

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Deputy Director General for Food Sustainability

Brussels
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Subject: Longstanding weaknesses in official controls in Romania

Your Excellency,

I refer to our meeting on 20 September 2021 in which we discussed a range of longstanding weaknesses in official control systems in Romania which have been repeatedly identified during Commission audits and have also been the subject of complaints brought to the Commission's attention. These were also brought to the attention of the Romanian authorities in the Commissioner's letter of May 2020 on the Farm to Fork strategy.

These weaknesses were set out in a document provided to you in advance of the meeting in which I invited the Romanian authorities to provide a substantive response on these issues and to demonstrate engagement at high political level.

I would like to thank you for the Romanian authorities' response, which you sent to me on 15 February 2022. My services' assessment of the information provided is set out in an updated version of the document previously shared with you. It is annexed to this letter.

I would like to acknowledge that the Romanian authorities provided an update on many of the listed issues but, unfortunately, the response did not include any update on the recommendations raised regarding plant health (potato ring rot), labelling (nutrition and health claims) and the National Audit System.

The additional information provided by the Romanian authorities included comments on the actions taken or those planned for the future and links to related legislation but, in most cases, the response lacked documentary evidence and/or proof of implementation of the measures mentioned. It also contained limited information on the impact of the measures in addressing the weaknesses. As a result, it was not possible for my colleagues in the Health and Food Audits and Analysis Directorate to determine whether any of the issues could be closed based on the actions taken.

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Nevertheless, the response indicates that Romania has made progress in certain areas, in particular:

- The positive trend in the BSE testing programme;
- Improvements in the animal identification and registration database, including the register of movements, which is essential for African Swine Fever (ASF) control;
- Development of legislative instruments and guidelines regarding animal welfare during transport;
- Improvement in the information gathering for acute poisoning incidents regarding plant protection products (PPPs);
- Improvements in the system for granting derogations for the aerial spraying of PPPs; and
- Development of a satisfactory action plan to address the recommendations identified during an audit in 2020 on official controls on milk.

Further actions and documentary evidence would still be needed to consider that the above issues have been fully addressed.

Regrettably, progress on most of the other issues remains unsatisfactory.

Issues identified during Commission audits

1. **Monitoring measures for BSE** - Although Romania indicates that the situation continues to improve, the information provided in the response is insufficient to assess the progress made and guarantee the consistent application of the measures suggested. This lack of detailed evidence is of particular importance when demonstrating improvements in sampling and testing concerning backyard farms (which account for ~ 90% of the bovine population).
2. **Animal by-products (ABP)** - The response mentions arrangements that were already in place when the 2019 audit (ref. DG SANTE 2019-6635) identified a worsening of the situation. The response does not propose any new concrete actions to address the weaknesses in the system and the lack of basic infrastructure for ABP. In addition, the response does not provide sufficient guarantees that there is adequate capacity to dispose of Category 1 material.
3. **African Swine Fever** - The response provides an update on the measures being taken, as observed in the latest audit (ref. DG SANTE 2021-7501). Romania continues to make progress in registering holdings and official controls thereof, as well as organising awareness campaigns and training. However, the response does not provide sufficient detail on the specific improvements made concerning controls performed and sanctions imposed on the non-commercial pig sector, in which the vast majority of ASF outbreaks have been detected. In particular, Romania did not provide a set timeline for the approval process of a new Emergency Ordinance (the Pig Law) which provides for an empowerment to enforce compliance with requirements related to animal identification and registration rules and

6. **Sustainable use of pesticides** - Implementation of measures to achieve the sustainable use of pesticides remains problematic and a wide range of legal requirements are not being complied with. These issues were most recently set out in my letter of 12 July 2022 (Ref. Ares(2022)3063371) addressed to Mr Adrian Savu, General Secretary of the Ministry of Agriculture and Rural Development. Mr Savu was requested to provide an update on the current state of play with regard to addressing the weaknesses in this area in particular as regards: (a) the inspection system for pesticide application equipment, (b) the training system for professional users, (c) implementation of the principles of integrated pest management, and (d) compliance with the deadlines prescribed in Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market.
7. **Testing of raw milk** - The response provides an update on the actions proposed to address the weaknesses observed in the report of the Commission's audit (ref. DG SANTE 2020-6934). These actions appear to be satisfactory, once implemented. Concerning an open recommendation from the earlier Commission audit on this topic (ref. DG SANTE 2013-6891), the response from Romania does not provide specific details on the actions taken to properly implement and assess the milk monitoring programme.

Issues arising from complaints

There are five complaints against Romania which are currently open and under evaluation by Commission services. These are:

- a complaint from 2014 on non-compliances at livestock markets in Romania concerning Regulation 1/2005 on the protection of animals during transport and Regulation 1099/2009 on the protection of animals at the time of killing;
- a complaint from 2018, in relation to non-compliances regarding exports of live animals by sea from Romania to third countries (Turkey) (the findings of the on-going audit 2022-7525 on animal welfare controls during transport by livestock vessel to third countries will inform the Commission's next steps);
- a complaint from 2021, in relation to transport of lambs from Romania to Italy by road concerning alleged violations of Regulation No 1/2005 on the protection of animals during transport;
- a complaint from 2021, in relation to transport of animals by road. It is alleged that among others, there are insufficient checks and controls on animal welfare during transports departing from Romania, in this case to Italy, Bulgaria, Greece and Albania;
- a complaint from 2021, in relation to transport of animals by road and by sea during high temperatures.

The latest response provides details on the improvements the competent authorities have made in the assessment, authorisation and inspection of means of transport. However, further evidence is necessary to assess the effective implementation of the measures mentioned and the impact of those measures in improving animal welfare standards.

In conclusion, while the additional information submitted by the Romanian authorities in February 2022 provides useful information on the progress being made to address several of the issues, it is, on the whole insufficiently detailed to allow the Commission to conclude that the weaknesses have been resolved.

A General Follow-up Audit (GFA) of Romania will be organised in early 2023. This exercise will review all of the open issues. The timing of this audit provides the Romanian authorities with the opportunity to make further substantial progress and provide documentary evidence of implementation in advance of the GFA. In the meantime, Romania is requested to formulate well-developed, specific action plans, designed to achieve an effective resolution to the outstanding issues reflected in the Annex to this letter.

The Commission invites the Romanian authorities to provide:

- a high-level political signal of willingness to make effective progress;
- a technical response to the individual issues listed in the Annex to this letter.

It would be important to receive a commitment at the level of the Minister of Agriculture and Rural Development to assure Commissioner Kyriakides of political engagement to address these long-standing issues. To this end, a meeting between the Commissioner and the Minister could be organised at an early opportunity.

Yours sincerely,

(e-signed)

Claire Bury
Deputy Director-General

Annex: Commission assessment of the Romanian response of 15/02/2022

c.c.: Ms Alexandra Mardale (Permanent Representation of Romania)
Mr Achim Irimescu (Permanent Representation of Romania)
Ms Iulia Ramona Chiriac, Head of European Commission Representation in Romania