



Brussels, 24.7.2017
C(2017) 4986 final

ANNEXES 1 to 3

ANNEXES

to the

COMMISSION RECOMMENDATION

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

ANNEX I

OBJECTIVES AND ACTIONS OF THE COORDINATED CONTROL PLAN

(1) Objectives

The objectives of this first Coordinated Control Plan on the Internet sale of food ('CCP_efood') in the Union are to:

- practice and strengthen the cooperation and administrative assistance between Member State authorities on the control of Internet sales;
- practice the exchange of information via rapid alert notifications according to Article 50 of Regulation (EC) No 178/2002 (RASFF) and notification under the Administrative Assistance and Cooperation system (AAC system) according to Commission Implementing Decision (EU) 2015/1918^{1,2};
- gain insight into misleading practices in the sale of food supplements;
- gain insight into the prevalence of unauthorised novel foods sold via Internet;
- highlight that Internet sales of food are subject to official controls;
- build know-how on food law enforcement in Internet sales.

(2) General description

Control authorities of the Member States participating in the 'CCP_efood' are asked to search in the Internet for websites which offer products intended for sale in their respective Member State, described under point 3e.

For the purpose of the 'CCP_efood' it is not required to perform test purchases (mystery shopping). If participating authorities, however, decide to perform test purchases they should report observations to the European Commission.

The participation of the Member States in the 'CCP_efood' is voluntary. To keep the work load for authorities at a reasonable level, a maximum number of websites with non-compliances to be notified is set (see point 3g).

(3) Specific information

(a) Control period

From 04 September 2017 to 29 September 2017

(b) Notification period

From 04 September 2017 to 10 November 2017

(c) Hardware and search strategy recommendations

If possible, authorities should perform the searches for websites from computers which are not part of the authorities office network.

¹ Commission Implementing Decision (EU) 2015/1918 of 22 October 2015 establishing the Administrative Assistance and Cooperation system ('AAC system') pursuant to Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 280, 24.10.2015, p. 31).

² The AAC system is split in two instances, one dedicated to food fraud (AAC FF) and one to administrative assistance (AAC AA).
https://ec.europa.eu/food/safety/official_controls/legislation/aac_en.

Points 4a and 4b provide information about search strategies to increase the efficiency for finding websites which offer products in question.

If contact details of traders on the respective websites are missing, incomplete or incorrect a 'who is'³ query or a search for registration data of the company should be attempted to reveal relevant information.

(d) Websites to be checked

Websites which offer food supplements and novel food products for sale in the official language(s) of the participating Member State and which direct the offers to consumers on the territory of its jurisdiction⁴.

(e) Offers to be notified

– Offers of food supplements with 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 (medicinal claim). Besides disease related expressions, pictures or symbols might be considered as medicinal claims if they are related to diseases (see point 4a).

– Offers of

- Agmatine (4-aminobutyl) guanidine sulfate⁵,
- Acacia rigidula,
- Epimedium grandiflorum or
- Hoodia gordonii⁶

which are considered as unauthorised novel foods⁷.

³ <https://www.whois.net/>

⁴ In Member States with widely spoken languages, like english or spanish, the authority should check whether the product is shipped to its country. Also the currency in which the price is given and a contact address within the Union might give indications as to whether the offer is addressed to consumers of the authorities' country.

⁵ It typically appears as 'agmatine sulphate' or 'agmatine sulfate' on labels.

⁶ Hoodia gordonii is also protected under the CITES Convention and the corresponding Council Regulation (EC) No 338/97. Hoodia is listed in CITES Appendix II, which means that international trade is possible upon presentation of an export permit by the exporting country. In addition, in order to be imported into the Union, an import permit needs to be delivered by the importing Member State. Hoodia (various species of hoodia are listed in CITES) is one of the most commonly seized commodities for infringement to the CITES/EU wildlife trade rules, mostly as part of food or health supplements. http://ec.europa.eu/environment/cites/pdf/2015_overview_important_seizures_in_EU.pdf

⁷ These products are listed in the "Novel food catalogue":
http://ec.europa.eu/food/safety/novel_food/catalogue_en

(f) Notification options via RASFF, AAC AA or AAC FF

Trading	Non-compliant product with health concern	Non-compliant product without health concern
Purely national	AAC AA (or AAC FF) classified as "Information to Commission ⁸ " or Annex II	
Cross-border⁹ within the EU	RASFF	AAC AA (or AAC FF)
Cross-border⁹ from and to third countries	RASFF	AAC AA (or AAC FF) classified as "Information to Commission ⁸ " or Annex III

Measures of competent authorities which have been taken should be notified as follow-up in RASFF or AAC. It is however not mandatory to report about measures.

(g) Recommendations for notifications

- Where possible a screen shot of the website (with timestamp) on which the offer was made should be attached to the notification (if available, also in the language(s) of the notified Member State(s)).
- The following total numbers of websites to be notified by each Member State might be considered as sufficient:
 - 40 for DE, ES, FR, IT, PL and UK,
 - 20 for all other participating Member States.

(h) Identification of 'CCP_efood' notifications in the RASFF and AAC systems

IMPORTANT: In order to enable the identification of 'CCP_efood' cases in RASFF, AAC AA or AAC FF and to allow the evaluation of the results, the code 'CCP_efood' shall be added in:

- RASFF notifications in the field "hazard observed"
- AAC AA or AAC FF cases in the field "subject".

⁸ AAC notifications classified as "Information to the Commission" are only visible by the Commission.

⁹ "Traded cross-border" means

- a) offered to consumers in the competent authority's country via a website which location or owner is outside this country, or
- b) offered to consumers outside of the competent authority's country via a website which location or owner is inside this country.

(i) Final reporting

At the end of the 'CCP_efood', each participating Member State should report the total number of websites which were checked during the control period (see point 3a) for:

- food supplements and
- novel foods

These figures should be sent to SANTE-AAC@ec.europa.eu with the subject 'CCP_efood'.

(j) Questions

Any questions during 'CCP_efood' should be addressed to SANTE-AAC@ec.europa.eu with the subject 'CCP_efood'.

(4) Recommendations for Internet search strategies

(a) Offers of food supplements with medicinal claims

It is recommended to use search terms with a combination of

- the expressions related to certain diseases in the area of bone and joint health (e.g. rheumatism, osteoarthritis, osteoporosis, inflammation, inflammatory, pain, arthrosis, arthritis, degenerative, disease, disorder, fracture, healing, treatment, bones, joints, hips, knees, cartilage) and
- the keywords "food", "food supplement" or "dietary supplement".

If this search identifies too few online shops (and too many chat groups or advertisements), terms like "shop(ping)", "online shopping", "purchase", "online", "basket", "cart", etc. might be added.

As a second step it is recommended to search for certain substances which are often used in connection with relevant diseases together with terms like "shop(ping)", "online shopping", "purchase", "online", "basket", "cart", etc.

Examples of pictures or symbols which might be considered as medicinal claims:



(b) Offers of Novel Foods

It is recommended to search simultaneously for

- the names of the novel foods (see point 3e) and, if known, for specific product names under which these novel foods are marketed and
- Internet sale related expressions like "shop(ping)", "purchase", "online", "online shop", "basket", "cart".

As a second step it is recommended to search for product names which were revealed in the first step.

ANNEX II

Table: Reporting on non-compliant offers within a Member State (national offers)

Member State:					
Web shop or platform use "X"					
Web shop	Platform	Product	Short description of measure (optional)	Mystery shopping (optional) "Yes" / "No"	Remarks (optional)

ANNEX III

Table: Reporting on non-compliant offers without health concern from traders situated in third countries

Member State:								
Web shop or platform use "X"								
Web shop	Platform	Product	Traders location (country name)	URL	Product name	Non-compliance	Mystery shopping (optional) "Yes" / "No"	Remarks (optional)