BTSF

International cooperation & communication with consumers – Miriam BELLOFATTOVA

Contract number 2017 96 05 – New Food Investigation Techniques – Phase II - *Course 2a: E-Commerce of food standard*

European Commission

BTSF Overview

- Online shopping – introduction, Digital single market strategy

- Official controls of e-commerce - food safety, information on internet, unfair practices

- International Communication

- Information Exchange systems (RASFF, AAC and FFN)

- Communication with Consumers

BTSF Online shopping - worldwide

E-commerce has changed the boundaries of traditional commerce

Throughout the world online buying has grown exponentially.

Reasons?

➤ **faster delivery**

➤ **easier return policies**

➤ **many sites offering free shipping**

Trends:

➤ •Growth of mobile commerce (m-commerce)

➤ •Social media as a new sales channel (f-commerce)

➤ •**Fast-moving consumer goods go online...**

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BTSF Online shopping in Europe

In Europe:

47% of European consumers shop online, BUT

only 12% of them buy internationally.

WHY?

the main obstacles to cross-border e-commerce in the EU:

legal fragmentation in the field of consumer contract law and resulting high costs for businesses

low consumer trust when buying online from another country.

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BTSF Digital Single Market

On 6 May 2015

the European Commission adopted the **Digital Single Market strategy**

The aims:

    a) to encourage trade between Member States by removing barriers and encouraging free movement of goods, services and people…

    b) to strengthen Europe's role in a global economy

The completion of the DSM was one of the 10 top priorities of the Juncker Presidency!

Under the Juncker Commission, 30 legislative proposals on the Digital Single Market were made. At the end of the mandate, 28 of these legislative proposals have been agreed.

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BTSF DSM – e-commerce package

On May 25th 2016, the EC presented its new e-commerce package,
which is part of its DSM Strategy and consists of:

1) A legislative proposal to address unjustified geo-blocking and other forms of discrimination.

2) A legislative proposal on cross-border parcel delivery services to increase the transparency of prices and improve regulatory oversight.

3) A legislative proposal to strengthen enforcement of consumer rights and guidance to clarify unfair commercial practices in the digital world.

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BTSF Official controls of e-commerce - CAFIA

CAFIA controls:

- **Foodstuffs of non-animal origin**
- **Meals in restaurants (including online orders)**

The above competences apply to production, storage, transport and sale ….including internet sale

- **In 2007** - CAFIA´s project on distance selling was initiated
- **In 2008** - an amendment to Act No. 146/2002 Coll. allowing **a control purchase**
- **In 2009** - **an internal regulation on inspection of internet selling** was established
- **In 2013** - **Internet Food Control Unit** set up
- **In 2016** - **Control purchase** included as an **official sampling method** to Regulation 231/2016 for collection, preparation and test methods for control samples of foodstuffs

BTSF Inspections of internet focused on:

- General food law requirements (hygiene, safety, quality, traceability and withdrawal, etc.)

- Requirements of Regulation (EU) 1169/2011

- Requirements of Regulation (EU) 1924/2006 on nutrition and health claims

- Unfair Commercial Practices

BTSF Food safety on internet

- **Basic principle :** there is **NO** difference in terms of safety requirements concerning «e-food» and food from traditional «bricks» shops.
- Because whatever the origin (national, EU, non-UE) of the food and whatever the way to sell/buy it, citizens must have **the same** high level of protection of health.

- **Food supplements online**
- Hormonal or anabolic substances, non-authorized novel foods, substances for which an individual risk assessment is needed, pharmacologically active compounds sildenafil, tadalafil, sibutramin, octopamin.

High content of „sildenafil", which is a pharmacologically active substance and must not be used without a medical prescription

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Mandatory information required by Directive on Consumer Rights

Mandatory information required by Article 6 of Directive 2011/83/EU on Consumer Rights prior to the conclusion of a distance contract in a manner appropriate to the means of distance communication, including:

➢ supplier identity

➢ main goods or service characteristics

➢ price

➢ delivery costs

➢ delivery and payment arrangements

➢ cost of using means of distance communication,
   if higher than base rate

➢ right of withdrawal, where applicable

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Mandatory information required by Regulation 1169/2011

Article 14 Distance selling – mandatory food information must be available:

before the purchase is concluded = before the consumer decides to go ahead with the purchase

Mandatory information for <u>prepackaged food</u>:

name of food, list of ingredients, allergens, Best before date/Use by date, quantity and category of certain ingredients, net quantity, use info, FBO details, COO, alcohol strength, nutrition declaration, etc.

All mandatory information must be available both before the purchase is concluded and upon delivery
Best before date and *Use by date*   -   only upon delivery

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BTSF Unfair commercial practices

Two main categories of unfair commercial practices:

- **misleading practices**, either through action (giving false information) or omission (leaving out important information)
- **aggressive practices** that aim to bully you into buying.

Examples of unfair practices typical for e-commerce:

- False use of 'Limited offers': "Special offer, today only!"
- False prize winning
- Displaying a trust mark, quality mark or equivalent when they don't have the authorization for them
- Demanding payment for products which were not ordered by the consumer.

BTSF Inspection of food on Internet

E-shop with brick-and-mortar store/warehouse	E-shop without warehouse	E-shop without identification information	E-shop operator abroad
An usual control carried out in the store/warehouse	Find out, who is responsible for storage	Find out, who is the website operator • IP address • Control purchase	Find out if the website operator is from • EU • Third country
+ Transportation to the consumer: • Post, DHL, etc. • own vehicles • contractor	Find out, who is responsible for transport		
+ information on website - Directive 2011/83/EU - Regulation 1169/2011 - Regulation 1924/2006	+ information on website - Directive 2011/83/EU - Regulation 1169/2011 - Regulation 1924/2006	+ information on website - Directive 2011/83/EU - Regulation 1169/2011 - Regulation 1924/2006	+ information on website - Directive 2011/83/EU - Regulation 1169/2011 - Regulation 1924/2006
Sample on site / Control purchase	Sample in warehouse / Control purchase	Control purchase	Control purchase

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BTSF Cooperation between member states

Sharing information is one of the EU's most important tools to protect consumers

➤ Ad hoc cooperation between CAs

➤ Cooperation between the FLEP e-commerce WG partners

➤ Working group on the strengthening of the enforcement of EU agri-food legislation on internet sales of food

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BTSF FLEP

FLEP (Food Law Enforcement Practitioners)
= representatives of European inspection bodies that enforce food laws in practice and deal with the harmonization of approaches to the control of food within the EU

Working group for e-commerce
the aim of the working group is to identify the best approaches and tools to check e-commerce and formulate recommendations to the European Commission and the Member States

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BTSF E-commerce Working group meetings

1st e-commerce WG, Berlin, July 2011
2nd e-commerce WG, Brno, March 2012
3rd e-commerce WG, Copenhagen, Oct 2012
4th e-commerce WG, The Hague, May 2013
5th e-commerce WG, Vienna, May 2014
6th e-commerce WG, Stockholm, June 2015
7th e-commerce WG, Paris, May 2016
8th e-commerce WG, Helsinki, May 2017
9th e-commerce WG, Brussels, May 2018
10th e-commerce WG, Bern, May 2019

8 MS

18 MS

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BTSF FLEP WG - HoA WG

End of 2019 - the group of FLEP was closed.

Former FLEP WG e-Commerce moved to work under HoA.

The Heads of Food Safety Agencies (HoA) represents governmental bodies in Europe responsible for food safety risk management.

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FLEP WG on E-commerce Achievements

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Regulation (EU) 2017/625 on Official Controls: 2 new provisions

1) **Official online sampling (Article 36)**

2) **Closing of websites (Article 138)**

Better Training for Safer Food

Training for control staff on e-commerce of food
Since 2014
Advanced training for control staff on e-commerce of food
Since 2016

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BTSF CCP efood

1st coordinated control plan on the official control of certain foods marketed through the Internet

Control period - from 04 September 2017 to 10 November 2017

Websites offering in the official language(s) of the participating MS

1) **food supplements with so called medicinal claims** - information that attributes to them the property of preventing, treating or curing bone and joint diseases or refer to such properties within the meaning of Article 7 of Regulation (EU) No 1169/2011
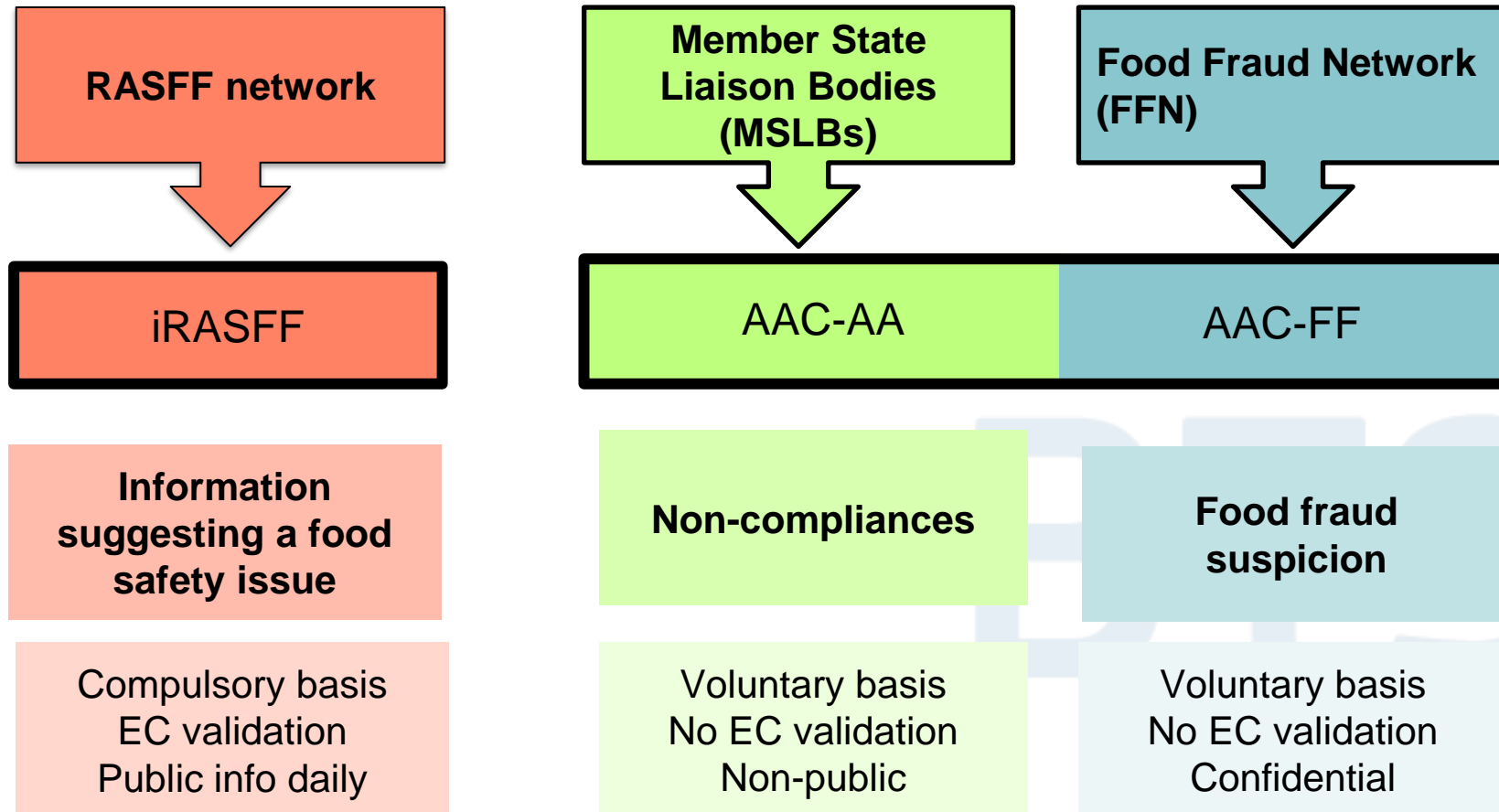
2) **Offers of novel food products**:

Agmatine sulphate, Acacia rigidula, Epimedium grandiflorum or Hoodia gordonii
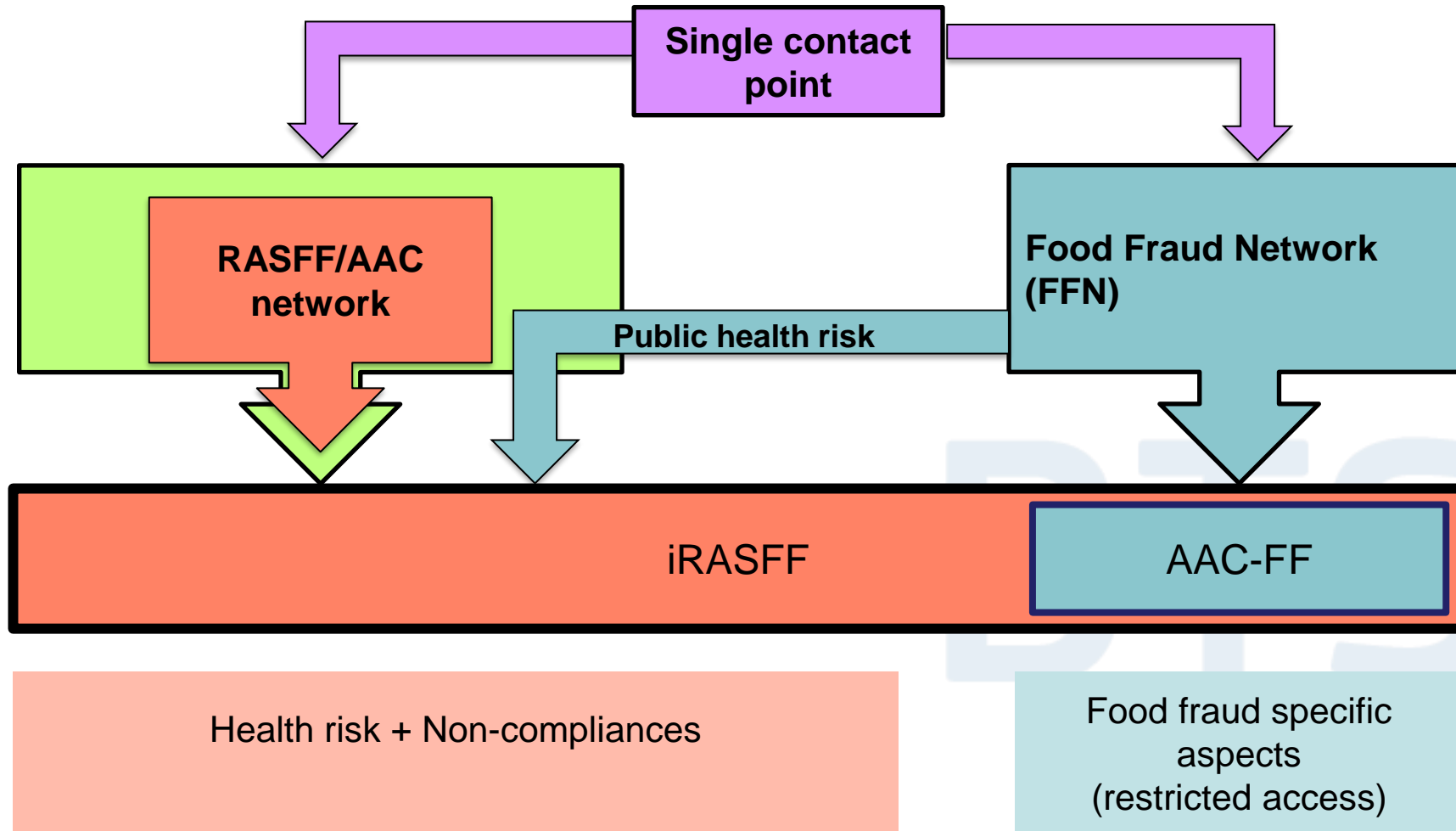
BTSF Information Exchange systems (RASFF, AAC a FFN)

3 networks, 2 platforms

RASFF network	Member State Liaison Bodies (MSLBs)	Food Fraud Network (FFN)
iRASFF	AAC-AA	AAC-FF
Information suggesting a food safety issue	Non-compliances	Food fraud suspicion
Compulsory basis EC validation Public info daily	Voluntary basis No EC validation Non-public	Voluntary basis No EC validation Confidential

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BTSF Information exchange after 14.12. 2019

1 SCP, 2 networks, 1 platform (2 modules)

Single contact point

RASFF/AAC network

Food Fraud Network (FFN)

Public health risk

iRASFF

AAC-FF

Health risk + Non-compliances

Food fraud specific aspects (restricted access)

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Legal background

- ➢ **RASFF network** = the Rapid alert system for the notification of risks as defined in point 8, established as a network by Article 50 of **Regulation (EC) No 178/2002**

- ➢ **AAC network** = the network composed of the Commission and the liaison bodies designated by the Member States in accordance with Article 103(1) of **Regulation (EU) 2017/625** for the purpose of facilitating communication between competent authorities

- ➢ **Food fraud network** = the network composed of the Commission, Europol and the liaison bodies designated by the Member States in accordance with Article 103(1) of **Regulation (EU) 2017/625** for the specific purpose of facilitating the exchange of information on food fraud notifications

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BTSF IMSOC

➢ **Existing information systems** managed by the Commission RASSF, AAC and FFN using the platform iRASFF were **integrated in IMSOC.**

➢ **IMSOC = a Information Management System for Official Controls**
set up to manage, handle and automatically exchange data, information and documents in relation to official controls.

➢ IMSOC components: iRASFF, ADIS, EUROPHYT, TRACES

BTSF Single contact point

- Single contact point = a contact point composed of the RASFF and AAC contact points in each Member State. Food fraud contact point may be part of single contact point.
- Ensure immediate transmission of notifications and maintain them in good order.

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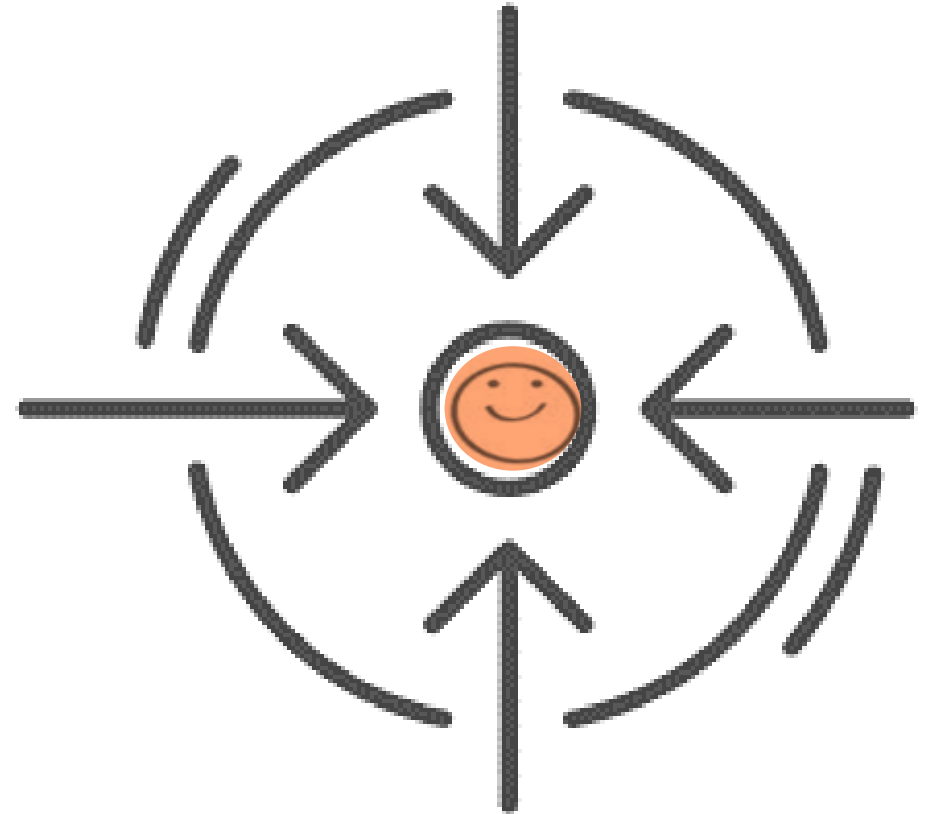
BTSF Notification types in iRASFF

- **Alert** (a serious health risk related to food or feed)

- **Information** (a risk has been identified)

- **News** (informal source, unverified information)

- **Border rejection** (consignments that have been tested and rejected at the external borders of the EU when a health risk has been found)

- **Non-compliance notifications** (a health risk hasn´t been identified)

- **Food fraud notifications** (suspected intentional action by FBO for the purpose of deceiving purchasers and gaining undue advantage)

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BTSF iRASFF and e-commerce control

✓ iRASFF should be used for **online offered products**.

✓ CAs in the MS responsible for Internet control of food and/or feed should cooperate with their national Single contact point in order to ensure that they will receive all notifications related to e-commerce and also help SCP to create and send notifications or follow-ups if new online-related information becomes available.

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E-commerce-related changes in iRASFF form

Some modifications in iRASFF form were agreed on in order to easily identify e-commerce-related notifications:

1) To the section General Information, a new category **"E-commerce related"** with the drop-down menu options "unknown", "yes" and "no„ has been added. It shall provide quick-to-find information on whether the respective product is traded via Internet.

2) A new option, **"online purchase„**, has been added to the existing drop-down menu of "Sampling place".

3) The option „e-shop"has been replaced by „e-operator" with two options

– **„e-trader"** and **„e-platform"**

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BTSF Cooperation with third countries

➢ **There are many online offers from traders situated in a third country(usually the USA and China) addressed to consumers in the EU, which are non-compliant with EU legislation**

➢ **Health-related non-compliance - notified in RASFF**

➢ **Non-compliance which is not health-related - the third country authority should be contacted by mail or postal services. If the third country authority does not react, SANTE should be informed and asked for assistance.**

➢ A significant outcome is that US FDA and DG SANTE have agreed to function as contact points in cases of cross-border administrative assistance.

➢ Both are interested in closer cooperation.

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BTSF CPC network

CONSUMER

- ✓ In order to protect consumers when shopping across national borders, Consumer Protection Cooperation Regulation (EC) No 2006/2004 established a network of competent public authorities to tackle these issues in a coordinated manner.
- ✓ **The updated CPC Regulation (EU) 2017/2394** entered into force on 17 January 2020 .
- ✓ It includes more specific powers for national authorities on mystery shopping and removal of illegal content online.
- ✓ A new tool Internal Market Information System (IMI) enables control bodies to **exchange information** with similar bodies in other countries and cooperate in an efficient and user-friendly way.
- ✓ **This system can be used for communication of unfair commercial practices related to food**

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Communication with Consumers - Public awareness campaign

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- Official inspections of products offered on the internet are limited by the **territorial competence** of the respective authority.

- An **alternative solution** in order to increase protection for our consumers – **public awareness campaigns**.

- An article on the CAFIA pages and Food Pillory website gives the consumer simple guidance on **how to shop cautiously on the Internet**

- Publication of a revised **list of sites/e-shops that may be risky**

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BTSF Czech Food Pillory

The website potravinynapranyri.cz (Food Pillory) was launched on July 10th 2012 providing information on unsafe, adulterated and poor-quality foodstuffs .

The information is published by **CAFIA** in cooperation with the **Czech Ministry of Agriculture** (overview of what the inspectors have found, and where).

The name was inspired by the old-fashioned pillory, a wooden contraption that locks a criminal's head and arms in place for public humiliation

The project has become a huge hit and consumers highly appreciated this project. It became a triple winner of the *Crystal Magnifying Glass Award* in the category of Public Utility Services of the Czech Republic

BTSF E-commerce related articles

BTSF Magic pills on internet

Consumers are getting more and more interested in the Internet. It is comfortable, we don't have to leave our homes, we can choose from an incredibly wide range of products, compare prices and ratings left by other users. However, such "distance shopping" has its risks as well, and if we are not cautious enough, we can often get into trouble and lose our hard-earned money.

No one can guarantee a 100% safety when shopping online, but you yourselves can strengthen your position by knowing you rights and paying attention to the information you get about a supplier on their website.

A way to a "miracle" usually has 3 stages:

- Everything usually begins with a banner or an email in your mail box where you learn of a new, 100% effective product that promises for instance a 10kg weight loss within a week! If this offer attracts your attention, you click on the link.

...**BUT watch out!** If you order the product and the order is confirmed afterwards, it means that **you and the supplier have remotely concluded a contract** in accordance with the Civil Code. **It is therefore highly desirable to learn something of the one you are about to conclude a contract with before doing so.** You will avoid disappointment and problems.

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BTSF Risky websites

BTSF Risky websites - example
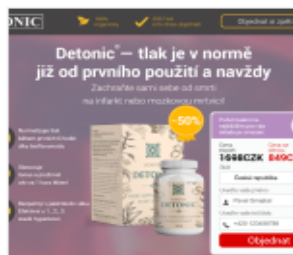
State of the date 2/14/2020   2/18/2020

http://cz.detonicnd.com/?
TID=5E4642EA005B7A210B0F2D83&host=p

Offered food:

Detonic

Website description:
Websites are in Czech language. The offered product can be purchased in CZK (after confirming the order by phone). Websites presenting food supplement Detonic used as a preparation for "regulation of blood pressure and restoring tonicity and elasticity of vessels" are concerned.

What to watch out for:
1) The offered product gives the impression that a medicament is

BTSF Summary

- ✓ On-line shopping is in the phase of significant growth. EC adopted the Digital Single Market strategy in order to strengthen Europe's role in a global economy and remove barriers such as legal fragmentation and low consumer trust.

- ✓ The control activities of CAs should be focused on: general food law requirements (hygiene, safety, quality, etc.) mandatory and non-mandatory information on websites.

- ✓ Sharing information and communication is one of the EU's most important tools to protect consumers. iRASFF should be used for a fast exchange of information on e-commerce cases.

- ✓ Public awareness campaigns can be a very effective tools for e-commerce.

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Thank you

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Slide xx: element concerned, source: e.g. Fotolia.com; Slide xx: element concerned, source: e.g. iStock.com

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