



Brussels, 24.7.2017
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COMMISSION RECOMMENDATION

of 24.7.2017

**on a coordinated control plan on the official control of certain foods marketed through
the Internet**

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules¹, and in particular Article 53 thereof,

Whereas:

- (1) Internet offers and sales of food are on the increase. The Internet and digital technologies pose specific challenges to competent authorities confined to their jurisdictions and operating a system of controls adapted to tangible sites.
- (2) The 2015 report of the Commission on a series of fact finding missions regarding the controls on food supplements in Member States² revealed that an increasing share of trade in food supplements is taking place via the Internet. This trade is less transparent and more difficult to control.
- (3) To address these challenges and to protect consumers in the Union from misleading practices that may result in the consumption of unsafe food, official controls on Internet offers and sales need to be strengthened. Competent authorities need to increase cooperation in order to ensure the proper application and enforcement of relevant EU rules for certain foods marketed via the Internet. This should be fostered through coordinated control plans establishing the prevalence of certain hazards in food linked to Internet offers and sales.
- (4) Rapid alerts on food supplements under Article 50 of Regulation (EC) No 178/2002³ have more than doubled since 2010. These alerts include, inter alia food supplements sold via the Internet with misleading statements contrary to the rules on fair information practices laid down in Article 7 of Regulation (EU) 1169/2011⁴. These practices may lead to the consumption of unsafe food.

¹ OJ L 165, 30.4.2004, p. 1.

² http://ec.europa.eu/food/audits-analysis/overview_reports/details.cfm?rep_id=80

³ Regulation (EU) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).

⁴ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC

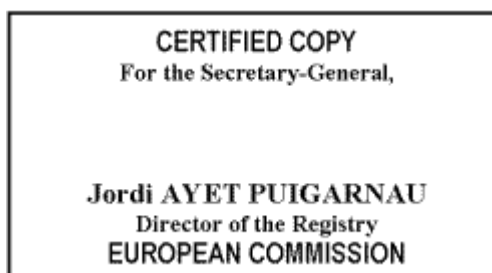
- (5) To ensure a high level of protection of human health and consumer's interests Regulation (EC) No 258/97⁵ provides that novel foods and novel food ingredients are authorised on the basis of a scientific risk assessment performed by the Member States or the European Food Safety Authority. On the Internet many unauthorised novel foods and novel food ingredients are offered for sale to consumers in the EU.
- (6) Therefore, Member States should implement a coordinated control plan for food supplements and novel foods sold via the Internet. They should communicate to the Commission the results of the official controls performed. The Commission would then analyse the full set of results and present this to the Member States for discussion.
- (7) The coordinated control plan should be limited in time to allow a time-referenced analysis.
- (8) After consulting the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States should implement the coordinated control plan for food supplements and novel foods in accordance with the Annex I of this Recommendation.
2. Member States should report the results of the official controls carried out in accordance with the Annexes.
3. This Recommendation is addressed to the Member States.

Done at Brussels, 24.7.2017

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission



of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

⁵ Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients (OJ L 43, 14.2.1997, p. 1).