



Working together for consumer protection in Germany

A position paper of the professional associations of official food inspection

In Germany, consumer health protection is carried out at a high level. Overall, the state control systems enjoy a very good reputation. But can they live up to this reputation now and, above all, in the future?

Sufficiently qualified and trained staff and adequate financial resources for public authorities and laboratories in the field of consumer health protection are essential. Sufficient financial resources must be available for both quantitative and high-quality official controls and for sampling and testing.

In the last **20 years**, there has been a significant increase in tasks without reducing existing tasks. This development was far from parallel to an increase in human or financial resources of the authorities and laboratories. As a result, the tasks in food monitoring can no longer be carried out to the extent that would be necessary to maintain the high level in the long term.

In this context, it is also crucial that clear targets are defined in the General administrative regulation on framework control ("AVV Rahmenüberwachung") or in supplementary guidelines for both farm inspections and sampling and testing, on the basis of which adequate resources can be ensured and called for. In addition, these targets must be based on technical principles and, in particular, take into account the precautionary idea. However, we are concerned that sanctions and repressive measures are overemphasised in the context of the EU Control Regulation compared to preventive official activities. From our point of view, the idea of prevention is too short. The target fulfilment can only be checked if the data of official controls in the establishments and of samples are recorded uniformly throughout Germany and thus a comparability of the data is given. In addition, all risk-based control activities, including internet searches and investigations, as well as preventive activities by public authorities to prevent infringements (e.g. advice) must be adequately statistically taken into account. That is not the case at the moment. We therefore call for a meaningful further development of the target specifications in order to improve the quality of food monitoring.

For good and safe food as well as consumer-related products, financially and technically well-equipped food monitoring with sufficient and qualified personnel is indispensable in the authorities and laboratories.



Tasks in food monitoring in the last 20 years

Assessment: red = additional expenditure very high, orange = additional expenditure high, yellow = additional expenditure less high (current situation, may change and vary according to authorities – and laboratory structure)

task	Explanations (content, additional effort, concern)	When did you get there?	New / Increased scope	Comments, examples
Control tasks				
Hygiene Package 2004, Control Ordinance 2004 and OCR 2017	Monitoring of the requirements of the EU hygiene package in food establishments	2006 (2017)	Increased effort	
Obligation to register Food establishments	Registration of companies producing, treating or placing food on the market	2004	New task	Including electronic capture and data update
Obligation to register for best. Food establishments	Approval of best. Undertakings producing, treating or placing on the market food of animal origin	2004	Higher number of establishments subject to approval	Including electronic recording and data update, high effort for controls in the approval process and continuous
Food defense	Protection of food from deliberate contamination or manipulation, monitoring of food business activities, increasing effort due to the risk of terrorist attacks	(2001)	Increased effort	Increased risk of terrorist attacks after 2001, as well as due to current war events; Required also in various certification systems
Quality management in companies	Monitoring of documentation requirements in food establishments	(2006)	Ever-increasing scope	
Elucidation of LM-related diseases (e.g. supranational) including analysis (whole genome sequencing)	Elucidation of food-borne disease outbreaks using WGS sequences, traceability of food harmful to health	(2013)	Increasing use in the last 10 years	Increase in affected food groups, including non-animal (e.g. sprouts, telecommunications fruits, sesame products)
Microbiological criteria	Microbiological monitoring of foodstuffs, implementation of Regulation (EC) No 2073/2005 ^ Focus on Listeria	2006	New task	Expenditure due to LM-related diseases, e.g. Listeria, Salmonella, significantly increased
Foodstuffs Contaminant law	increasing number of maximum levels to be monitored for contaminants and controlled foods (comparison of Annex Regulation (EC) No 1881/2006 in the original with Regulation (EC) No 2023/915 as at 1.7.2025)	Continuous since 2006	Significant increase in food and contaminants to be controlled	e.g. ergot-, tropane-, pyrrolizidine-alkaloids, T-2 and HT-2 toxins (since 2024), opiates, hydrocyanic acid, arsenic, nickel, perfluoroalkyl substances, melamine, perchlorate, mineral oil



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Recall monitoring	Monitoring of recalls and withdrawals of food in production establishments and all establishments of the Distribution chain	(2002)	Significant Increase in the number of recalls	
Obligation to notify food requirements items	Registration of undertakings producing, treating or placing on the market food commodities	2024	New task	Including electronic Recording and Data update
Plastic recycling plants	Monitoring of plastics Recycling plants processing materials for food packaging	(2008) 2022	New task	Very complex procedure with specific audit requirements
Food fraud, origin and authenticity analyses	Monitoring of food establishments for fraudulent intentions, i.e. intentional false declarations with the aim of obtaining an economic advantage, significantly increased the scope of the task since the horsemeat scandal in 2013, annual EU PPP (coordinated control programmes) and OPSON programmes	(2013)	Increasing scope	Examination of advertising on regionality
Early risk detection	Systematic monitoring and analysis of potential hazards and risks associated with food, implementation of precautionary consumer health protection principles	(2002)	Increasing scope	
Crisis prevention and management	Anchoring crisis management in accordance with Control Regulation 2004 or OCR 2017 including the EU Rapid Alert System in the Regulation 178/2002	2002	Increasing scope	As a result of various crisis-ridden events in consumer health protection (e.g. BSE 2001, Gammelfleisch 2005, Dioxin 2011, EHEC 2013, Pferdefleisch 2013, Bayern-Ei 2015, Fipronil 2017, Listerien in Wurstwaren 2019, Ethylenoxid 2020), the task has gained great importance in terms of content and scope.
Globalization of the market → more need for import monitoring and export clearance → new specifications by OCR	Nationally reinforced import controls on non-animal animals. LM, BCP obligation for non-animal food (CIR 2019/1793), export controls (incl. ABP), requirements for BIPs	2006 (2017)	Ongoing increase	



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Product and marketing trends				
Novel food	Many new products, assessment often time-consuming	2015 (1997)	Increasing number of novel foods	
Insects as food, laboratory meat (novel food and hygiene)	New trend to expect increasing market presence after approval as novel food	2021	New product group	
Vegetarian and vegan substitutes (additives, ultra-highly processed foods, food labelling)	Nutrition trend increasing, assessment partly difficult and subject to changes	(2010)	Continuous increase in product diversity	
Other new products	Assessment partly time-consuming, enquiries must be answered	for about 10 years	Continuous increase in product diversity, sometimes extensive research necessary	Fermented foods, Edible packaging, sustainable nutritional trends such as zero-waste and circular food, superfoods, exotic fruits and vegetables, edible weeds or unusual plant parts (radiant leaves), food from the home of new citizens and guests (e.g. flatbread from Syria), food with novel ingredients used for flavoring (Salep)
Marketing trends, especially with critical advertising statements:	Information from VZ or from individual consumers (consumer complaints) that point to such trends, but also frequent consumer inquiries – indications must be followed up, inquiries must be answered (exploration of what these are at all)	for about 10 years	Extensive research needed	Advertising with Health - Precision wellness (individual nutrition plans) - Intestinal health - Beauty food Advertising with Premium, High End Mood dinners and Mindful eating (TikTok trend)



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Marketing trends, especially with regard to food safety:	Assessment partly time-consuming, enquiries must be answered	for about 5 years	Extensive research needed	- Ghost Kitchen or Dark Kitchen / KI Bits by Bytes (product development using AI) - Eating culture (re-inventing tradition, e.g. brain, bull testicles) - Sustainability (keyword: MHD, 'longer lasting') - New psychoactive - Substances, HHC and Co.
Advertising and trade in food and food supplements on the Internet and on social media	Information from VZ or from individual consumers (consumer complaints) who point to such trends	2006 (social media 2020)	very complex assessment (tasks need to be expanded)	very fast-paced; rapid adaptation of analytics and assessment; Partial lack of legal basis. Difficulty of sampling on the Internet. Efforts for securing and testing Internet presences and social media appearances
Labelling 'without genetic engineering'		2008	New legal requirement	
Environmental and sustainability claims, e.g. climate neutral		since approx. 2014	Elaborate assessment	
Transparency and documentation requirements				
Publication obligation pursuant to Section 40(1a) LFGB	Obligation to inform the public about certain infringements under food and feed law, effort also by necessary Hearing procedures and court proceedings	2012	New task	Refers to samples with maximum quantities exceeded and detection of prohibited substances as well as other infringements with an expected fine of more than 350 euros (mainly hygiene infringements)
Rapid Alerts RASFF	Obligation to communicate health-related issues via iRASFF, significant increase in reporting figures, depending on the individual case, a large number of companies or authorities are affected	(2002)	Significant increase in the number of notifications	This results in enquiries with companies or operational controls for monitoring of measures (see above)



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Administrative Assistance and Cooperation System (AAC-AA)	Obligation to communicate transactions without direct Health relevance via the AAC system (e.g. incorrect labelling)	2015	New task	Increasing number of notifications
Food fraud in Administrative Assistance and Cooperation System (AAC-FF)	Obligation to communicate food fraud operations through the AAC system	2015	New task	Increasing number of notifications
Information to the public about food warning.de	Information to consumers about product recalls, effort also through the necessary consultation procedure, steadily increasing number of recalls (approximately 80 in 2012 and more than 300 annually since 2022)	2011	New task	Obligation of the food business operator to self-enter the official food control
Obligations to provide information in accordance with VIG or environmental or Freedom of information laws of the Länder	Obligation to provide information to consumers on request, e.g. on the results of farm inspections, high effort for the necessary consultation procedure of the farms	2008	New task	Possibility of automated application via the portal FragDenStaat (keyword: TopfSecret)
Additional reporting requirements (e.g. KOPKONT, PA monitoring and flavourings)	Additional effort for programming, special requirements for sampling and analysis as well as for data collection and data transmission	2023	climbed Efforts for EU control plans, their preparation and reporting of results	e.g. KOPKONT (contaminant control plan), number of substances to be tested in monitoring increased sharply
Controls according to documented procedures (QM in authorities and laboratories)	Obligation of monitoring authorities to carry out controls according to documented procedures to significantly increase the documentation burden in all areas of responsibility	2006	New task	Introduction of quality management systems, constant increase of requirements by controlling bodies (DAkkS) increasing legal definition of criteria for analytics: Method cascade, validation specifications



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Non-Food LFGB and Tobacco				
Rapid Alert System RAPEX (now: Safety gate)	Implementation of the Product Safety Directive in the ProdSG – now replaced by Regulation (EU) 2023/988	2001	Significant Increase in the number of notifications	RAPEX development – official food control is only part of the overall system, but the increase has been similar
Mutual assistance procedure in ICSMS	Requirement under Regulation (EU) 2019/1020	2019	has not yet been served by the official food control	Theoretically, all results (and, where applicable, measures) for samples of cosmetics, tattoo and consumer products, products under tobacco law (with and without objection) must be entered manually in ICSMS (objective: Interface from BALVI iP to ICSMS, but not yet implemented and schedule not yet foreseeable)
Tobacco controls (product diversity, legal requirements, cross-border distance selling and overall online trading)	Tobacco Products Directive 2014/40/EU implemented by TabakerzG and TabakerzV ^ no longer only covers classic smoking tobacco products, but also trends such as water pipe tobacco, but also e-cigarettes with and without nicotine and replacement products not yet covered (nicotine bags) flood the market, new psychoactive substances, HHC and Co.	2016	Increased effort	to follow up in laboratories much more extensive analysis in authorities much higher number of opinions, higher objection rate ^ more control effort
Tobacco controls TTT	Traceability systems and safety features must be checked at all levels for tobacco ore, elaborate database searches – control objective: Preventing the illicit cigarette trade (tax fraud)	2019 (cigarettes and roll-your-own tobacco) 2024 all tobacco ore.	New task, evaluation is currently underway	Very specific control task, technical equipment and database access necessary.
Tattoo product law		2009 (national) 2022 (EU)	additional task, significant increase (tasks need to be expanded)	
Environmental and sustainability claims, e.g. climate neutral		since approx. 2014	Elaborate assessment	

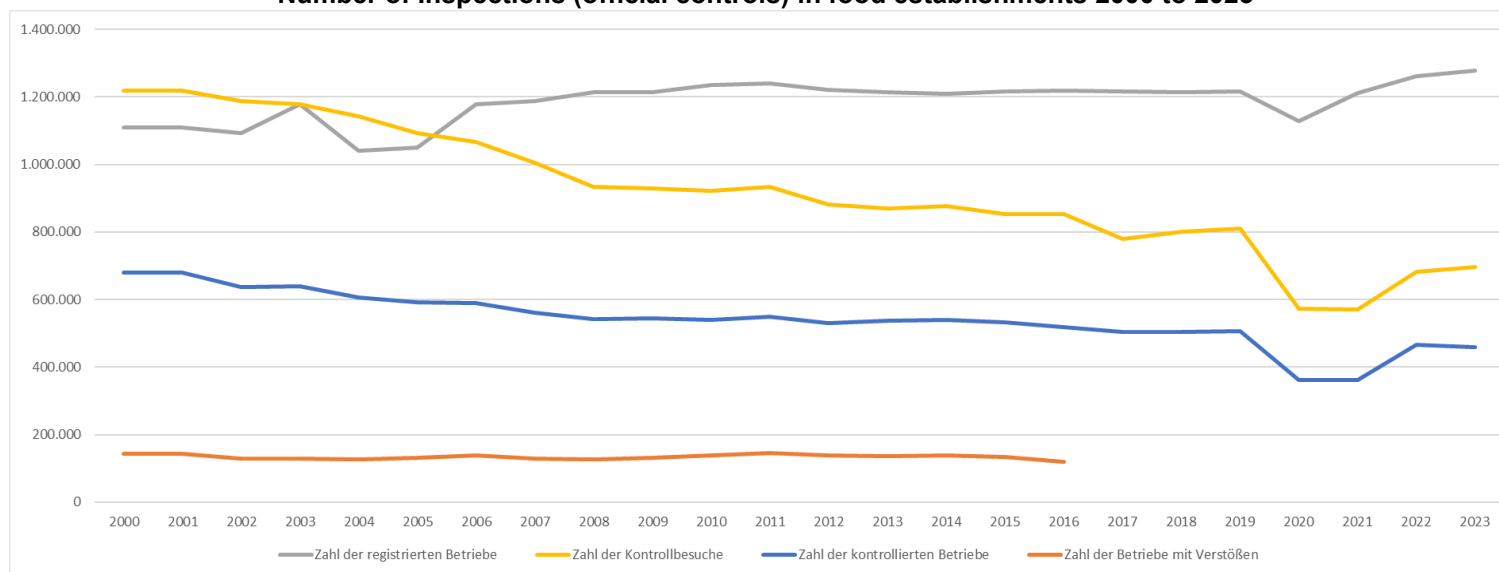


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Technical progress				
faster and faster development of IT, therefore considerable effort to keep up with technology	better evaluability and digitalisation ^ no relief, because more possibilities and thus more effort for recording and statistics	constantly	No relief, but ongoing additional effort	Analysis techniques and databases (LIMS, BALVI)
Demand for more efficient analytics and diagnostics	Cycle of improvement of analytical methods and regulatory/monitoring requirements	constantly	Additional effort for laboratories and authorities	Zero tolerance → practical implementation reaches its limits

The development of the sample and control figures for food and/or food establishments can be found in the following graphs, including explanations. The data are based on the reporting obligation under the General administrative regulation on framework control ("AVV Rahmenüberwachung") and the Multiannual National Control Plan (MNCP) under the OCR, where these are available.

No data are available on the other products subject to food monitoring (food contact materials, cosmetics, tattoo and consumer products, products under tobacco law).

Number of Inspections (official controls) in food establishments 2000 to 2023

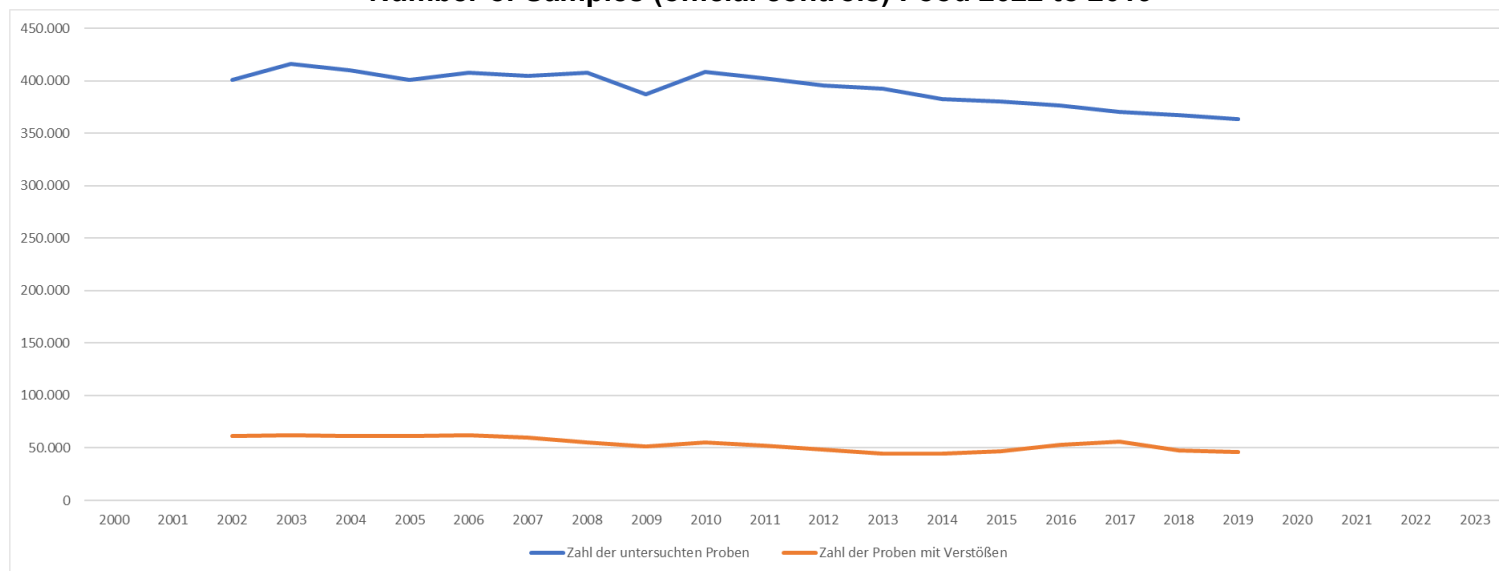


The number of registered food establishments has increased by around 15% over the last 20 years. At the same time, both the number of establishments checked decreased by around 40% and the number of inspection visits decreased by around 20%. The significant decrease in the control rate is due to a significant increase in the control depth.

The non-compliance rate, i.e. the proportion of holdings with non-compliances in the controlled holdings, was at the same level with fluctuations of between 20 and 27 percent.¹ This is due to the fact that the selection of the holdings to be checked and the respective control priorities are risk-oriented.

¹ Since 2017, the nationwide non-compliance rate in the inspections of food establishments has no longer been available. However, according to the experience available, it remains at the same level.

Number of Samples (official controls) Food 2022 to 2019²



The number of samples has decreased by around 10% over the last 20 years or so. The population in Germany was about 82.5 million in 2002 and increased to about 83.2 million by 2019. These figures show a gradual increase in population over the years. This trend continues. According to the General administrative regulation on framework control ("AVV Rahmenüberwachung"), 5 food samples are to be taken per 1000 inhabitants per year. As a result, the sample target is also steadily increasing – from 399,000 samples in 2002 to 416,000 samples in 2019. The comparison between target and actual shows 100 % in 2002 and only 87 % in 2019. The significant decrease in target fulfilment is due to the fact that control personnel were not always sufficiently available for the partly more complex sampling and the effort involved in the examination and assessment of the individual samples increased significantly.

For samples, too, the non-compliance rate remained at the same level over the years, with variations between 11 and 15 %, which is also due to the risk-based sample selection and the risk-based assay targets.

² No data are available for 2000 and 2001, since 2020 the sample numbers are no longer reported, but according to the Implementing Regulation 2019/723 assay numbers. Therefore, these data are neither comparable with previous years nor with the target figure according to AVV Rahmenüberwachung.