



The EU perspective

An overview of European Commission's policy initiatives



Conference on Food Fraud - 23 and 24 October 2014

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Outline

- **Introduction**
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- **Next steps**

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Food Fraud – A definition?

- *"Food fraud" vs "food crime"*
- *No uniform/harmonised definition of "food fraud"*
- *Definition used by the Food Fraud Network:*
 - *"Intentional violation of the rules covered by Regulation 882/2004 which are applicable to the production of food and feed, motivated by the prospect of economic or financial gain."*

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Administrative assistance and (enforcement) cooperation (1/2)

- *Title IV of Regulation 882/2004:*
- *Administrative assistance can comprise, e.g.:*
 - *Exchange of information and documents*
 - *Administrative enquiries*
 - *Joint on the spot inspections*

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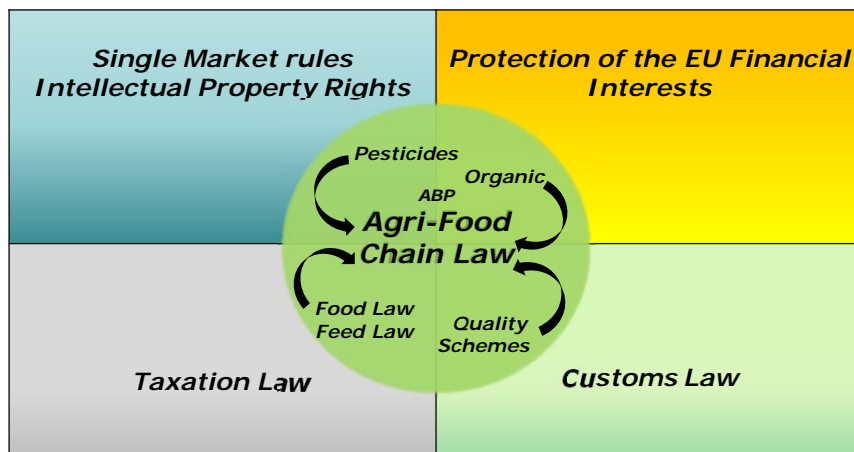
Administrative assistance and (enforcement) cooperation (2/2)

- *The objective is:*
 - *to help MS respond to cross border non-compliances with effective and proportionate actions;*
 - *to ensure that serious cross border non-compliances detected in a given MS are also pursued in the MS in which the violation originated;*
 - *to tackle the source of non-compliance and guarantee equal treatment for operators regardless of where they operate.*

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The Context (1/3) – Rules & actors





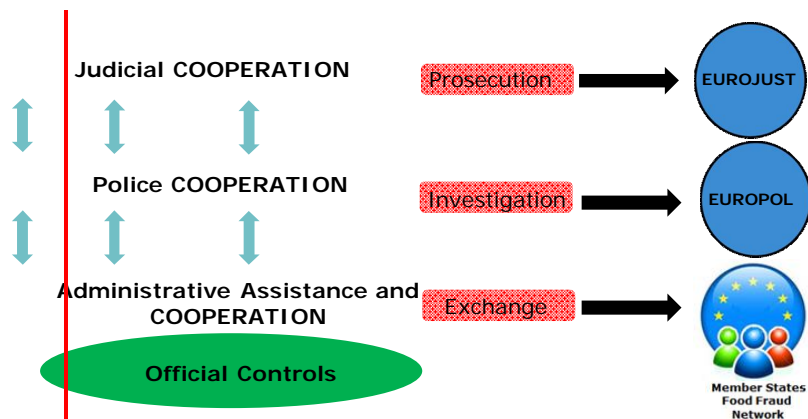
The Context (2/3) – Reg 882/2004

- **Objective:** *quality, uniform, regular, risk-based controls* to verify compliance with EU law
- **Performance criteria** for the competent authorities (uniform standards for their role)
- **Integration** of controls across the entire food chain
- Title IV on **Administrative Assistance and Cooperation** in the areas of feed and food

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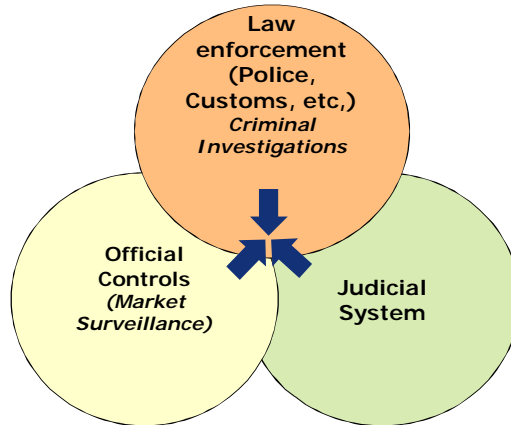


The Context (3/3) – EU networks



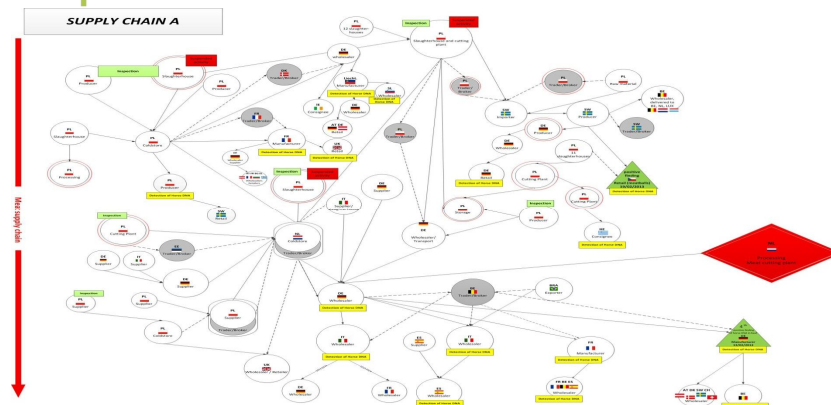
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Our focus (1/3) - Cross-agencies cooperation



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Our focus (2/3) - Cross-border cooperation



- 4 interconnected supply chains

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Our focus (3/3) - Fit-for-purpose rules

A) Terms of reference (Study 2014)

- Informed overview of existing EU regulatory framework
- Definitions of "food fraud"
- Overview of type of sanctions applicable to "food fraud" in the EU

B) New "Official Controls Regulation" Proposal

- Regular **unannounced** official **controls** for
- Stronger and more effective cross border cooperation (Title IV)
- **Sufficiently dissuasive financial penalties**
- **Mandatory** EU coordinated control plans

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Our Actions - The Food Fraud network (1/3)

- **FF contact points:** liaison bodies (Art 35 Reg 882/2004)
- **Aim:**
 - Facilitate administrative assistance and cooperation in the case of suspicion of fraud with a cross-border element
 - Facilitate cooperation between the EC and MS as well as the tasks of coordination of the EC
- **Advantage:** rapid exchange of information
- **When is it used:**
 - Cross-border dimension
 - Violation of EU food chain law
 - Deception with "intention"
 - Economic gain for the potential fraudster(s)
- **NB: If risk to public health** **RASFF notification**

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Our Actions - The Food Fraud network (2/3)

- **Counterfeiting**
(brand; protected denomination)
- **False/manipulated certification**
(official; others)
- **Falsified documents**
(use of)
- **Labelling non-compliance**
(addition of water; dates; denomination; health claim; nutrition claim; ingredients; place of origin; treatment and/or process; weight and/or volume; others)
- **Official registration number**
(absence of/use of false)
- **Prohibited products/unfit for human consumption**
- **Prohibited substances**
(additives; growth promoters; pesticides; veterinary medicines; others)
- **Prohibited treatment and/or process**
- **Substitution**
(species; wild/farmed animals; others)
- **Other...**

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Our Actions - The Food Fraud network (3/3) - Example

MS A asked the assistance of MS B for a case of adulteration regarding corned mutton containing 60-100% beef DNA originating from MS B

- **Withdrawal of product**
- **Question on types of meat used in "corned mutton" product**
- A:**
 - **Investigation** carried out by CA at producer's premises
 - **Production of concerned product stopped**
- Overview of activities of concerned FBO provided
- **Information on formulation** obtained (22 kg of mutton fat or mutton meat incorporated in 1075 kg of meat mixtures)
- B:**
 - **Labelling** of the "corned mutton" **considered incorrect and misleading** by FR CA
 - **Measures taken** regarding the concerned company by FR CA

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Our Actions – The AAC system (IT)

- *A tool to facilitate the compliance with the obligation of administrative assistance and cooperation between MS as per Articles 36-40 of Regulation (EC) No 882/2004*
- *Designated liaison body in MS*
- *Initially limited at the cooperation in case of suspicion of fraud → Precursor to a more general Administrative Assistance and Cooperation System (open to assistance on non-compliances, not limited to fraud)*

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Our Actions (8/10) - Coordinated control plans (1/2)

- *The EC can propose coordinated control plans at EU level (Regulation (EC) No 882/2004, Article 53)*
- *Ad-hoc and time-limited*
- *Aim: better understand the extent of fraud in a certain sector*
- *Harmonized sampling method and analysis*
- *Horsemeat in 100% beef labelled goods (2013 and 2014)*
- *Future priorities are discussed with MS within the network*

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Our Actions (9/10) - Coordinated control plans (2/2)

1st coordinated control plan on undeclared horse meat (2013):

- DNA tests carried out by MS

- 4144 tests
- 193 not conform (4,66%)

- DNA tests carried out by FBOs

- 7999 tests
- 111 not conform (1,39%)

- Tests on phenylbutazone carried out by MS

- 3133 tests
- 16 not conform (0,51%)

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2nd coordinated control plan on undeclared horse meat (2014):

- DNA tests carried out by MS

- 2622 tests
- 16 not conform (0,61%)

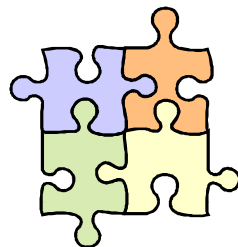
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Our Actions (10/10) - Training

- **BTSF 2014 and 2015** : training programme on new investigation techniques for official controls along the food chain

- Course on **investigation techniques** to detect food fraud
 - 2 courses held in **2014** and 3 planned for **2015**
- Course on **e-commerce** of food, i.e. sales of food and food related products over the internet
 - 1 course held in **2014**, 2 courses planned for end **2014** and 2 for **2015**



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Conclusions

- *Food fraud a concern, it will remain a priority for COM*
- *Our action will continue:*
 - *to strengthen cooperation across borders (FFN)*
 - *to promote cooperation across agencies*
 - *to seek new synergies with colleagues across the Commission*
- *Mobilisation necessary in Member States*
 - *to streamline the approach to anti-fraud controls along the chain*
 - *and cooperation between food inspectors, law enforcement and prosecutors*

Thank you:

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