

Minutes
Expert Group on the general application of Regulation 882/2004
FOOD FRAUD and ADMINISTRATIVE ASSISTANCE AND COOPERATION
07 12 2015
10:00-17:00

Chair: Carmen Garau / Eric Marin DG SANTE E5

Attendees: 26 Member States (MS), 2 EFTA MS (Norway and Switzerland), Commission staff (DG SANTE, DG AGRI, DG MARE, JRC)

1. Introduction.

The chair welcomed the participants and introduced the agenda.

The chair mentioned the particularity of this Expert Group, i.e. that both the Food Fraud and the Administrative Assistance and Cooperation (AAC) Network were present. Both networks were invited with the aim of discussing the modalities of how these networks would have access and visibility to the AAC system.

The chair also mentioned the exercise of re-structuring that will occur soon within DG SANTE.

2. The AAC system

2.1. State of play, the current live system and feedback on its use by the FFCPs.

The Commission reminded attendants that the system was mostly tested by the Food Fraud Network and that general AAC liaison bodies currently have the opportunity to get accustomed with the system in a training environment.

The Commission gave an overview of the state of play, as well as a live demonstration of how to create a case in the AAC system.

The Commission asked whether Member States were experiencing any problems with the AAC system.

Member States expressed the need for more training and guidance on the functioning of the system. In addition, one MS asked clarification as to the visibility of responses if more than one notified Member State is involved in a certain case.

The Commission invited Member States to specify particular areas or functionalities of the system in which more guidance was needed. The Commission added that it will develop the visibility of responses in the most useful way possible, provided compliance with the Commission Implementing Decision (EU) 2015/1918 establishing the AAC system, as well as with legislation on data protection. MS are encouraged to give their input as to what is needed.

2.2. Future developments of the AAC system, presentation and discussion

The Commission presented the future developments of the AAC system, including a tentative timeline and discussion points on the future functioning of the AAC system with regards to the relation between the two networks.

The Commission specified that the sooner a decision is taken in this regard, the sooner the IT tool can be developed further.

A few Member States were unclear as to the meaning of "automatic case closure" on the timeline.

Several Member States raised their concerns as regards security provisions in the system. Member States inquired as to the scope of the system and its relation with other systems such as the RASFF and TRACES.

The Commission specified that the "automatic case closure" was put in place in order to comply with the Implementing Decision which stipulates that, in order to ensure data protection, fields containing personal data will be deleted from the AAC system at the latest five years after closure of the case.

The Commission ensured that the security of the system is a priority, and proposed that encryption may be used in the future.

The Commission reminded Member States that there is no legal obligation to use the AAC system, as opposed to RASFF and TRACES. In the future, information entered into RASFF and TRACES may be transferred to the AAC, but the opposite transfer of information is not being catered for. The Commission is striving to develop its IT tools in such a way that information relevant for more than one of them will not have to be filled in twice.

Finally, the Commission specified that the future scope of administrative assistance and cooperation provisions may change depending on the outcome of discussions of the new Official Controls Regulation.

The Commission raised the point that the choice of the type of case – Administrative assistance and Cooperation (AA) or Food Fraud (FF) – may for some cases not be so immediate, and that it is at the discretion of Member States to decide whether a certain case is AA or FF.

Some Member States raised the concern of whether the distinction between AA and FF cases was needed, taking into consideration that it is sometimes hard to make. Other Member States stated that due to their internal structure and to national legislation, a distinction between FF and AA cases was necessary in order to ensure data protection and confidentiality. One MS more particularly raised the issue that using the AAC system for all non-compliances could overburden it.

One MS suggested that FF should be a subset and not a subdivision within the AAC system, for which a box can be ticked in the case that a particular case presents potential fraudulent activities. It was also suggested that a decision tree could be set up explaining which type of request should be used.

In addition, a few Member States raised the issue of the implementation of additional levels in the AAC system, specifying that their internal structure would require more than two levels to be implemented.

The Commission replied that the feasibility of the implementation of the additional levels will be further assessed.

To conclude, the Commission asked both networks whether potential feedback / remarks to the discussion points presented to the Member States could be provided by the end of 2015 or as soon as possible in order to decide on future development steps in the AAC system.

4. Member State presentations on organisation of the fight against food fraud (DE, PT).

PT gave two presentations: the first from the General Directorate for Food and Veterinary Affairs (DGAV), the second from the Portuguese Economic and Food Safety Authority (ASAE).

DGAV implements and evaluates policies on food security, animal protection and animal health, plant and plant protection, and is, inter alia, responsible for managing the system Food Safety Authority. ASAE disciplines economic activities on food and non-food sectors, carries out the legal enforcement and assures the observance of the law.

Due to time constraints, DE's presentation was postponed until the next Working Group.

5. Coordinated control plans honey and fish, summary of results and feedback on experiences relevant for future coordinated control plans.

The Commission presented a short overview of the results of the control plans on fish and honey, which had just been published on the EC "food fraud" page, together with Q&As. There was also a midday press release on Friday 4.12.

It was the first time that coordinated control plans were used after the horse meat crisis. The Commission considered the initiative as an overall success on the basis of the broad participation and the quality of the data collected. The necessity for the Member States to take appropriate remedial measures and target accordingly their controls was also stressed.

JRC-IRMM presented its role in the second phase of the control plan on honey. Samples will be further tested with advanced methods to detect possible adulteration with added sugars that are not identified with current methods. The final report is expected by July 2016.

The Commission shared some preliminary thoughts on the lessons learned and clarified that no decision was taken at that stage regarding potential future coordinated control plans. It is likely that no such action can take place in 2016 considering the time needed to prepare and discuss it. The Commission will inform Member States of developments as soon as more is known regarding potential future coordinated control plans.

Member States thanked the Commission for the organisation of the coordinated control plans, and were pleased with the cooperation between Member States, as well as with the overall findings. Member States supported in general the continued use of coordinated control plans, as this is a powerful tool to assess the situation and at the same time contributes to dissuade fraudulent practices. Several Member States agreed that planning coordinated control plans at least one year in advance is preferable. They also suggested that the Commission may contribute to identify available laboratory capacities. Several Member States considered that it may not be necessary to use the most complicated laboratory methodologies in every plan.

Organic products and olive oil were suggested as possible future commodities to target.

6. Update on the upcoming workshop on animal by-products.

The Commission gave an overview of the type of cases involving fraudulent practices in the trade of ABP reported via the Food Fraud Network, as well as the main modus operandi of these potential fraudulent activities. The Commission also informed Member States of an

upcoming workshop on the traceability of animal by-products and derived products in Antwerp.

7. AOB

a. Following a question from several Member States concerning the links between the AAC systems and other existing sectorial networks (wine, organics etc.), the Commission clarified that discussions between DG SANTE and DG AGRI are still needed before considering options for convergence.

b. The Commission informed Member States of an upcoming conference of the Food Integrity Project that which will take place in April 2016 in Prague to present the first results.

c. The Commission gave an update of the food fraud study. The data received from Member States are currently being summarised internally in DG SANTE and the goal is to feed this into the REFIT General Food Law exercise.