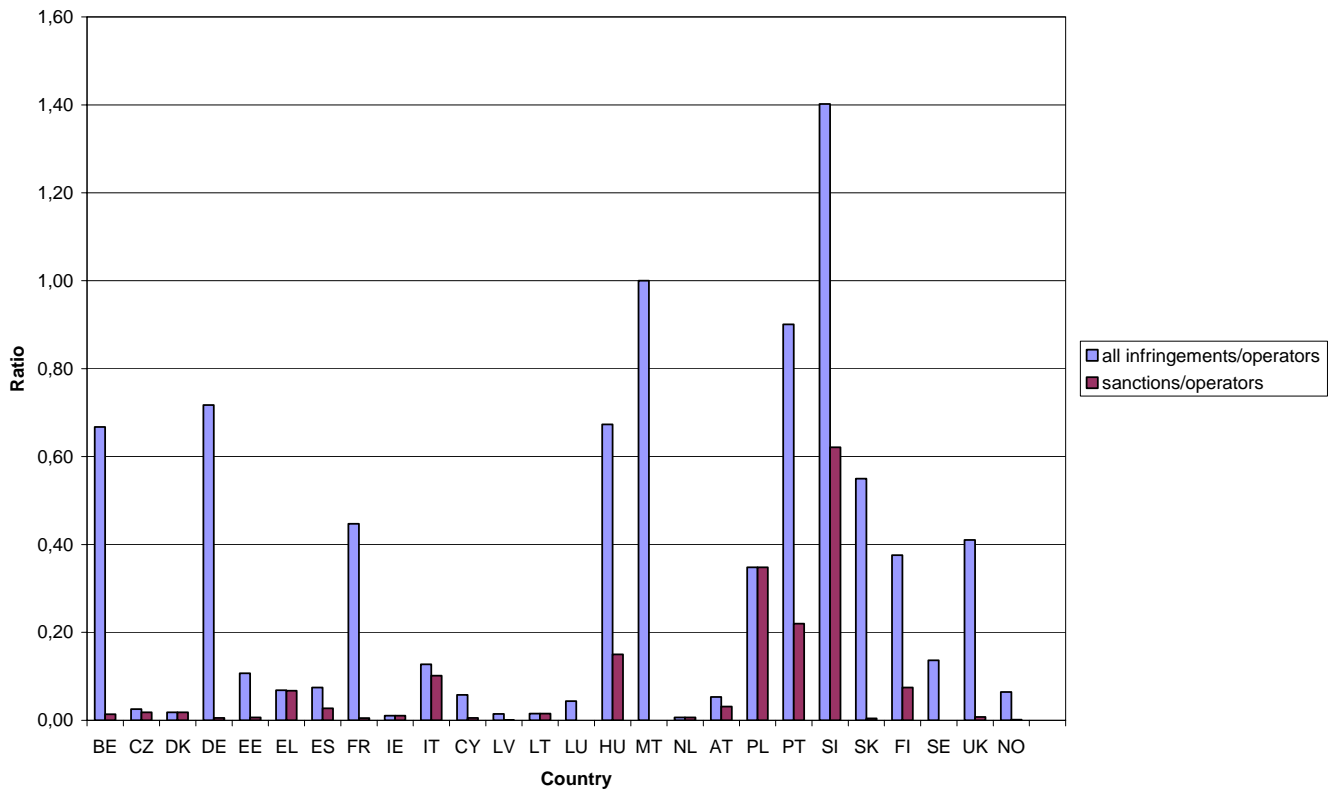


Figure 4: Infringements and sanctions per Member State (divided by number of operators)

Figure 4 shows large differences in the number of reported infringements and sanctions. As mentioned earlier, this could be due to differences in defining and recording infringements and sanctions. Some inspection bodies seem to record only the infringements which lead to sanctions, while others also count infringements where they only gave warnings. In some cases inspection bodies may also have applied one sanction for a combination of different infringements.

Figure 5 tries to visualise the relationship between the number of sanctions and the number of infringements per Member State. Given the difficulty to compare and analyse the data, it is impossible to draw clear conclusions.

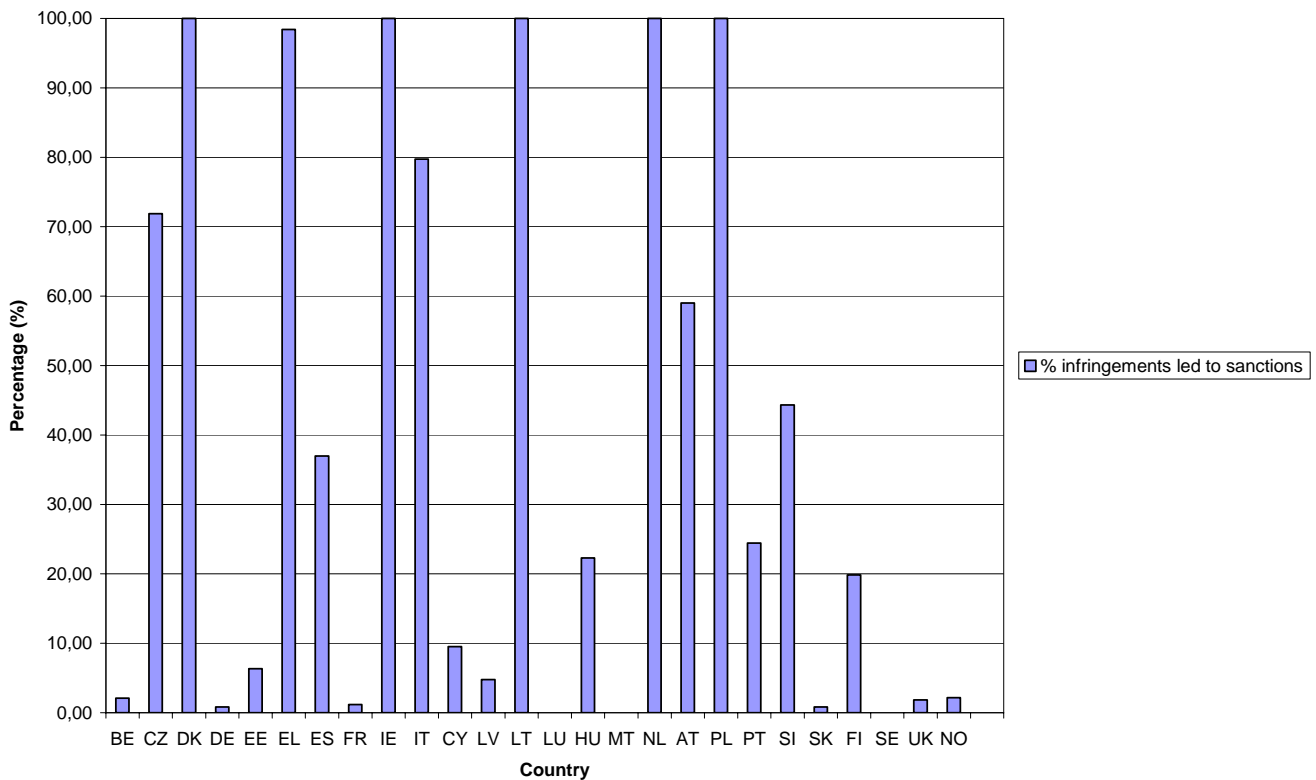


Figure 5: Percentage of infringements which led to sanctions

5. Conclusions and recommendations

The Commission wants to thank the Member States for the data received, which made it possible to draw up this report for the first time. However, the Commission underlines that the quality of this report can be improved if all the information from all Member States is received and if all Member States use the new guidelines.

This report finds differences between the Member States, which makes it difficult to draw conclusions. This variation may be caused by differences in the functioning of the inspection systems, as well as by differences in defining and reporting of the parameters.