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DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Directorate F - Food and Veterinary Office

DG(SANTE) 2015-7410 - MR

**FINAL REPORT OF AN AUDIT  
CARRIED OUT IN  
SPAIN  
FROM 25 MAY 2015 TO 05 JUNE 2015  
IN ORDER TO  
EVALUATE THE CONTROL SYSTEMS RELATED TO PROTECTED DESIGNATION  
OF ORIGIN (PDO), PROTECTED GEOGRAPHICAL INDICATIONS (PGI) AND  
TRADITIONAL SPECIALITIES GUARANTEED (TSG) FOR AGRICULTURAL  
PRODUCTS AND FOODSTUFFS**

## ***Executive Summary***

*This report describes the outcome of the Food and Veterinary Office (FVO) audit in Spain carried out between 25 May to 5 June 2015, under the provisions of Regulation (EC) No 882/2004 on official food and feed controls.*

*The objectives of the audit were the evaluation of (i) the official control systems in place for the implementation of EU legislation concerning the European Union quality schemes known as Protected Designations of Origin (PDOs), Protected Geographical Indications (PGIs), and Traditional Specialities Guaranteed (TSGs) for agricultural products and foodstuff and (ii) traceability and labelling.*

*There is an effective control system in place in Spain to verify compliance with Product Specifications at producer/processor level. The Competent Authorities (CAs) are clearly designated for official controls, which may be carried out directly by the CAs or delegated to accredited Control Bodies (CBs). The coordination for the planning and consistent implementation of controls is ensured at national level through a coordination board formally established by Royal Decree. In the three Autonomous Communities visited, official controls were adequately carried out by CBs and by Regulatory Councils (Consejos Reguladores-CRs) with a specific legal status, dedicated exclusively to checking one single Product Specification. The procedures in place ensure that CBs and CRs are accredited by the Spanish National Accreditation Body and appropriately supervised by the Autonomous Communities Competent Authorities (ACCAs).*

*In relation to market controls, ACCAs had not been designated at the time of the audit in nine out of the 17 Autonomous Communities, where discussions were in progress on this issue. The impact of the lack of official market controls in these Autonomous Communities was mitigated by a large number of inspections carried out by the CRs on their own products.*

*There were a number of examples of good practice noted by the FVO audit team, such as developing a risk based assessment for controls on the market and the issuance by the CCA of a list of the main labelling requirements for all the PDO/PGI/TSG products produced in Spain as well as the most relevant PDO/PGI produced in EU Member States and Third Countries. Information on the production and value of all PDO/PGI/TSG products produced in Spain is collected by the CCA and made publically available.*

*This report makes a recommendation to the CCA, aimed at rectifying the shortcoming identified and enhancing the implementation of control measures.*

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## ABBREVIATIONS AND DEFINITIONS USED IN THIS REPORT

<b>Abbreviation</b>	<b>Explanation</b>
ACCA(s)	Autonomous Community Competent Authority (ies)
AECOSAN	The Spanish Agency for Consumers, Food Safety and Nutrition ( <i>Agencia Española de Consumo, Seguridad Alimentaria y Nutrición</i> )
CA(s)	Competent Authority (ies)
CCA	Central Competent Authority
CB(s)	Control Body (ies)
COM	European Commission
CR(s)	Regulatory Councils ( <i>Consejos Reguladores</i> )
DG AGRI	Directorate General for Agriculture and Rural Development
DOOR	Database of Origin and Registration
EN	European Standard
ENAC	The Spanish National Accreditation Body ( <i>Entidad Nacional de Acreditación</i> )
EU	European Union
FVO	Food and Veterinary Office
MAGRAMA	Ministry of Agriculture, Food and Environment ( <i>Ministerio de Agricultura, Alimentación y Medio Ambiente</i> )
MANCP	Multi-Annual National Control Plan
No	Number
PDO(s)	Protected Designation(s) of Origin
PGI(s)	Protected Geographical Indication(s)
TSG(s)	Traditional Speciality(ies) Guaranteed

## 1 INTRODUCTION

The audit formed part of the Food and Veterinary Office's (FVO) planned programme.

The audit took place from 25 May to 5 June 2015. The team comprised two auditors from the FVO, one official from Directorate General for Agriculture and Rural Development (DG AGRI) of the European Commission (COM) and one expert from a European Union (EU) Member State.

Representatives from the Central Competent Authority (CCA), the Ministry of Agriculture, Food and Environment (*Ministerio de Agricultura, Alimentación and Medio Ambiente-MAGRAMA*), accompanied the audit team for the duration of the audit. An opening meeting was held on 25 May 2015 with the attendance of the CCA, four Autonomous Communities Competent Authorities (ACCAs) and the Spanish National Accreditation Body (Entidad Nacional de Acreditación-ENAC). At this meeting, the objectives of, and itinerary for the audit were confirmed and the control systems were described by the authorities.

## 2 OBJECTIVES AND SCOPE

The objectives of the audit were:

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

- Protected Designations of Origin (PDOs), Protected Geographical Indications (PGIs), Traditional Specialities Guaranteed (TSGs) for agricultural products and foodstuffs: Regulation (EU) Number (No) 1151/2012 of the European Parliament and Council, Commission Delegated Regulation (EU) No 664/2014 and Commission Implementing Regulation (EU) No 668/2014; and
- Traceability and labelling: Article 18 of Regulation (EC) No 178/2002 and Directive 2000/13/EC

In terms of **scope**, the audit reviewed the organisation and performance of the CCA and the ACCAs for PDO, PGI, and TSG schemes, and the official controls system in place covering production, distribution and placing on the market of these products.

In pursuit of these objectives, a sample of PDOs, PGIs and TSGs were selected and the following sites were visited:

Visits/meetings		Comments
<b>CCA/ACCAs</b>		
CCA	3	The attendance at the opening and closing meeting included representatives from the CCA and from four ACCAs responsible for official controls.
ACCAS	3	Meetings were held in three Autonomous Communities, with the attendance of the ACCAs, the CBs delegated for official controls and representatives from the CCA.

Visits/meetings		Comments
<b>Establishments</b>		
PDO producers / processors	4	Large producers/processors.
PGI producers / processors	6	Small and large producers/processors.
TSG processors	1	Large processor.
Supermarket	2	Large supermarkets.

### 3 LEGAL BASIS

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

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

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

### 4 BACKGROUND

#### 4.1 COUNTRY PROFILE

The FVO has published a Country Profile for Spain, which describes in summary the control systems for food and feed, animal health, animal welfare and plant health and gives an overview on the state of play of the recommendations of previous FVO audits. At the time of the FVO audit, the Country Profile for Spain was being updated to include the control systems for PDO/PGI/TSG. The country profile for Spain can be found at:

[http://ec.europa.eu/food/fvo/country\\_profiles/details.cfm?co\\_id=ES](http://ec.europa.eu/food/fvo/country_profiles/details.cfm?co_id=ES)

#### 4.2 EU QUALITY SCHEMES

The EU quality schemes known as PDO, PGI and TSG protect and promote quality agricultural products and foodstuffs and aim to ensure the protection of their names from, inter alia, misuse, evocation and imitation and help consumers by giving them information concerning the specific character of the products:

- PDO covers agricultural products and foodstuffs which are produced, processed and prepared in a given geographical area using recognised know-how.
- PGI covers agricultural products and foodstuffs closely linked to the geographical area. At least one of the stages of production, processing or preparation takes place in the area.
- TSG highlights traditional character, either in the raw materials, composition or means of production.

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

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

### **4.3 STATUS OF REGISTERED PRODUCTS IN SPAIN**

There are 97 PDO, 81 PGI and four TSG registered names from Spain on the Database of Origin and Registration (DOOR). Six registered names were selected to form part of this audit as a sample, in order to evaluate how the system of official controls works in the Spain. The criteria used by DG AGRI for selection, was to include at least two PDO products, two PGI products and one TSG product and also to focus on the products generating significant economic value and production volume.

At the time of the FVO audit, there were around 10,238 operators in Spain marketing products under registered names.

## **5 FINDINGS AND CONCLUSIONS**

### **5.1 RELEVANT NATIONAL LEGISLATION**

#### **Legal requirements**

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

#### **Findings**

1. Under the Spanish Constitution (Article 148.1) and the Statutes of Autonomy and corresponding Royal Decrees transferring functions and services, the 17 Autonomous Communities and the 2 autonomous cities of Ceuta and Melilla have exclusive responsibility for the implementation of control systems in Spain. The central authorities in Spain retain overall responsibility for ensuring efficient and effective co-ordination between the Competent Authorities involved, as required under Article 4.3 of Regulation (EC) No. 882/2004.
2. In the framework of PDO/PGI/TSG, the relevant national legislation for official controls of Product Specification in the context of Regulation (EU) No 1151/2012 is implemented through a series of legal instruments at national and Autonomous Community level. The most relevant legislative acts are listed in pages five to eight of the Official Control Programme for the verification of compliance prior to placing PDO/PGI/TSG on the market, which can be found at the following link:

[http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/programadecontrol2011-2015modmarzo2015\\_tcm7-373602.pdf](http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/programadecontrol2011-2015modmarzo2015_tcm7-373602.pdf)

## Conclusions on Relevant National Legislation

3. Relevant national measures are in place to implement EU Regulations relating to official controls of PDO/PGI/TSG.

## 5.2 ORGANISATION AND IMPLEMENTATION OF OFFICIAL CONTROLS

### 5.2.1 Competent Authorities

#### Legal requirements

Articles 36 (1), 36(2), 37(1) and (3) and 39(1) of Regulation (EU) No 1151/2012.

Regulation (EC) No 882/2004, in particular Articles 4 and 6.

#### Findings

4. The Spanish Multi-Annual National Control Plan (MANCP), known in Spain as the National Plan for Official Control of the Food chain (*Plan Nacional de Control de la Cadena Alimentaria*), is updated on an annual basis and the latest version, covering 2011-2015, was submitted to the COM in February 2015. Official controls related to PDO/PGI/TSG (*Programa de Control Oficial de la Calidad Diferenciada vinculada a un origen geográfico y especialidades tradicionales garantizadas, antes de la comercialización*) are described in a separate section of the MANCP. The Annual Reports on the implementation of the MANCP since 2011 have been submitted to the COM, including a specific section for PDO/PGI/TSG. This is in line with Article 40 of Regulation (EU) No 1151/2012. The main Authorities on the context of this audit are described in the MANCP and are as follows:
5. MAGRAMA is the CCA responsible for verification of compliance with the Product Specification prior to placing a product in the market for PDO/PGI products produced in more than one Autonomous Community. This competence was established through some legislative acts, such as Law 24/2003 on vineyards and wine (*Ley de 10 de Julio de la viña y el vino*) and is kept in the Law 6/2015 (*Ley 6/2015, de 12 de mayo, de Denominaciones de Origen e Indicaciones Geográficas Protegidas de ámbito territorial supraautonómico*) which came into force on 2 June 2015. This competence is implemented through the Directorate General of Food Industry (*Dirección General de la Industria Agroalimentaria*). MAGRAMA has delegated official controls to CBs, and regularly supervises them.
6. MAGRAMA is responsible for preparing framework legislation and for the evaluation of new applications for registration of PDO/PGI/TSG produced in more than one Autonomous Community. In addition, MAGRAMA is the National Contact Point with the COM and submits all the applications of registration of new PDO/PGI/TSG.



7. MAGRAMA is in charge for the coordination of the planning and implementation of official controls on PDO/PGI produced within individual Autonomous Communities and on TSG, for which the ACCAs are responsible. For this purpose, a coordination board (*Mesa de Coordinación de la Calidad Diferenciada*) in which representatives from all Autonomous Communities participate, is established formally by Royal Decree (*Real Decreto 1335/2011*). The main task of this board is to seek agreement on the control plans to be carried out by the Autonomous Communities. The agreements, which are formally registered, are binding on the Autonomous Communities. This committee meets regularly which enables the exchange of comprehensive information about all issues regarding PDO/PGI/TSG. Information on the production and value of all PDO/PGI/TSG products is collected annually by the CCA and made publically available. Examples of such information can be found at these links:  
[http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/Informe\\_DOP\\_IGP\\_2013\\_tcm7-356497.pdf](http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/Informe_DOP_IGP_2013_tcm7-356497.pdf)  
[http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/Informe\\_Caracterizacion\\_DOP%27S-IGP%27S\\_-\\_Octubre\\_2014\\_-\\_DEFINITIVO-09\\_03\\_15\\_%283%29\\_tcm7-367966.pdf](http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/Informe_Caracterizacion_DOP%27S-IGP%27S_-_Octubre_2014_-_DEFINITIVO-09_03_15_%283%29_tcm7-367966.pdf)

The FVO audit team considered this as an example of good practice.

8. The Spanish Agency for Consumers, Food Safety and Nutrition (Agencia Española de Consumo, Seguridad Alimentaria y Nutrición-AECOSAN), belonging to the Ministry of Public Health Health, Social Services and Equality (*Ministerio de Sanidad, Servicios Sociales e igualdad*) is the CCA responsible for the coordination of official controls carried out at market level by the ACCAs. The coordination takes place through a committee in which the CCA and the ACCAs participate and which meets regularly. Although national campaigns are planned and approved by this committee, to date no PDO/PGI/TSG products have been included on a regular basis.
9. At Autonomous Community level, agricultural departments are the ACCAs responsible for official controls prior to placing product on the market on PDO/PGI produced exclusively within their communities. They are also responsible for the implementation of official controls on TSG. Such controls may be carried out directly by the ACCAs or by delegated CBs. In two out of the three Autonomous Communities visited, official controls had been delegated for the products selected to either private CBs or to Regulatory Councils (Consejos Reguladores-CRs) which are non-profit bodies committed exclusively to controls on one registered PDO/PGI (see paragraphs No 15 and No 16). In the third Autonomous Community visited, official controls for some PDO/PGI were also carried out by the ACCA. The ACCAs are also responsible for the evaluation of new applications for registration of PDO/PGI/TSG produced within their autonomous community.
10. A full list with all the ACCAs responsible for the controls of PDO/PGI/TSG can be found at this link:

[http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/autoridadcompetenteabril153\\_tcm7-368320.pdf](http://www.magrama.gob.es/es/alimentacion/temas/calidad-agroalimentaria/autoridadcompetenteabril153_tcm7-368320.pdf)

11. As regard market controls at autonomous level, the ACCAs can actively respond to complaints made by third parties (mainly CRs) by undertaking inspections at retailers. Planned controls based on risk analysis are also undertaken for the surveillance of the use of the registered names in eight out of 17 Autonomous Communities. However, in the other nine, no planned controls have been undertaken to date (see paragraph 17). At the time of the FVO audit, discussions were ongoing in those Autonomous Communities to designate the ACCAs responsible for official controls and for the distribution of tasks and responsibilities for the performance of controls. The CCA stated during the opening meeting that, following a request from the COM, the information on the ACCAs responsible for market controls was being updated to be sent to the COM. This lack of designation is not in line with Article 36 of Regulation (EC) No 1151/2012.
12. The background required for the personnel of the CAs is mentioned in the job description. The CAs stated that their staff follow training on PDO/PGI/TSG in the framework of the "Better training for safer food" courses. In addition, regular in-house training is organised. During the duration of the audit, the FVO audit team noted that all staff of the CAs involved in official controls was adequately trained, competent and knowledgeable.

#### **Conclusions on Competent Authorities**

13. CAs are designated for the official controls of PDO/PGI/TSG for the verification of compliance with the product specification and are adequately staffed. However, ACCAs are not designated in all Autonomous Communities to carry out checks for the surveillance of the use of the names in the market place. and therefore it cannot be ensured that controls based on risk analysis are carried out in all Autonomous Communities. This lack of designation is not in line with Article 36 of Regulation (EC) No 1151/2012.

#### *5.2.2 Control Bodies*

#### **Legal Requirements**

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

Articles 5(2) (e) and (f) and 5(3) of Regulation (EC) No 882/2004.

#### **Findings**

14. Official controls to verify compliance with the Product Specification and to carry out certification tasks may be delegated to CBs accredited to European Standard (EN) 45011-ISO/IEC Guide 65)<sup>1</sup>. This is in line with the requirements of Article 39 (2) of the

Regulation (EU) No 1151/2012. Accreditation is issued by ENAC for each Product Specification. In the case of CRs, the act of delegation is formalised once the COM approval decision related to the Product Specification is published.

15. In the three Autonomous Communities visited, official controls and the certification tasks had been delegated to either CBs or to CRs. Some CRs may be delegated public tasks other than verification of compliance with the Product Specification. This was the case in one of the Autonomous Communities visited, where inspectors of a CR are conferred with legal powers to carry out official controls at market level.
16. The nature, structure and functioning of the CRs is established through a series of legislative acts at national and Autonomous Community level. They consist of two distinct parts:
  - A management board participated by all interested parties involved in the production of the PDO/PGI. This board deals with all the responsibilities of a producer group (initial registration and subsequent amendments of the Product Specification, promotion of the registered name, ad hoc surveillance at market level, legal actions against operators infringing PDO/PGI rules).
  - A control and certification division, in charge of the planning and implementation of official controls.
17. The ACCAs have documented procedures in place for the approval of the CBs and CRs. They describe the criteria to be fulfilled to obtain the approval, the most relevant being the requirements related to accreditation. This is in line with Article 5 of Regulation (EC) No 882/2004. The FVO audit team checked some files regarding approval of CBs/CRs and noted that overall the procedures were followed.
18. Supervision of the delegated CBs/CRs by the CAs is planned at national level to verify the effectiveness of delegated controls. According to the planning described in the MANCP 2011-2015, all the registered names must be subject to supervision during the lifespan of the MANCP. The number of operators to be selected by the CAs to evaluate the effectiveness of the inspections carried out by CBs/CRs is equal to square root of the number of certified operators in any specific year. The FVO team noted that this planning was being achieved to date.
19. The procedure for supervision included in the MANCP sets out the basic principles to follow. The means of verification may include the review by the CAs of control reports issued by the CBs/CRs on the inspections carried out at operators, visits on the spot to witness the performance of the CBs/CRs inspectors, checking that inspectors have the right tools and procedures available, etc. The basic procedure had been distributed to all the ACCAs and the ACCAs may adapt it to suit their own particular needs.

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<sup>1</sup> The ISO / IEC 17065: 2012 –Conformity assessment – Requirements for bodies certifying products, processes and services, was published in September 2012 and will replace ISO Guide 65 and EN 45011. In accordance with an International Accreditation Forum (IAF) decision, the implementation of the new standard will be subject to a 3 year transition period expiring in August 2015.

20. Documented procedures and checklists for the performance of supervision were in place at CCA and at ACCA level. The FVO audit team noted that all the requirements of the Product Specifications and the relevant requirements of the Regulations were contained in the checklists used by the CAs.
21. The action taken following the identification of non-compliances in the performance of CBs/CRs can include the provision of training or updated documented procedures. The FVO audit team checked several supervision reports issued by the ACCAs and noted that they were comprehensive and detailed with recommendations and specific deadlines for the CBs/CRs to remedy the non-compliances. At the time of the audit, the concerned CB and CRs had implemented corrective actions to address all the recommendations contained in the report issued by the ACCA.
22. Communication between the CCA/ACCAs and CBs/CRs is regularly established. The FVO audit team noted that the ACCAs request the CBs/CRs to submit reports on official controls quarterly and to report major non-compliances immediately.

#### **Conclusions on Control Bodies**

23. Where the CAs delegate official controls to CBs/CRs, it is ensured that they fulfil all requirements for approval, including accreditation to EN 45011-ISO/IEC Guide 65. The delegating CAs ensure that CBs meet the criteria required in Article 5(2). Supervision of the CBs by the CAs is adequate.

#### *5.2.3 Prioritisation of Official Controls*

##### **Legal requirements**

Articles 37(1) and 38 of Regulation (EU) No 1151/2012.

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

##### **Findings**

#### *Verification of Compliance Prior to Placing the Products on the Market*

24. Control procedures implemented by the CAs require new operators to apply to the chosen CB or assigned CR. They cannot place products on the market under the PDO/PGI/TSG scheme until they successfully undergo an audit and a certificate of compliance with the Product Specification is issued by their CB/CR. The FVO audit team checked several files and noted that the procedures were followed in all cases.

### *Official Controls at Producers/Processors*

25. The MANCP 2011-2015 contains the planning of official controls for PDO/PGI/TSG. Only operators marketing products under registered names are eligible for certification. All certified operators must be physically inspected at least once per year. In addition, all steps described in the Product Specification must be covered by controls although not all operators involved (e.g. non-certified primary producers supplying raw materials to certified processors) may be subject to the same frequency of visits. The FVO audit team noted that the established frequency was fulfilled for all PDO/PGI/TSG and often exceeded.

### *Official Controls on the Market*

26. According to the information provided by the CCA, official controls for the surveillance of the registered names on the market had been undertaken by eight out of 17 Autonomous Communities in 2013 and 2014. The retailers for controls were selected by the ACCAs on the basis of the volume of trade, and the PDO/PGI/TSG products were chosen randomly. In one of the Autonomous Communities, inspections were carried out in the framework of specific campaigns where the products were chosen based on a risk analysis. This analysis took into account several criteria, such as the average national shopping basket, volume of production and value of the product and past complaints about PDO/PGI/TSG. The study considered not only Spanish products but also the most relevant products produced in the EU according to the information available in the DOOR database. This was considered by the FVO audit team as a good practice.
27. However, controls to check the use of the registered names in the market place had not been undertaken in nine out of 17 Autonomous Communities to date and they had not been planned for 2015. This is not in line with articles 36(3)(b) and 38 of Regulation (EU) No 1151/2012.

### **Conclusions on Prioritisation of Official Controls**

28. Official controls for verification of compliance prior to placing on the market of PDO/PGI/TSG are adequately planned and implemented. However, official controls for the surveillance of the use of the registered names on the market are not undertaken in all Autonomous Communities, which is not in line with Articles 36(3)(b) and 38 of Regulation (EC) No 1152/12.

### *5.2.4 Procedures and Performance of Official Control Activities*

#### **Legal Requirements**

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

Commission Delegated Regulation (EU) No 664/2014, in particular Article 1.  
Commission implementing Regulation (EU) No 668/2014, in particular Article 4.  
Article 18 of Regulation (EC) No 178/2002.  
Articles 8(1), 9 and 10(2)(b)(vi) of Regulation (EC) No 882/2004.  
Directive 2000/13/EC.

## **Findings**

### *Official controls at producers/processors*

29. The FVO audit team witnessed twelve inspections carried out at producers and processors of PDG/PGI/TSG products. The range of official controls covered vegetable growers, animal feeding stations, slaughterhouses, cutting plants and processors of food animal origin.
30. CBs and CRs have documented procedures establishing the frequency and purpose of visits. Inspections are required to be carried out unannounced whilst audits are carried out announced, in line with Article 3 of Regulation (EC) No 882/2004. In all establishments visited, inspections had been carried out during previous years in line with the planned frequency. The procedures also include instructions and information to the inspectors. Checklists, specific for each Product Specification, were used by the inspectors, and all the requirements of the Product Specifications were checked. The procedures also require that inspectors take samples regularly for a variety of organoleptic and laboratory requirements to be tested depending on the Product Specification.
31. Inspectors also checked the requirements related to the origin of feed as established in Article 1 of Regulation (EU) No 664/2014 and to the identification and correlation between inputs and outputs, as referred to in Article 4 of Regulation (EU) No 668/2014.
32. All inspectors met were well trained, very knowledgeable and had a long term experience of working with the product being controlled. In the case of CRs, they employ mainly full time inspectors, dedicated exclusively to one PDO/PGI product.
33. After each inspection, a debriefing with operators took place to communicate the outcome of the visit. Reports describing the purpose and the outcome of inspections related to PDO/PGI/TSG products were issued and a copy given to the operator informing them on the outcome of the inspection, including laboratory results if samples were taken.

### *Specific examples of Good Practice observed during the inspections*

34. According to the procedures followed by CRs, primary producers and processors are requested to submit monthly reports to their CRs regarding quantities produced, the

number of labels used, etc. This enables the CRs to undertake regular mass balance exercises to ensure that the quantities produced of the registered products are reliable. In the case of one product of non-animal origin, they were performed monthly on each visit carried out during the harvesting season.

35. For one PDO of animal origin, all batches are required to be sampled and undergo organoleptic, microbiological and physical and chemical analysis to ensure compliance with the Product Specification. DNA testing is also required to be carried out regularly. The sampled batches cannot be released to the market until the analytical results are received showing compliance with the specification requirements.
36. Traceability data of all PDO/PGI were fully accessible by all inspectors through common IT systems. The FVO audit team noted that the products could be traced back and forward through all steps of the process from primary production to the final product. For two products of animal origin, the carcasses and the meat cuts, prior to slicing, must bear unique identifiers allowing traceability, not only to the farm but to the individual animal.
37. For one PGI of animal origin, samples are required to be taken from all the animals slaughtered and kept frozen during 90 days. Approximately 5% of these frozen samples undergo DNA testing, and the results crosschecked with those of the samples taken from meat cuts and meat slices at market level, to verify traceability.
38. All farmers rearing animals for the production of a PGI are required to inform their CR of new eligible animals within a deadline of 90 days after the animal's birth. All animals must be individually controlled before they are approved. The slaughterhouse must not accept an animal unless the animal's individual passport bears an approval stamp applied by the relevant CR.
39. The CBs and CRs keep updated lists of certified operators on their websites allowing all interested parties to access reliable information on the certification status of their suppliers. The FVO audit team noted that, in the case of non-certified operators (e.g. farmers supplying raw materials to certified processors), the CBs and CRs notified the processors regarding non-compliant farmers.

#### *Official Controls on the Market*

40. The FVO audit team observed two official controls at market level. In one Autonomous Community, the inspection was undertaken by the Consumer Protection Department, which had been responsible for controls on PDO/PGI/TSG at market level during the previous years. The inspectors were familiar with the topic and noted a number of labelling non-compliances which would be followed up with the food business operator. In addition to labelling issues, the inspectors stated that their procedures require that a full traceability exercise be carried out for each product, to verify that the producer of the product is subject to the control system. This was considered as a good practice by the FVO audit team.

41. In another Autonomous Community where no market controls had been undertaken to date, the FVO audit team met inspectors who normally deal with fraud and who had not undertaken any official control of PDO/PGI/TSG at market level to date. The inspectors brought to the inspection a list of registered names from the DOOR database. The FVO audit team arranged to use this time to discuss examples of the most common labelling problems associated with PDO/PGI/TSG. The inspectors agreed to follow up the non-compliances identified during the inspection with the relevant food business operator.
42. In both Autonomous Communities, the ACCAs stated that training activities on PDO/PGI/TSG had taken place recently and more inspectors would participate in forthcoming training activities. In addition, MAGRAMA had prepared, in the framework of the coordination board referred to in paragraph No 6, a summary of all PDO/PGI/TSG products produced in Spain as well as for the most significant products from other EU countries and third countries. This summary consisted of a coloured picture of a correct label and some useful tips to serve as guidance for the inspectors to carry out market controls. This was considered by the FVO audit team as a good practice.

#### **Conclusions on Procedures and Performance of Official Control Activities**

43. Official controls are adequately undertaken at producers/processors of PDO/PGI/TSG to verify compliance with the Product Specification. Market controls are overall adequate in the Autonomous Communities where they are carried out. Moreover, the guidance issued by MAGRAMA ensures a harmonised approach of the inspections at national level.

#### *5.2.5 Enforcement Measures*

##### **Legal Requirements**

Article 13(3) of Regulation (EU) No 1151/2012.

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

##### **Findings**

44. The control programme for PDO/PGI/TSG includes a list of non-compliances as regards the requirements in the Product Specification. The legal basis for enforcement measures to be taken in cases of non-compliance was established in the Law 24/2003 and is further developed in the Law 6/2015 (both legislative acts mentioned in paragraph No 4). The ACCAs may enact additional legislation for specific enforcement measures relating to PDO PGI TSG to be applied in their Autonomous Communities.
45. Non-compliances found at operators are classified as irregularities or infringements depending on their severity and recurrence. In the case of irregularities, the certification of the non-compliant operator is suspended and the affected batches cannot be marketed



with a reference of the registered name until corrective action is taken by the operator to rectify the non-compliance. When the non-compliance is more severe it is considered an infringement and the certification of the non-compliant operator is withdrawn. Operators are not allowed to market any product under the registered name for a certain period of time.

46. The procedure may vary depending on the body in charge of the official controls. When the CAs carry out the controls, monetary sanctions may be applied according to the relevant legislative acts mentioned in paragraph No 44. CBs and CRs cannot impose sanctions. However they can require the operator to take corrective actions to ensure that the implicated batches are not marketed using the registered name. The FVO audit team checked several files of severe irregularities and noted that the procedures were overall followed and the implicated batches were not marketed. The CR subsequently informed the CA for further legal action to be taken and sanctions to be applied.
47. According to the information provided by MAGRAMA, 939 irregularities and 48 infringements were reported by the ACCAs to the CCA during 2014. The FVO audit team were shown a series of examples where legal action had been taken against producers of PDO/PGI/TSG for fraudulent practice and significant fines were imposed by the ACCAs. In one serious case, the operator was delisted and discontinued to produce a PDO product.
48. The FVO audit team noted that some CRs carry out a large number of market controls on their own product throughout Spain, and subsequently inform the relevant ACCAs in cases of non-compliance. This was considered by the FVO audit team as a good practice. Evidence was shown to the audit team that the ACCAs took action and carried out inspections at retailers following the notification by the CRs.

#### **Conclusions on Enforcement Measures**

49. A system is in place for enforcement measures to be applied in cases of non-compliance related to PDO/PGI/TSG, and it is adequately implemented.

## **6 OVERALL CONCLUSIONS**

There is an effective control system in place in Spain to verify compliance with Product Specifications at producer/processor level. The CAs are clearly designated for official controls, which may be carried out directly by the CAs or delegated to accredited CBs. The coordination for the planning and consistent implementation of controls is ensured at national level through a coordination board formally established by Royal Decree. In the three Autonomous Communities visited, official controls were adequately carried out by CBs and by CRs with a specific legal status, dedicated exclusively to checking one single Product Specification. The procedures in place ensure that CBs and CRs are accredited by the Spanish

National Accreditation Body and appropriately supervised by the ACCAs.

In relation to market controls, ACCAs had not been designated at the time of the audit in nine out of the 17 Autonomous Communities, where discussions were in progress on this issue. The impact of the lack of official market controls in these Autonomous Communities was mitigated by a large number of inspections carried out by the CRs on their own products.

There were a number of examples of good practice noted by the FVO audit team, such as developing a risk based assessment for controls on the market and the issuance by the CCA of a list of the main labelling requirements for all the PDO/PGI/TSG products produced in Spain as well as the most relevant PDO/PGI produced in EU Member States and Third Countries. Information on the production and value of all PDO/PGI/TSG products produced in Spain is collected by the CCA and made publically available.

## 7 CLOSING MEETING

A closing meeting was held on 5 June 2015 with the attendance of representatives of the CCA and four ACCAs as well as ENAC. At this meeting, the audit team presented the main preliminary findings and conclusions of the audit and a number of points were clarified. The CCA provisionally accepted the preliminary findings and conclusions.

## 8 RECOMMENDATIONS

The CAs are invited to provide details of the action taken and planned, including deadlines for their completion (action plan), aimed at addressing the recommendation set out below, within 25 working days of receipt of this audit report. The CAs should:

<b>No.</b>	<b>Recommendation</b>
<b>1.</b>	Ensure that ACCAs are designated in all Autonomous Communities, in line with Article 36(1) of Regulation (EU) No 1151/2012, to guarantee that official controls based on risk analysis are carried on the market to monitor the use of registered names, in line with Articles 36(3)(b) and 38 of the same Regulation.  Recommendation is based on conclusions No 13 and No 28  Associated findings: No 11 and No 27.

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

[http://ec.europa.eu/food/fvo/rep\\_details\\_en.cfm?rep\\_inspection\\_ref=2015-7410](http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_inspection_ref=2015-7410)

## ANNEX 1 – LEGAL REFERENCES

Legal Reference	Official Journal	Title
<i>Horizontal Legislation</i>		
Reg. 178/2002	OJ L 31, 1.2.2002, p. 1-24	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Reg. 882/2004	OJ L 165, 30.4.2004, p. 1, Corrected and re-published in OJ L 191, 28.5.2004, p. 1	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
<i>Labelling legislation</i>		
Dir. 2000/13/EC	OJ L 109, 6.5.2000, p. 29-42	Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs
<i>PDO/PGI/TSG Legislation</i>		
Reg. 1151/2012	OJ L 343, 14.12.2012, p. 1-29	Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs
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
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