

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DELEGATED DECISION No 151/20/COL

of 11 December 2020

establishing a programme of controls for the year 2021 to be carried out in the EEA EFTA States to verify application of EEA legislation in the food and veterinary area [2021/336]

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the act referred to at Point 11b in Part 1.1 of Chapter I and Point 31q of Chapter II of Annex I and Point 164 of Chapter XII of Annex II to the EEA Agreement, 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⁾, as amended and as adapted to the EEA Agreement by Protocol 1 thereto and the sectoral adaptations referred to in Annexes I and II thereto, in particular Article 118(1) thereof,

Whereas:

The responsibility to enforce EEA legislation in the food and veterinary area ⁽²⁾ lies with the EEA States whose competent authorities monitor and verify, through the organisation of official controls, that relevant EEA requirements are effectively complied with and enforced.

It follows from Article 116 of Regulation (EU) 2017/625 that EFTA Surveillance Authority ('Authority') experts shall carry out controls, including audits, in the EEA EFTA States to verify the application of EEA legislation. These Authority controls should be performed in the areas of food and feed safety, animal health and animal welfare, plant protection products, organic production and the functioning of national control systems and competent authorities, which operate them.

It follows from the sectoral adaptations to Annex I and to the introduction to Chapter XII of Annex II to the EEA Agreement that legislation regarding veterinary matters, feedingstuffs and foodstuffs shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ EEA legislation in the food and veterinary area includes food and food safety, feed and feed safety, animal health and welfare requirements, animal by-products and derived products, requirements for the placing on the market and use of plant protection products and the sustainable use of pesticides, organic production and the labelling of organic products.

It follows from Article 118(1) of Regulation (EU) 2017/625 that the Authority is to establish a control programme for the controls to be performed by its experts in Iceland and Norway to verify application of EEA legislation in the above areas.

This control programme is set out for certain priority areas. The criteria used for prioritisation include *inter alia* identified risks and emerging topics (for example animal diseases or food or feed crises), the relevance of a sector in the EEA EFTA States, past performance of the EEA EFTA States in the relevant area and information from relevant sources, including the priorities set by the European Commission in its control programme ⁽³⁾,

HAS ADOPTED THIS DECISION:

1. The programme of controls for the year 2021 to be carried out by Authority experts in Iceland and Norway, as provided for in Article 116(1) of Regulation (EU) 2017/625, is set out in the Annex to this Decision.
2. This Decision is addressed to Iceland and Norway.

Done at Brussels, 11 December 2020.

For the EFTA Surveillance Authority, acting under Delegation Decision No 130/20/COL

Högni KRISTJÁNSSON
Responsible College Member

Carsten ZATSCHLER
*Countersigning as Director,
Legal and Executive Affairs*

⁽³⁾ 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).

ANNEX

This Annex sets out the programme of controls for the year 2021 to be carried out by Authority experts in Iceland and Norway in areas covered by Regulation (EU) 2017/625.

The Authority has identified certain priority areas within the areas of food and feed safety, animal health and welfare, plant protection products, and the functioning of national control systems and competent authorities.

Authority experts shall carry out controls, including on-the-spot verifications, audits, and desk-based analyses in accordance with Article 116 of Regulation (EU) 2017/625.

The Authority controls are performed to achieve high level of coverage in areas that the Authority has identified as priority and, which require scrutiny as to the level of implementation and effectiveness of official control systems and enforcement measures.

The programme of controls for the year 2021 in Iceland and Norway to verify the application of the rules in areas covered by Regulation (EU) 2017/625 is set out below:

Priority Area	Specific objectives
Foodborne zoonoses	Desk-based analyses to evaluate the control of foodborne zoonoses, with a particular focus on the level of implementation and effectiveness of national salmonella control programmes
Residues of veterinary medicinal products, pesticides and contaminants, in live animals and food of animal origin	Audits to verify compliance with the applicable EEA legislation governing residues of veterinary medicinal products, pesticides and contaminants in live animals and food of animal origin and the implementation of official controls thereon. Desk-based analyses to verify that residue monitoring plans submitted by Iceland and Norway comply with the requirements laid down in the relevant EEA legislation.
Food information to consumers and nutrition and health claims	Desk-based analyses to assess the functioning of national control systems and competent authorities which operate them in relation to food information to consumers, nutrition and health claims.
Animal welfare at the time of killing, production animals	Audits to verify compliance with the applicable EEA legislation governing the welfare of ruminants, porcine animals and poultry at the time of killing, and the implementation of official controls thereon.
Plant protection products, pesticide residues and the sustainable use of pesticides	Desk-based analyses followed by audits to verify compliance with the applicable EEA legislation governing the authorisation, marketing and use of plant protection products and pesticide residues, the sustainable use of pesticides, and the implementation of official controls thereon.
Follow-up of audit recommendations (sectoral and general)	To verify, including by audits and on-site verification, that Iceland and Norway take appropriate follow-up measures to remedy any specific or systematic shortcomings identified by Authority controls.
Compliance of border control posts	To verify that border control posts proposed for designation by Iceland or Norway comply with the minimum requirements for border control posts including inspection centres laid down in the applicable EEA legislation before such posts are designated.